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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

STEVEN C. JOHNSON, an individual, on
 behalf of himself and all others similarly
 situated,

Plaintiff,

vs.

GLOCK, INC., a Georgia Corporation;
 GLOCK Ges.m.b.H., an Austrian entity; JOHN
 and JANE DOES I through V;
 ABC CORPORATIONS I-X,
 XYZ PARTNERSHIPS, SOLE
 PROPRIETORSHIPS and/or JOINT
 VENTURES I-X,
 GUN COMPONENT MANUFACTURERS I-
 V

Defendants.

CASE NO.: 3:20-cv-08807-WHO

**DEFENDANTS GLOCK, INC. AND
 GLOCK Ges.m.b.H.'S OPPOSITION
 TO PLAINTIFF'S MOTION FOR
 CLASS CERTIFICATION AND
 SUPPORTING MEMORANDUM OF
 POINTS AND AUTHORITIES**

Judge: Hon. William H. Orrick
 Date: June 12, 2024
 Time: 2:00 p.m.
 Place: San Francisco Courthouse
 Courtroom 2, 17th Floor

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

There is no pistol more trusted than the Glock pistol. It is the most selected pistol by United States law enforcement agencies and is carried by government agents, soldiers, national armies, elite military groups, and police officers worldwide. U.S. Marshals providing Judicial Security carry Glock pistols. Their popularity has nothing to do with marketing and everything to do with decades of performance and independent vetting. The FBI did not take Glock's word for it when it adopted the Glock pistol as its duty weapon and issued Glock pistols to over 10,000 Special Agents. Glock pistols are subject to extensive independent testing and are often the duty weapon of choice because of their outstanding testing results. After 40 years since the first Glock pistol was sold, an estimated 65% of current US law enforcement agencies have adopted the Glock pistol based on their own independent testing. And Glock pistols are equally ubiquitous internationally. Citizens trust Glock pistols because they recognize the extent to which they are vetted and carried by law enforcement with utmost confidence. Plaintiff asks the Court to ignore these facts to conclude that people naively buy Glock pistols based on Glock's advertisements, and that insufficient federal oversight has allowed Glock to sell unsafe products unchecked.

Everyone (including Plaintiff and his witnesses) agrees that Glock pistols cannot "explode" on their own. According to Plaintiff, there are "certain conditions" of ammunition that must, by chance, act together with the Glock pistol to create a safety hazard. Although Plaintiff claims these "certain conditions" must manifest in a specific way to be a problem, he cannot identify what that way is. Nor can he identify the likelihood of it occurring. His witnesses claim their theory cannot be tested and that the Court should just accept it as true because they say so. Tellingly, neither Plaintiff nor his witnesses has seen a Glock pistol catastrophically fail when using factory-made ammunition at normal pressure. And they have seen tens of thousands of rounds fired through Glock pistols without a single failure.

Plaintiff has not established the Rule 23 factors. Any purported safety hazard based on unpredictable ammunition "conditions" varies amongst the nearly 30 models of Glock pistols in the proposed class, each of which has a unique design and manages different amounts of energy.

Plaintiff claims to establish commonality and predominance, but cannot meet his burden of proof without ignoring the differences between models, the many modes of catastrophic firearm failure, the unique nature of firearm purchases, and the fundamental physics of how semi-automatic pistols work. And his proposed damages model does not withstand even cursory scrutiny as it is both unreliable and overestimates damages. Likewise, Plaintiff misperceives his burden as the sole named plaintiff in a class spanning more than three decades and hundreds of thousands of people. He ignores unique defenses Glock has against him, including statute of limitations, reliance, and misuse. And his deposition revealed his inadequacy as a representative, showing that he does not understand his claims, lacks conviction, and has ceded control to counsel.

The Court should deny with prejudice Plaintiff's motion for class certification.

STATEMENT OF FACTS

I. Glock makes safe, rigorously tested pistols.

Highly over-pressurized ammunition is dangerous in any firearm. Ex. A, Kapelsohn Dec. ¶¶ 152-153; Ex. B, Watkins Dec. ¶ 91. Every firearm is made for a particular caliber of ammunition and is designed to withstand the pressures generated by the combustion reaction that causes it to fire. Ex. B, Watkins Dec. ¶¶ 23-25; Ex. C., Jiranek Dec. ¶¶ 22-24. If ammunition is overcharged and generates too much pressure, it can lead to catastrophic failure and injury. Glock instructs users on safe ammunition use and has also taken design steps to help further mitigate this risk. First, Glock pistols are designed to be robust enough to withstand excessive gas pressure up to two times the SAAMI standard. Ex. B, Watkins Dec. ¶¶ 33-38. Second, Glock pistols are designed with the "safety valve," a passive safety feature. *Id.*; Ex. D, Kroyer Dep. (2018) at 17-18.

In modern semi-automatic pistols, the chamber is the part of the barrel where the cartridge is inserted before the pistol is fired. Ex. B, Watkins Dec. ¶¶ 13-17. The feed ramp at the base of the chamber allows cartridges to move from the magazine into the chamber. *Id.* The "safety valve" is a function of the design and geometry of the feed ramp. *Id.* at ¶¶ 35-39.¹ If the pistol is highly

¹ As explained by Mr. Watkins, the idea of a safety valve is not unique to Glock, but is a concept applied by various firearm manufacturers to dictate where the shell will fail in the event of over-pressurization. *Id.* ¶ 36. And the Beretta 92A1, previously US Army issued, has an equivalent or longer safety valve when compared to Glock pistols. *Id.* at ¶ 40; Ex. A, Kapelsohn Dec. ¶¶ 71-74.

1 over-pressurized, the safety valve acts as a vent, channeling gas downward, away from the
2 handler's face. *Id.* at ¶¶ 35-39; Ex. C, Jiranek Dec. ¶ 45. The dimensions of the chambers, feed
3 ramps, and safety valves are different for each caliber pistol and, in some cases, are different
4 between models of the same caliber. Ex. E, Kroyer Dep. (2023) at 39:18-40:1; Ex B, Watkins Dec.
5 ¶¶ 105-108; Ex. C, Jiranek Dec. ¶¶ 22-26. This is because every pistol is its own operating system,
6 and every caliber generates different ranges of pressure under normal operating conditions. *Id.* In
7 fact, every firearm has a different operating system, which is why Glock pistols cannot be
8 compared to pistols of other manufacturers. Ex. B, Watkins Dec. ¶ 36.

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 The safety valve is not a secret and Glock has never tried to hide it. Glock sponsors Glock
22 Armorer courses and one of the topics it covers is the safety valve. Ex. J, Guevara Dep. at 227-
23 229. Neither these courses nor the materials Glock provides at them is confidential and nothing
24 stops people who take the course from sharing what they learn. Plaintiff's claim that "the only
25 discussion of the design is in Glock's internal documents" is simply untrue. Motion for Class
26 Certification ("Motion for Cert.") at 8. Though it is not a secret, Glock does not discuss the safety
27 valve in its Instruction Manual, on its website, or in general marketing/advertising materials. [REDACTED]
28 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]

10 In addition to Glock's own testing, thousands of law enforcement agencies, private
 11 security, and military organizations have adopted Glock pistols based on their own independent
 12 testing and evaluations ("T&E"). Ex. A, Kapelsohn Dec. ¶¶ 50-53; Ex. G, Kip Miller Dec. These
 13 evaluations often involve comparative studies between Glock and other manufacturers' pistols. *Id.*
 14 Glock pistols are one of the most independently tested products in the world. *Id.* After rigorous
 15 testing, the Dept. of Justice approved Glock pistols for police officers' use pursuant to its standards.
 16 See Ex. H, NIJ T&E. Glock currently supplies pistols for an estimated more than 65% of law
 17 enforcement agencies nationwide, including the FBI and many agencies in California. Ex. A,
 18 Kapelsohn Dec. ¶ 48; 50; Ex. B, Watkins Dec. ¶ 27; 32. The FBI's independent testing and
 19 evaluation process for the selection of its duty weapon was rigorous. *Id.*; see Ex. I, FBI T&E. It
 20 selected Glock pistols in 1997 and countless other law enforcement agencies followed suit after
 21 performing their own T&E. Ex. A, Kapelsohn Dec. ¶ 50.

22 The State of California also requires firearms to be tested and reviewed by an independent
 23 laboratory that designates them "not unsafe" before authorizing their sale. See Ca. Penal Code §
 24 32010; 31910. The California Department of Justice ("CDOJ") testing includes discharging three
 25 pistols of each submitted model 600 times with no more than 6 "malfunctions." Ex. B, Watkins
 26

27
 28 ² A proof round of ammunition contains 1.3 times SAAMI pressure and is customarily used by
 firearm manufacturers to test a firearm's functionality and durability. Ex. B, Watkins Dec. ¶ 26

1 Dec.¶ 31; Ca. Penal Code § 31905; 31910.³

2
3 *Id.* In fact, the CDOJ even selected Glock pistols as its duty weapon. So did the Los Angeles Police
4 Department and the Oakland Police Department, Plaintiff’s former employer. *Id.*; Ex. A,
5 Kapelsohn Dec. ¶ 50; Ex. K, National Agency List; Ex. L, Cali. LE Agency List.

6 **II. Plaintiff misrepresents the evidence.**

7 Plaintiff claims Glock pistols are defective because they will catastrophically fail “under
8 certain conditions.” Motion for Cert. at 2. But any firearm could fail under “certain conditions.”
9 Ex. A, Kapelsohn Dec. ¶¶ 152-153; 162; 179; 186; Ex. B, Watkins Dec. ¶ 91. Over-pressurized or
10 defective ammunition, barrel obstruction, out-of-battery discharge, and poor maintenance or
11 misuse will compromise a firearm’s safety and reliability. *Id.* But these “conditions” are beyond a
12 manufacturer’s control. Their possibility does not make Glock pistols defective.

13 Plaintiff relies on an incomplete and misleading recitation of “facts” to imply Glock
14 conceded a product defect

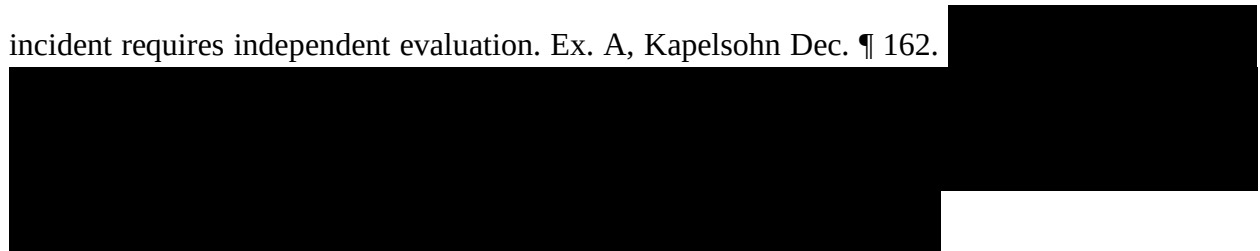
15
16
17 The actual cause of failure cannot be determined without
18 independent analysis and investigation. Ex. B, Watkins Dep. ¶ 91 Ex. J, Guevara Dep. at 76:22-
19 77:9; 92:20-93:3; Ex. O, Nixon Dep. at 58:15-63:2; Ex. M, Bosch Dep. (2024) at 213:8-11.

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25 ³ California’s testing requirements indicate that “standard ammunition” must be used for the
26 independent testing. California regulations define “standard ammunition” as “commercially
27 produced factory loaded ammunition which is available for purchase at consumer-level retail
28 outlets.” See Title 11, Division 5, Chapter 5, Department of Justice Regulations for Laboratory
Certification and Handgun Testing. Glock similarly recommends that its customers only use “high
quality commercially manufactured ammunition.” Plaintiff is critical of this language, but it is a
standard and well-understood recommendation in the firearm industry.



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11 Unable to link any event to the supposed defect, Plaintiff argues that there are “so many
12 claims” of catastrophic failure that Glock pistols must be defective. But he presents no evidence
13 that they have a higher rate of failure than others, much less that his claimed defect causes the
14 failures. Trying to close the gap, Plaintiff offers a misleading chart titled “First Hand Kaboom
15 Accounts.” But each incident on the chart is an excessive pressure event. And even so, they reflect
16 a small number relative to the countless millions of rounds fired through Glock pistols daily. Ex.
17 B, Watkins Dec. ¶ 30.

18 Plaintiff also assumes that every customer service order concerns a failure caused by the
19 alleged defect. But there are many potential causes for catastrophic firearm failures, and every
20 incident requires independent evaluation. Ex. A, Kapelsohn Dec. ¶ 162.



21
22
23
24 Even the specific incident Plaintiff relies on undermines his claim and emphasizes that
25 independent evaluation is essential. Plaintiff states that Black Hills Ammunition concluded that
26 Gary Brown’s pistol failure “had nothing to do with over-pressured ammunition.” Motion for Cert.



1 at 5. But documents show Black Hills Ammunition’s real position: that it denied manufacturing
 2 the ammunition and, after investigation, concluded the failure was caused by over-pressurized,
 3 reloaded ammunition bought at a gun show. Ex. B, Watkins Dec. ¶ 85; Ex. C, Jiranek Dec. ¶ 54.⁵

4 Setting aside Plaintiff’s factual misrepresentations, he is left with only the unproven
 5 hypothesis of his proposed experts. But the opinions they offer fail to meet the requirements of
 6 FRE 702 and should be struck. *See* Motions to Strike Declarations and Testimony David Bosch
 7 and John Nixon, filed concurrently with this Motion.

8 **III. Plaintiff decided to sue Glock after his counsel told him his pistols were defective.**

9 Plaintiff Steven Johnson is a former Oakland Police officer who owns two Glock pistols:
 10 a Model G36 and a Model G30SF. He bought his Model G36 used (previously owned by law
 11 enforcement) from an online gun seller after searching online for “Glock subcompact” and
 12 shooting a friend’s Glock pistol one time. Ex. Q, Plaintiff’s Dep. at 142:17-18; 148:22-151:1;
 13 155:18-20. According to Plaintiff, he “did not spend a lot of time investigating,” and may have
 14 seen an advertisement for Glock in a magazine, though he does not remember anything about it.
 15 *Id.* 147-149. He fired more than 100 rounds through his Model G36, used it to qualify for his pistol
 16 permit, went shooting with it at the shooting range, relied on it for self-protection, and trusted it to
 17 protect his family. *Id.* at 153-154. Plaintiff never experienced any problems with the pistol and
 18 enjoyed using it. *Id.* at 153-154; 158:6-13.

19 Pleased with his purchase, Plaintiff decided to buy another Glock pistol a year later, but
 20 this time wanted one that held more ammunition. Ex. Q, Plaintiff’s Dep. at 157:2-158:5. He asked
 21 a friend for a recommendation and, based on that recommendation, bought his Model G30SF. *Id.*
 22 at 159:2-160:10. He modified this pistol using aftermarket parts. *Id.* at 204-205; Ex. A, Kapelsohn
 23 Dec. ¶¶ 89-93; Ex. B, Watkins Dec. ¶¶ 92. He used it extensively, discharging more rounds than
 24 he could count without any problems. Ex. Q, Plaintiff’s Dep. at 162:6-12. Testing in this case
 25 revealed that Plaintiff failed to properly maintain his Model G30SF, allowing it to accumulate
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27
 28 ⁵ *See also* Ex. P for documents omitted by Plaintiff related to the Gary Brown claim that were
 produced by Black Hills Ammunition, as referenced by Mr. Watkins and Mr. Jiranek.

1 excessive amounts of lead build-up in the barrel. Ex. A, Kapelsohn Dec. ¶¶ 94-114; Ex. B, Watkins
2 Dec. ¶¶ 93-100.

3 One day, Plaintiff was on a website devoted to recruiting plaintiffs to class actions⁶ when
4 he saw his attorneys' advertisement inviting people to sue Glock. Ex. Q, Plaintiff's Dep. at 293-
5 294. Despite being happy with his Glock pistols, Plaintiff submitted an online form and became
6 the sole named plaintiff in this case. *Id.* at 303. According to Plaintiff, though he knows not to
7 believe everything he sees on the Internet, his only effort to verify his counsel's advertisement was
8 a single Internet search where he claims to have seen an exploded Glock pistol. *Id.* at 46:25-47:9;
9 186:17-187:19.

10 Since filing this lawsuit, Plaintiff continued to have limited involvement in it. Though he
11 changed counsel before and after his deposition, he does not know how many attorneys he has and
12 says he did not choose any of them. *Id.* at 34:9-14. He did not help respond to discovery other than
13 reading responses drafted by counsel and signing them without making changes. *Id.* at 39:8-12.
14 And, at the time of his deposition, Plaintiff believed he did not have any experts and was unaware
15 that his retained experts had fired his pistols hundreds of times (without issue). *Id.* at 73:15-24.

16 Though he intends to represent an extensive class, Plaintiff does not know which Glock
17 model pistols he is alleging are defective other than his own. Ex. Q, Plaintiff's Dep. at 135:20-
18 136:9. He has never owned any of the other Glock pistol models or calibers he calls defective and
19 has never even heard of the .45 GAP. *Id.* at 312:5-13; 88:17-20. In fact, unable to describe the
20 alleged defect, he confused it with the .45 GAP models. *Id.* at 87:16-24. When asked if it was
21 possible that his defect claim was wrong, he agreed that he had "no idea." *Id.* at 323:5-7.

22 ARGUMENT

23 I. Legal Standard

24 Plaintiff has the burden to prove by a preponderance of evidence the elements of Rule 23
25 and the Court must conduct a "rigorous analysis" of the evidence before certifying a class. *Wal-*
26 *Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350–51 (2011). It cannot "accept at face value a
27

28 ⁶ He had been a class member in approximately 4-5 other unrelated class action lawsuits. *Id.* at 318:2-319:10

plaintiff's theory of the case," and its analysis will often "entail some overlap with the merits of the plaintiff's underlying claim." *Senne v. Kansas City Royals Baseball Corp.*, 315 F.R.D. 523, 562 (N.D. Cal. 2016). This often means "judg[ing] the persuasiveness of the evidence presented." *Ellis v. Costco Wholesale Corp.*, 657 F.3d 970, 982 (9th Cir. 2011). Though the evidence need not be strictly admissible, *Sali v. Corona Reg'l Med. Ctr.*, 909 F.3d 996, 1006 (9th Cir. 2018), evidence cannot be "cobble[d] together" or "riddled with scientific and methodological flaws." *Grodzitsky v. Am. Honda Motor Co.*, 957 F.3d 979, 986–87 (9th Cir. 2020). When class certification depends on expert testimony, the Court "scrutinizes the reliability of the expert testimony in light of the criteria for class certification and the current state of the evidence." *In re MacBook Keyboard Litig.*, No. 5:18-cv-02813-EJD, 2021 WL 1250378 *3 (N.D. Cal. Apr. 5, 2021).

II. Plaintiff cannot establish ascertainability, commonality, adequacy, or typicality.

Rule 23(a) requires proof that a proposed class is sufficiently numerous and presents common questions of law or fact, that the class representative's claims are typical, and that he will fairly and adequately protect the class's interests. The class representative must also demonstrate that the proposed class is definite enough for the court to determine whether a person is a class member without assessing the merits of each member's claims. *See Wolph v. Acer Am. Corp.*, 272 F.R.D. 477, 482 (N.D. Cal. 2011); *Daniel F. v. Blue Shield of California*, 305 F.R.D. 115, 122 (N.D. Cal. 2014). Plaintiff has not met the Rule 23(a) criteria.

A. Plaintiff has not identified an ascertainable class.

Overbroad classes are not ascertainable and should not be certified. *Mazur v. eBay, Inc.*, 257 F.R.D. 563, 567 (N.D. Cal. 2009). Plaintiff asks to certify a class of anyone "who purchased" any of the nearly 30 models of Glock pistols "in the State of California." Motion for Cert. at 1. This class of hundreds of thousands is impossible to determine and is divorced from the crux of the TAC: **economic loss**.⁷ It cannot be narrowed without inquiry into individual merits. *Daniel F.*, 305 F.R.D. at 122.

⁷ Plaintiff has apparently abandoned his damages claim for purported brass casings that can no longer be reused or reloaded, (TAC ¶¶24-25), recognizing that this is not a viable claim for damages under any theory and certainly not a viable claim for class action adjudication.

1 Defining the class as “purchasers,” Plaintiff includes people who have not experienced any
 2 economic loss. It includes those who bought, but later sold their pistols for full value, as well as
 3 those whose pistols were lost, stolen, or destroyed for reasons unrelated to the alleged defect. Even
 4 limiting the class to current owners who bought their pistols, the class is still not ascertainable.
 5 Presumably, Plaintiff intends to rely on records of handgun transfers from the CDOJ, but these
 6 records do not provide enough information because every transfer must be reported with a dealer’s
 7 record of sale, regardless of price paid. Documented ownership of a pistol is not a fair proxy for
 8 the market price purchase of one. Because a firearm can easily last beyond the expected lifespan
 9 of its owner, many registered firearms are not sold for full value between family and friends, but
 10 are distributed as gifts and inheritances. Additionally, there are more than 500 law enforcement
 11 agencies in California and countless other private security firms issuing Glock pistols, many of
 12 which pay for or reimburse their employees’ purchase of Glock pistols. Ex. A, Kapelsohn Dec. ¶¶
 13 50-53; Ex. G, Miller Dec. These law enforcement and private security officers cannot have
 14 economic loss.

15 The class is further overbroad because owning a Glock pistol is different from having a
 16 claim against Glock. This case is about alleged misrepresentations or omissions, yet this is not part
 17 of the class definition. The class includes people who never saw, sought, or relied on information
 18 from Glock. Many buyers rely on licensed sellers, the CDOJ’s handgun roster, and endorsements
 19 or requirements of law enforcement agencies to make their choices. Ex. A, Kapelsohn Dec. ¶¶ 50-
 20 69; 180; Ex. G, Miller Dec.. The proposed class also includes those who knew that any pistol could
 21 fail due to defective or overloaded ammunition and bought a Glock pistol anyway. And it includes
 22 people who learned of specific allegations against Glock and didn’t care—choosing to buy and
 23 keep Glock pistols, and not sue Glock within the statute of limitations. Ex. A, Kapelsohn Dec. at
 24 ¶¶ 79-88. Plaintiff’s own proposed expert, John Nixon, falls into this category as he admitted
 25 knowing about the claimed defect for decades but continued to purchase, use, and trust Glock
 26 pistols. Ex. O, Nixon Dep. at 103-105; 212; 297.

27 Additionally, Plaintiff’s Motion proposes a class broader than the one set forth in the TAC.
 28 ECF 60. After years of litigation, Plaintiff included in his Motion three additional calibers of Glock

pistols—including the most popular 9mm—without requesting to amend the TAC. A proposed class broader than the one identified in the complaint cannot be certified. *Bee, Denning, Inc. v. Capital Alliance Group*, 310 F.R.D. 614, 621 (2015) (“The Court is bound to class definitions provided in the complaint and, absent an amended complaint, will not consider certification beyond it”).

B. Plaintiff has not established commonality.

Commonality exists when all class members’ claims “depend upon at least one common contention, the truth or falsity of which ‘will resolve an issue that is central to the validity’ of each one of the class members’ claims in one stroke.” *Ehret v. Uber Tech., Inc.*, 148 F. Supp.3d 884 (N.D. Cal. 2015) (quoting *Dukes*, 546 U.S. at 349). When common questions will not yield “common answers,” because the answers “might depend on facts unique to each claimant, necessitating mini-trials, beyond mere damages calculation,” there is no commonality. *Robbins v. Phillips 66 Co.*, 343 F.R.D. 16, 131 (N.D. Cal. 2022). In a single paragraph, Plaintiff identifies what he calls six common questions and declares that he has established commonality. He has not.

1. There is no common “defect.”

When a class involves an allegation of a product defect, but the proposed class includes models with different designs and different design characteristics, the existence of a defect is not a question capable of common answer. *See Johnson v. Harley-Davidson Motor Co. Grp. LLC*, 285 F.R.D. 573, 578–79 (E.D. Cal. 2012) (concluding that when class included 130 distinct configurations, there was “no common method of proof to show whether there is a design defect”); *In re Hitachi Television Optical Block Cases*, No. 08cv1746 DMS (NLS) 2011 WL 4499036 *4–*5 (S.D. Cal. Sept. 27, 2011) (“If there are differences in the product design, or differences in the product parts that make up the design . . . the standard is not met”); *see also Walsh v. Ford Motor Co.*, 807 F.2d 1000, 1017–18 (D.C. Cir. 1986) (denying certification when class included 20 different transmissions). *Sloan v. Gen. Motors LLC*, No. 16-cv-07244-EMC, 2020 WL 1955643 *42 (N.D. Cal. Apr. 23, 2020) (finding no commonality when relevant components differed).

Although Plaintiff declares that approximately 30 models of Glock pistols have a common defect, the proposed class pistols cannot be addressed in one sweep. The design of each pistol is

different, and their feed ramps and chambers have different geometries and tolerances. Ex. B, Watkins Dec. ¶¶ 23-26; 105-108; Ex. C, Jiranek Dec. ¶¶ 22-26. Plaintiff has not met his burden of showing that each model is equally or even similarly prone to failure or that each pistol within each model line presents the same risk. His retained witnesses have done no testing, calculations, or work to account for the differences. *See* Motions to Strike Bosch and Nixon.

This omission is telling. Whether, when, or how pistol failures happen depends on factors that cannot be generalized. Every caliber pistol has different performance criteria with respect to pressures generated by the discharge of ammunition. Ex. B, Watkins Dec. ¶¶ 23-26; 105-108; Ex. C, Jiranek Dec. ¶¶ 22-26. SAAMI sets forth the Maximum Average Pressures (“MAP”) for each caliber. *Id.* Larger calibers have higher pressure tolerances. The proposed class includes pistols designed to shoot .380 and .45 cartridges (among the lowest MAP) as well as 10mm cartridges (among the highest), along with those in between. *Id.* Plaintiff ignores that the proposed class pistols have different designs to manage varying pressure ranges, and he incorrectly assumes that proof of a supposed propensity toward failure would be the same across all calibers. Plaintiff will argue the safety valve “idea” is the same, and so there is no difference. He is wrong. The concept may be identical, but its application necessarily varies for each design.

Indeed, Plaintiff’s retained witness, Bosch, acknowledges that the length and degree of the safety valve varies amongst the different calibers and models of Glock pistols. Ex. M, Bosch Dep. at 225:15-20. Thus, the proposed class pistols must have different potentials for failure because, according to Bosch, “the more area that you fail to support, the higher probability that you’ll have case failures.” *Id.* at 110:25-111:1. In fact, Bosch previously concluded in a prior case that Glock 9mm pistols have a “Very Small Unsupported Case Wall Area” compared to the Glock .45 models, and that the plaintiff in the other case would not have been injured if the pistol he was using had a feed ramp design like Glock 9mm pistols. Ex. B, Watkins Dec. ¶ 78; Ex. R, Report Comparison. But now Bosch concludes Glock 9mm pistols are defective. He cannot avoid the contradiction.

Plaintiff’s defect claim also depends on failures of overloaded ammunition—mainly reloaded and hand-loaded ammunition that Glock expressly warns against using. Ex. A, Kapelsohn ¶¶ 135-152. But again, Plaintiff has no basis to suggest the same risk is present across the class.

Plaintiff offers no evidence that overloading occurs in any predictable or uniform way that would allow jurors to generalize across calibers or even within a caliber class. Plaintiff also neglects to consider other factors that contribute to pistol failures. Ex. A, Kapelsohn Dec. ¶¶ 162-163; Ex. B, Watkins Dec. ¶ 91. He does not address how maintenance affects performance. For example, a Glock pistol may be able to safely manage the energy from modestly overloaded ammunition, but the residue inside an uncleaned pistol—like Plaintiff’s Model G30SF—may increase the pressure and severity of a failure. Ex. A, Kapelsohn Dec. ¶¶ 94-96; Ex. B, Watkins Dec. ¶¶ 93-100. He also does not address individual use patterns; users who are lax about maintenance and use reloaded ammunition will be at a much greater risk of failure than those who maintain their firearms appropriately and shoot only new, high-quality ammunition.

2. Glock’s knowledge is not a common question.

Plaintiff alleges that Glock’s “knowledge about” the alleged defect is a common question. But he does not explain what he means. Glock has always known that improper ammunition or improper maintenance can cause over pressurization leading to a catastrophic failure.

This is not a question: Glock designed it and has always known it is there. To the extent Plaintiff specifically claims Glock had knowledge that its pistols are defective and create a safety hazard, Glock cannot know what is objectively false.

3. Alleged concealment is not a common question.

Plaintiff contends that “Glock’s concealment of the defect” forms a third common question. Again, he does not explain how.

. But it does tell armorers about the design and its purpose, and they are free to disclose it to anyone. There is no common “question” to resolve here. The only question remaining is not a common one: which consumers knew about the unsupported chamber claim before making their purchase? Ex. A, Kapelsohn Dec. ¶¶ 79-88 (explaining this allegation was made public 25 years ago but has been generally rejected by law enforcement agencies and the firearm community); *See also* Ex. O,

Nixon Dep. at 103-105; 212; 297 (showing Nixon knew about decades old allegations but continued to purchase, use, and rely on Glock pistols for over 20 years).

4. Reliance is not a common question.

Next, Plaintiff alleges that whether “reasonable consumers” would have been deceived or found that omitted information was material is a common question. He offers no evidence of who a “reasonable consumer” of a Glock pistol is, nor any suggesting that this question could be adjudicated on a class-wide basis. If a manufacturer “has failed to disclose information that would have been material to a reasonable person who purchased the defendant’s product, [it] gives rise to a rebuttable inference of reliance as to the class.” *Edwards v. Ford Motor Co.*, 603 Fed.Appx. 538, 541 (9th Cir. 2015). But when “[e]xpert evidence shows that materiality and reliance varies from consumer to consumer,” reliance is “not an issue subject to common proof.” *Algarin v. Maybelline, LLC*, 300 F.R.D. 444, 457 (S.D. Cal. 2014); *Johnson*, 285 F.R.D. at 581 (concluding materiality and reliance not subject to common proof when defendant presented evidence that this would be individualized question); *Webb v. Carter’s Inc.*, 272 F.R.D. 489, 503 (C.D. 2011) (same).

As outlined in the declarations of Mr. Kapelsohn and Dr. Peterson (and confirmed by Plaintiff and his retained witnesses), pistol buyers are not uniform and rely on different sources of information when choosing a pistol. But none will rely exclusively on information from Glock. Ex. A, Kapelsohn Dec. ¶¶ 50-69. All handgun sales in California must be transferred by licensed firearm sellers. Therefore, even the most uninformed purchaser can buy a Glock pistol only with help from an educated seller, who can only sell pistols approved as “not unsafe” by the CDOJ. Pen. Cod. §§ 32000–32015. Further, much of the firearm-buying population does more than visit a firearm shop; they attend gun shows; join gun clubs; participate in online fora; read magazines and websites written by and for firearm users; and socialize with other firearm enthusiasts. Ex. A, Kapelsohn Dec. ¶¶ 50-69. And first-time pistol purchasers are primarily influenced by what salespeople tell them. *Id.* Still many Glock pistol buyers choose them because they are what most law enforcement agencies independently test and select. *Id.* And law enforcement agencies do not rely on Glock at all because they conduct their own testing and evaluation. *Id.*; Ex. G, Miller Dec.

1 Additionally, Glock armorers and dealers, who are knowledgeable about Glock pistols and learned
2 about the safety valve, buy Glock pistols too. *Id.*

3 Moreover, most firearm users are specifically aware that any firearm can catastrophically
4 fail for any number of reasons. Ex. A, Kapelsohn Dec. ¶¶ 162-163; Ex. B, Watkins Dec. ¶ 91. And
5 many Glock pistol buyers are **specifically** aware of allegations about the alleged “unsupported
6 chamber” for decades, yet choose to buy them anyway. Ex. A, Kapelsohn Dec. ¶¶ 79-88.; Ex. O,
7 Nixon Dep. at 103-105; 297. The TAC, for example, cites several online sources that Plaintiff
8 claims refer to the alleged “unsupported chamber.” ECF 15, TAC ¶¶ 30-53. Any number of
9 consumers could have seen this content before purchasing their Glock pistols. *See In re MyFord*
10 *Touch Consumer Litig.*, 2016 WL 6873453 (N.D. Cal. Nov. 22, 2016) (declining to reconsider
11 denial of class certification when there was widespread information about alleged defect, showing
12 that some customers would be aware of it); *Turcios v. Carma Laboratories, Inc.*, 296 F.R.D. 638,
13 646 (C.D. Cal. 2014); *In re Vioxx Class Cases*, 103 Cal. Rptr. 3d 83, 98-99 (2009) (finding
14 individual issues predominated when manufacturer presented evidence that some physicians
15 would prescribe and patients would have taken drug despite alleged increased risk of death);
16 *Painters & Allied Trades Dist. Council 82 Health Care Fund v. Takeda Pharm. Co.*,
17 ____F.Supp.3d____ *23 (C.D. Cal. 2023) (concluding that whether class members would take
18 medication despite risk of cancer was not common question).

19 To the extent Plaintiff’s claim relies on supposedly false or misleading express statements,
20 he has presented no evidence that this is a common question either. The Court outlined a narrow
21 path for Plaintiff to bring a false advertising claim: by showing that consumers were misled by
22 specifically identified “safety-based statements.” ECF 73, Order on MTD. “Even though a claim
23 under the UCL and FAL turns on whether a ‘reasonable consumer’ is likely to be deceived, the
24 question of likely deception does not automatically translate into a class-wide question.” *Bailey v.*
25 *Rite Aid Corp.*, 338 F.R.D. 390, 399–400 (N.D. Cal. 2021). A plaintiff must define the class to
26 include only those who experienced misleading statements. *Mazza v. Am. Honda Motor Co.*, 666
27 F.3d 581, 595 (9th Cir. 2012). And he must present evidence that the class is likely to be deceived.
28 *Vizcarra v. Unilever U.S., Inc.*, 339 F.R.D. 530, 547 (N.D. Cal. 2021) (“the reasonable consumer

standard does not necessarily mean that evidence is not required to establish likelihood of deception”). When a class is based on the supposedly misleading inclusion of words that lack a fixed meaning, plaintiff must present evidence that would show that “consumers understood the [challenged language] in the manner alleged in the complaint.” *Id.* at 547 (N.D. Cal. 2021); *Jones v. ConAgra Foods, Inc.*, No. C 12-01633 CRB, 2014 WL 2702726 *16–*17 (N.D. Cal. June 13, 2014). Plaintiff has not presented evidence that the class was subject to the same communications or that any supposedly misleading statements were understood in the manner alleged. Thus, he has not met his burden of showing a common question either as to an omission or an allegedly misleading statement.

5. Plaintiff’s recitation of consumer protection laws does not create a common question.

Plaintiff’s fifth supposed “common question” is duplicative of his first four. He states that “whether Glock’s acts and omissions violated the UCL, FAL, and CLRA” are common questions. (Pl. Mot. at 13.) But the elements he claims are subject to common proof are: the existence of an alleged defect, Glock’s knowledge of it, alleged concealment, and reliance. Motion for Cert. at 17–21. In other words, the fifth “common question” is just the first four called by another name.

6. Alleged damages are not a common question.

Finally, Plaintiff contends that the amount of restitution available is a common question, claiming without significant case-specific analysis that complete restitution is available. Motion for Cert. at 13, 22. He bases this on his self-serving claim that he would not have bought his pistol if he had known of the alleged defect. But Plaintiff is required to show that “damages are capable of measurement on a classwide basis.” *Comcast Corp. v. Behrend*, 569 U.S. 27, 34 (2013). And his damages model must be consistent with his theory of liability. *Id.* at 35. “Under California law, a full refund may be available as a means for restitution only when plaintiffs prove the product had no value to them.” *Stathakos v. Columbia Sportswear Co.*, No. 15-cv-04543-YGR, 2017 WL 1957063 * 10, (N.D. Cal. May 11, 2017). Restitution cannot be determined through common proof when not all class members paid out of pocket for a product. *Lucas v. Breg, Inc.*, 212 F.Supp.3d 950, 970 (S.D. Cal. 2016).

Plaintiff's restitution claim is doomed by his overbroad class definition. The class of "purchasers" includes law enforcement officers, government agents, and private security workers whose purchases were reimbursed by employers. It also includes those who have already received full monetary compensation for pistols they sold. The breadth and vagueness of the proposed class also prohibits common resolution among those who bought pistols with their own funds and still have them. It includes enthusiasts who have fired hundreds of thousands of rounds over decades; people who have successfully used their pistols in self-defense; who—like Plaintiff—relied on their pistols to maintain firearms certifications and protect their family; and who keep a pistol for deterrence but hope they never need to fire it. There is no evidence that the identified Glock pistols have had **no** value either to Plaintiff or any other member of the purported class. Given the unbounded time span and variety of use patterns, no evidence generalizes across a class to show the value of Glock pistols to their owners. Ex. A, Kapelsohn Dec. ¶¶ 54-69; 181-183.

C. Plaintiff's claims are not typical of the class.

"The test of typicality is whether other members have the same or similar injury, whether the action is based on conduct, which is not unique to the named plaintiffs, and whether other class members have been injured by the same course of conduct." *In re JUUL Labs, Inc. Marketing Sales Practices & Products Liability Litig.*, 609 F.Supp.3d 942, 961 (N.D. Cal. 2022) (quoting *Hanon v. Dataproducts Corp.*, 976 F.2d 497, 508 (9th Cir. 1992)). "A plaintiff may not be typical if she is subject to unique defenses which threaten to become the focus of the litigation." *Id.* Typicality findings often turn on "whether a proposed named plaintiff has some unique injury or is subject to a unique defense that the other class members do not have or are not subject to that would make a particular proposed plaintiff atypical and an inappropriate class representative." *Id.* "[C]ertification should not be granted if there is a danger that absent class members will suffer if their representative is preoccupied with defenses unique to it." *Hanon*, 976 F.2d at 508.

1. Plaintiff's misuse of his Glock pistol subjects him to unique defenses.

Plaintiff's claims require him to establish that Glock had a duty to disclose the alleged defect. For a duty to disclose to arise, Plaintiff must prove there is a causal connection between the claimed defect and a safety hazard. *See Wilson v. Hewlett-Packard Co.*, 668 F.3d 1136, 1142-

43 (9th Cir. 2012). Yet, the hazard Plaintiff alleges has many potential causes. Ex. A, Kapelsohn Dec. ¶ 162; Ex. B, Watkins Dec. ¶ 91; Ex. O, Nixon Dep. at 58:15-61:10. One is allowing excessive amounts of lead to build-up in a pistol's barrel, elevating pressures when ammunition is discharged. Ex. A, Kapelsohn Dec. ¶¶ 94-96; Ex. B, Watkins Dec. ¶¶ 93-100. The barrel of Plaintiff's G30SF pistol contained lead build-up far beyond what would be expected from ordinary use, making it uniquely susceptible to a catastrophic failure. *Id.*

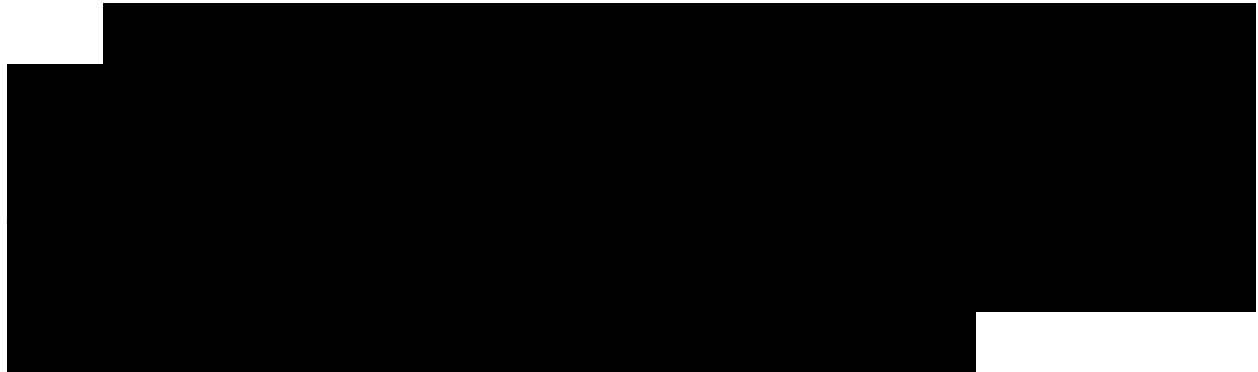
Plaintiff can never establish causation with respect to his G30SF pistol because the potential for it to experience a catastrophic failure was increased by the excessive lead in the barrel. Few, if any, other members of the proposed class will have too much lead build-up in the barrel of their pistol, and Plaintiff has not met his burden to establish this is typical conduct of Glock pistol owners. This is a unique defense applicable only to Plaintiff and it will be a major focus at trial.

2. Statute of limitations issues defeat typicality.

Though Plaintiff's CLRA, FAL, and fraudulent omission claims are facially barred by the statute of limitations, he argues that his reliance on tolling doctrines does not destroy typicality because there was alleged class wide concealment. But he disregards the putative plaintiffs who are not subject to a statute of limitations defense at all.

"A statute of limitations defense may defeat typicality where a considerable portion of class members do not face the defense." *Beaver v. Omni Hotels Mgmt. Corp.*, No. 20-CV-00191-AJB-DEB, 2023 WL 6120685, at *6 (S.D. Cal. Sept. 18, 2023). In *Quezada v. Loan Ctr. of California, Inc.*, No. CIV. 2:0800177WBSKJM, 2009 WL 5113506, at *7 (E.D. Cal. Dec. 18, 2009), the court held that a named plaintiff's claims were not typical because "there may be a broad swath of the class that has no statute of limitations issues, but would be bound by an order of this court if the court finds plaintiff's UCL claim time-barred. . ." Here, documents received from the CDOJ show that nearly 200,000 potential plaintiffs would not be subject to statute of limitations defense. *See* Plaintiff's Ex. MM. This "broad swath" of the class would be prejudiced by Plaintiff's burden to establish tolling because they would be bound by an order against him.

1 **3. Plaintiff's claims are not typical of those putative class members who own**
 2 **other caliber pistols.**



9 Further, people do not buy Glock pistols for uniform reasons. Ex. A, Kapelsohn Dec. ¶¶
 10 50-69. Ex. S, Peterson Dec. ¶¶ 54-59; Ex. O, Nixon Dep. at 36-37. Glock designs pistols for
 11 different purposes and users. The Glock Buyer's Guide, for example, has a chart showing how
 12 different Glock pistols suit a particular need. Ex. S, Peterson Dec. ¶¶ 54-59. Plaintiff testified that
 13 he sought compact, carry-size pistols with different magazine capacities. Ex. Q, Plaintiff's Dep. at
 14 148:22-151:1. Other buyers value other characteristics, which dictates the value they assign to
 15 each attribute and the information they find relevant. Ex. S, Peterson Dec. ¶¶ 54-59. Defenses with
 16 respect to Plaintiff cannot be applied to persons who purchased other models of Glock pistols.

17 **4. Plaintiff is subject to unique defenses with respect to reliance.**

18 To prove a claim for fraudulent omission, a plaintiff must prove: (1) he "would have been
 19 aware of the omitted information had it been disclosed and (2) he would have behaved differently."
 20 *Hamilton v. TBC Corp.*, 328 F.R.D. 359, 377 (C.D. Cal. 2018). Plaintiff admits that he did not rely
 21 on or even see advertisements before buying his Model G30SF. Ex. Q, Pltf's Dep. at 157:2-160:10.
 22 He just wanted a sub-compact pistol that held more ammunition. *Id.* He has identified no Glock
 23 materials that he *ever* saw before buying a Glock. Thus, whether Plaintiff would have been "aware
 24 of the omitted material had it been disclosed is subject to serious dispute, not typical of defenses
 25 which could be raised against other members of the proposed class." *Hamilton*, 328 at 378; *see*
 26 *also Hanon*, 976 at 508.

D. Plaintiff cannot establish that he is an adequate class representative.

A class representative must “fairly and adequately protect the interests of the class.” *Moeller v. Taco Bell Corp.*, 220 F.R.D. 604, 611 (N.D. Cal. 2004). Two questions generally determine adequacy of class representation: “(1) do the named plaintiffs and their counsel have any conflicts of interest with other class members and (2) will the named plaintiffs and their counsel prosecute the action vigorously on behalf of the class?” *Id.* Although the knowledge threshold is low, a class representative who is “startlingly unfamiliar with the case” and “completely relie[s] on counsel to direct the litigation,” is not adequate. *Id.*; *Welling v. Alexy*, 155 F.R.D. 654, 659 (N.D. Cal. 1994); *Hoexter v. Simmons*, 140 F.R.D. 416, 422 (D. Ariz. 1991).

Plaintiff is “startlingly unfamiliar” with his case and has ceded litigation to counsel. This case began with attorneys who have a defect theory looking for a plaintiff. Ex. Q, Plaintiff’s Dep. at 293:15-18. Plaintiff liked his Glock pistols and had no problem with them until he saw his counsel’s advertisements telling him they were defective. He didn’t pick his lawyers, doesn’t know how many of them there are, and doesn’t even know whether he has experts to assist him.

After having been convinced by his attorney’s advertisement and a single Internet search that he owns a defective product, Plaintiff continues to know little about his claims or case. When asked about the .45 GAP, a model of pistol he alleges is defective, Plaintiff did not know what it was and thought that it was a description of his defect theory. *Id.* at 87:16-24. Through counsel, he espouses grave concerns about the alleged defect. But in reality, he is agnostic, conceding that it may not exist. *Id.* at 323:5-7. And despite alleging that he is entitled to money damages, he testified that he does not know if he is. *Id.* at 320:17-20. Likewise, Plaintiff has no skin in the game and is unwilling to pay any costs should a jury find for Glock. *Id.* at 53:12-15.

III. Certification is not appropriate based on Rule 23(b)(2).

Plaintiff seeks certification based on Rule 23(b)(2), which applies “only when a single injunction or declaratory judgment would provide relief to each member of the class.” *Dukes*, 564 U.S. at 360. Rule 23(b)(2) does not apply for two reasons. First, it does not allow certification when the plaintiff seeks monetary relief that “is not incidental to the injunctive or declaratory relief.” *Id.* Plaintiff does not address *Dukes*, but his primary claim seeks monetary remedies that

are not incidental to injunctive or declaratory relief. Second, even if Plaintiff could evade *Dukes*, he has not explained how a prospective injunction “barring the sale” of identified pistols would provide relief to any proposed class member. Motion for Cert. at 24.

IV. Certification is not appropriate under Rule 23(b)(3) because common issues do not predominate and the class action is not a superior method of adjudication.

A. None of Plaintiff’s claimed common questions dominate this lawsuit.

Rule 23(b)(3) demands more than commonality. *Comcast v. Behrend*, 569 U.S. 27, 34 (2013). The Court must evaluate whether alleged common questions create a cohesive class. *Amchem Prod., Inc. v. Windsor*, 521 U.S. 591, 623 (1997). It considers the importance of the questions at issue, and when critical issues require individualized analysis, common questions do not predominate. *Lucas*, 212 F.Supp.3d 950, 969 (C.D. Cal. 2016). A court cannot certify a class “on the premise that [the defendant] will not be entitled to litigate its . . . defenses to individual claims.” *Dukes*, 564 U.S. at 367. It “characterizes the issues in a case as common or individual, and then carefully scrutinizes the relationship between them.” *Lucas*, 212 F.Supp.3d at 968. An issue is common if “the same evidence will suffice for each member,” but is individual if each member must present evidence, which will vary. *Id.* at 969 (quoting W. Rubenstein, *Newberg on Class Actions* § 4.50 (5th ed. 2012).)

Plaintiff devotes his predominance argument to trying to establish commonality—not predominance. After spending three pages reciting general principles of reliance in cases involving consumer protection statutes, Plaintiff offers two brief paragraphs purporting to address his claims. But he fails to prove that any issue is common, let alone that common issues predominate.

1. There are no predominant common questions about Glock’s design.

First, Plaintiff asserts “common evidence” will show “proof of Glock’s design.” Motion for Cert at 19. He cites nothing in the record for this claim. And, as already outlined, it is untrue.

Whether the class pistols have a defect is the single most important issue, and the one on which all other claims rely. And it cannot be resolved in the abstract through common proof because there is no way to generalize across the class products or class members. Plaintiff does not contend that the safety valve increases the risk or severity of pistol failures uniformly. He

1 characterizes it as “erratic[.]” Motion for Cert. at 1. That is because a pistol failure results from a
 2 confluence of independently occurring variables for which Plaintiff and his witnesses have not
 3 tried to control. Ex. A, Kapelsohn Dec. ¶¶ 162-165; Ex. B, Watkins Dec. ¶ 91; See Motions to
 4 Strike Bosch and Nixon. Even Plaintiff’s proposed expert agrees that independent investigation is
 5 necessary to determine the cause of a firearm failure. Ex. O, Nixon Dep. at 231:18-23.

6 It follows that the possibility of failure is a nuanced and individual inquiry. Ex. A,
 7 Kapelsohn Dec. ¶¶ 162-165; Ex. B, Watkins Dec. ¶ 91. The risk of failure and its consequences
 8 will vary across the class. Glock has a right to present individualized evidence about its products
 9 in its defense. See *Dukes*, 564 U.S. at 367. Plaintiff’s bare assertion that a design feature
 10 corresponds to an unspecified and unpredictable increased risk of failure is not a predominant
 11 common question. Bosch admits (and Glock’s experts establish) that the risk of failure varies
 12 amongst the proposed class of pistols. Ex. M, Bosch Dep. at 225:15-20; 110:25-111:1. And there
 13 is no way to generalize the alleged risk to all class members.

14 To meet their burden of proof, all individual plaintiffs would need to show that their risks
 15 increased enough to create a “hazard” that would trigger duties on Glock’s part. And Glock would
 16 have a right to present nuanced and individualized evidence to rebut Plaintiff’s unspecified claims.

17 **2. Glock’s knowledge of its own design is not a predominant common**
 18 **question.**

19 Next, Plaintiff contends that common proof will show that Glock knew about its
 20 “intentional” safety valve and states that there will be common proof that “[a]t all times” Glock
 21 knew its pistols “could explode if exposed to certain rounds of ammunition routinely put in the
 22 stream of commerce by quality manufacturers.” Motion for Cert. at 20. It is unclear what Plaintiff
 23 means by either allegation. Glock designs its products and knows about its safety valve. Likewise,
 24 Glock agrees that it has always been aware of principles of physics—i.e., that defective and over-
 25 pressurized ammunition exists and may contribute to a combustion reaction that could overwhelm
 26 a Glock pistol or any other firearm. This is not an issue that will dominate litigation.

27 ///

28 ///

1 **3. Individual issues dominate Plaintiff’s claims about Glock’s representations**
 2 **or omissions.**

3 Citing scant evidence, Plaintiff broadly claims that Glock made false or misleading
 4 representations and fraudulent omissions, and that the evidence supporting these claims would be
 5 common across the class. He begins by asserting that Glock “made false and misleading
 6 representations relating to the safety of its guns in its manuals and otherwise.” Motion for Cert. at
 7 20. But he cites only the manual that came with his own pistol and does not explain what about it
 8 he believes is misleading. He neither shows that all class members would have received the same
 9 information, nor presents evidence that others could have been misled by unspecified “false and
 10 misleading representations.” Similarly, with respect to his fraudulent omissions claim, Plaintiff
 11 recites the elements of fraudulent misrepresentation. He then declares that “[c]ommon questions
 12 will predominate” and insists that he can rely on a presumption of reliance. Motion for Cert. at 21.

13 Plaintiff has not met his burden to establish that these issues are subject to common proof,
 14 much less that common evidence would dominate the litigation. He overlooks his burden to show
 15 that the class includes only people who experienced supposedly misleading statements or to
 16 present evidence that anyone was likely deceived. *Bailey*, 338 F.R.D. at 399–400; *Mazza*, 666 F.3d
 17 at 595; *Vizcarra*, 339 F.R.D. at 547. Likewise, Plaintiff presents no evidence to support his
 18 assumption that a class spanning more than three decades and including firearm enthusiasts,
 19 licensed firearm sellers, Glock armorers, law enforcement personnel, and military veterans would
 20 be unaware that “certain conditions,” like overloaded ammunition, is dangerous in a Glock pistol
 21 (or any firearm). Nor does he address the thousands of class members—as well as his own
 22 proposed expert—who bought their pistols *after* hearing about public claims of defect that have
 23 surfaced on the Internet and elsewhere for decades. Ex. A, Kapelsohn Dec. ¶¶ 77; 79-88.
 24 Significantly, as explained by Mr. Kapelsohn, despite years of public claims referencing the so-
 25 called “kaboom” and “unsupported chamber,” law enforcement agencies, individual officers,
 26 government agents, and militaries continue carrying Glock pistols and sales to citizens have been
 27 unaffected. *Id.*

1 In fact, individual issues will overwhelm this litigation. Glock has a right to learn and
 2 present evidence of precisely what each class member knew and relied on in buying and continuing
 3 to use a Glock pistol. And it can defend itself by showing that individual class members were
 4 aware of allegations against Glock, but bought a Glock pistol anyway—much like Mr. Nixon. This
 5 will result in countless individualized mini-trials relating to each plaintiff in the class.

6 **4. Individual issues dominate the damages claim.**

7 As with his other arguments about predominance, Plaintiff does not meaningfully argue
 8 this case, relying instead on broad statements of law on damages. He has the burden of showing a
 9 class-wide method for determining damages. *Leyva v. Medline Indus. Inc.*, 716 F.3d 510, 514 (9th
 10 Cir. 2013). Plaintiff argues in favor of a full refund model because he contends his pistol was
 11 valueless. He cites cases involving consumable and single-use products to support this claim. *See*
 12 *Lambert v. Nutraceutical Corp.*, 870 F.3d 1170, 1174 (9th Cir. 2017) (ineffective herbal
 13 supplement). But he disregards that full restitution is available *only* upon proof that a product had
 14 no value. *See Ries v. Arizona Beverages USA LLC*, 287 F.R.D. 523, 532 (N.D. Cal. 2012)
 15 (explaining that beverages had some value even if not all natural); *Stathakos v. Columbia*
 16 *Sportswear Co.*, No. 15 cv-04543-YGR, 2017 WL 1957063 *10 (N.D. Cal. May 11, 2017) (finding
 17 full refund unavailable when plaintiffs received use from purchases). Plaintiff, however, relied on
 18 his Glock pistols for years to protect himself and others, for licensure qualifications, and personal
 19 enjoyment. The same is true for every other member of the class—some of whom have been
 20 deriving beneficial use of their pistols for decades. Restitution is not a plausible class damages
 21 model merely because Plaintiff stopped using his pistol when he signed up for this lawsuit.

22 Plaintiff claims that class damages could also be calculated using conjoint analysis. But
 23 this case is not appropriate for conjoint analysis. Ex. S, Peterson Dec. There is no way to construct
 24 a valid conjoint analysis here given the varied factors that inform pistol purchases and the number
 25 of pistol models in the proposed class. *Id.* Further, the proposed conjoint analysis does not fairly
 26 or accurately measure damages attributable only to Plaintiff's theory that Glock pistols erratically
 27 fail under "certain conditions." Instead, the proposed model misleadingly depicts a high potential
 28 for unpredictable "explosion," contrary to the "erratic" potential for failure based on ammunition

“conditions” advanced by Plaintiff and his witnesses. This defies the rule of *Comcast* that “a model purporting to serve as evidence of damages in this class action must measure only those damages attributable to that [plaintiff’s] theory.” *Comcast Corp.*, 569 U.S. at 35. For these reasons and all others comprehensively set forth by Dr. Peterson, Plaintiff’s proposed damages model cannot be properly applied in this case.

B. Class litigation is not a superior method to adjudicate this controversy.

Under Rule 23(b)(3), the Court must consider whether a class action is a superior method for fairly and efficiently adjudicating the controversy. It considers factors such as class members’ interest in individually controlling separate actions; other existing litigation; the desirability of concentrating the litigation in a forum; and the likely difficulty of managing a class.

Manageability “encompasses the whole range of practical problems that may render the class action format inappropriate,” including notifying members, calculation of damages, and distribution. *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 165 (1974). A single plaintiff wants to represent a class of unbounded duration challenging the design as well as information about almost 30 products. Merely identifying the proposed class is administratively burdensome. Narrowing it to something cognizable based on Plaintiff’s claims only increases the manageability problems.

Even if the Court could develop a way to identify and notify class members, there is still the problem of sifting through class members to litigate the merits. At a minimum, Glock has a right to determine which of the hundreds of thousands of class members’ claims are barred by statutes of limitations and their own knowledge of the alleged defect before purchase. It must also have the opportunity to assess what other alleged class members relied on in making their purchase.

Likewise, there are untold manageability problems associated with calculating damages, if any. Pistols are unique purchases whose intended uses vary dramatically. The Court will be tasked with calculating the damages of a disparate group of class members. Some will have been firing their pistols regularly for decades without problem. Some will credit their pistols with saving their lives or the lives of others. Others may have bought their pistols as security—never intending to fire them—and derived value from that use. Still others may have used their Glock pistols successfully in their line of work. Even Plaintiff used his pistol without issue for years before his

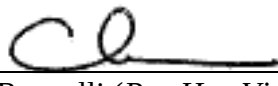
1 attorneys instructed him that it was defective. There is no way to calculate supposed damages
2 under these circumstances.

3 **CONCLUSION**

4 For the foregoing reasons, this Court should deny Plaintiff's Motion for Class Certification
5 in its entirety, with prejudice.

6
7 DATED: February 23, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024, I filed the foregoing document entitled **DEFENDANTS GLOCK, INC. AND GLOCK Ges.m.b.H.'S OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION** with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Carissa Casolari

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 (Additional attorneys listed in signature page.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

STEVEN C. JOHNSON, an individual, on behalf of himself and all others similarly situated,	)	CASE NO.: 3:20-cv-08807
	)	DECLARATION OF CHRISTOPHER
Plaintiff,	)	RENZULLI IN SUPPORT OF
	)	DEFENDANTS' (1) OPPOSITION TO
vs.	)	PLAINTIFF'S MOTION FOR CLASS
	)	CERTIFICATION; (2) MOTIONS TO
	)	STRIKE DECLARATIONS AND
GLOCK, INC., a Georgia Corporation; GLOCK Ges.m.b.H., an Austrian entity; JOHN and JANE DOES I through V; ABC CORPORATIONS I-X, XYZ PARTNERSHIPS, SOLE PROPRIETORSHIPS and/or JOINT VENTURES I-X, GUN COMPONENT MANUFACTURERS I- V	)	TESTIMONY OF DAVID BOSCH,
	)	JOHN NIXON, STEVEN GASKIN,
	)	AND COLIN B. WEIR
	)	Judge: Hon. William H. Orrick
	)	Date: June 12, 2024
	)	Time: 2:00 p.m.
	)	Place: San Francisco Courthouse
	)	Courtroom 2, 17th Floor
Defendants.	)	

CASE NO.: 3:20-cv-08807-WHO

DECLARATION OF CHRISTOPHER RENZULLI IN SUPPORT OF DEFENDANTS' (1)
 OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION; (2) MOTIONS
 TO EXCLUDE DECLARATIONS AND TESTIMONY OF DAVID BOSCH, JOHN NIXON,
 STEVEN GASKIN, AND COLIN B. WEIR

DECLARATION OF CHRISTOPHER RENZULLI

I, Christopher Renzulli, declare and affirm:

1. I am a member of Renzulli Law Firm, LLP and am an attorney duly licensed to practice law before all courts of the States of New York and Connecticut, the U.S. District Courts for the Northern, Southern and Eastern Districts of New York, the U.S. District Court for the District of Connecticut, the U.S. District Courts for the Western and Eastern Districts of Michigan, the U.S. District Court for the District of Colorado, the U.S. District Court for the Northern District of Illinois, and the U.S. Courts of Appeals for the First, Second, Third, Eighth, Ninth and Tenth Circuits.

2. I represent Defendants Glock, Inc., and Glock Ges.m.b.H. (collectively, "Glock") in the above-captioned matter and have been admitted *Pro Hac Vice* to represent them in this case. I am a member in good standing with the State Bars for all courts of which I am admitted to practice. I have personal knowledge of the following facts, except for those based on information and belief, which I believe to be true, and if called upon to testify, I could and would competently testify to their truth and accuracy.

3. This Declaration is submitted in support of Glock's Opposition to Plaintiff's Motion for Class Certification; (2) Motion to Strike the Declaration and Testimony of David Bosch; (3) Motion to Strike the Declaration and Testimony of John Nixon; (4) Motion to Strike the Declaration of Steven Gaskin; and (5) Motion to Strike the Declaration of Colin B. Weir.

4. In executing this Declaration, I do not intend, and Glock has not authorized me, to waive any protections or privileges that Glock may have as to proprietary, trade secret, and/or confidential information, or as to attorney-client communications or information developed in anticipation of or in pending litigation.

5. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration of Emanuel Kapelsohn, dated February 22, 2024. This document has been provisionally filed under seal pending the outcome of Glock's Administrative Motion.

6. Attached hereto as **Exhibit B** is a true and correct copy of the Declaration of Derek

1 Watkins, dated February 23, 2024. This document has been provisionally filed under seal pending
2 the outcome of Glock's Administrative Motion.

3 7. Attached hereto as **Exhibit C** is a true and correct copy of the Declaration of Marlin
4 Jiranek, dated February 22, 2024. This document has been provisionally filed under seal pending
5 the outcome of Glock's Administrative Motion.

6 8. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the
7 Deposition of Josef Kroyer, in *Grosso v. Glock, Inc.*, Case No. CV2016-005086 (Superior Court
8 of Arizona in and for County of Maricopa), dated February 22, 2018. This document has been
9 provisionally filed under seal pending the outcome of Glock's Administrative Motion.

10 9. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the
11 Deposition of Glock Ges.m.b.H's Fed. R. Civ. P. 30(b)(6) Designee Josef Kroyer, dated September
12 13, 2023. Glock has designated this document as "confidential" under the Court's Protective Order
13 (ECF 83) and it has been provisionally filed under seal pending the outcome of Glock's
14 Administrative Motion.

15 10. Attached hereto as **Exhibit F** is a true and correct copy of the Vienna Proof House
16 Report (English translation). Glock has designated this document as "confidential" under the
17 Court's Protective Order (ECF 83) and it has been provisionally filed under seal pending the
18 outcome of Glock's Administrative Motion.

19 11. Attached hereto as **Exhibit G** is a true and correct copy of the Declaration of Kip
20 Miller, owner and Sales Manager of LC Action Police Supply, dated February 19, 2024.

21 12. Attached hereto as **Exhibit H** is a true and correct copy of the National Institute of
22 Justice ("NIJ") testing criteria for Autoloading Pistols for Police Officers; and Equipment
23 Performance Report for Autoloading Pistols by the U.S. Department of Justice.

24 13. Attached hereto as **Exhibit I** is a true and correct copy of the Federal Bureau of
25 Investigation's Testing and Evaluation criteria. Glock has designated this document as
26 "confidential" under the Court's Protective Order (ECF 83) and it has been provisionally filed
27 under seal pending the outcome of Glock's Administrative Motion.

1 14. Attached hereto as **Exhibit J** is a true and correct copy of excerpts from the
2 Deposition of Glock, Inc.'s Fed. R. Civ. P. 30(b)(6) Designee Carlos Guevara, dated September
3 21, 2023. Glock has designated this document as "confidential" under the Court's Protective Order
4 (ECF 83) and it has been provisionally filed under seal pending the outcome of Glock's
5 Administrative Motion.

6 15. Attached hereto as **Exhibit K** is a true and correct copy of the National Law
7 Enforcement Glock Pistol User List. Glock has designated this document as "confidential" under
8 the Court's Protective Order (ECF 83) and it has been provisionally filed under seal pending the
9 outcome of Glock's Administrative Motion.

10 16. Attached hereto as **Exhibit L** is a true and correct copy of the California Law
11 Enforcement Glock Pistol User List. Glock has designated this document as "confidential" under
12 the Court's Protective Order (ECF 83) and it has been provisionally filed under seal pending the
13 outcome of Glock's Administrative Motion.

14 17. Attached hereto as **Exhibit M** is a true and correct copy of the complete transcript
15 of the deposition of David Bosch conducted on January 30, 2024.

16 18. Attached hereto as **Exhibit N** is a true and correct copy of excerpts from the
17 evidentiary hearing conducted on July 11, 2019, in the matter captioned *Michael Grosso v. Glock,*
18 *Inc., et al.*; CV2016-005086.

19 19. Attached hereto as **Exhibit O** is a true and correct copy of the complete transcript
20 of the deposition of John Nixon conducted on January 31, 2024.

21 20. Attached hereto as **Exhibit P** is a true and correct copy of additional documents
22 produced by Black Hills Ammunition related to the Gary Brown incident, which were omitted by
23 Plaintiff from his Exhibit Y.

24 21. Attached hereto as **Exhibit Q** is a true and correct copy of the complete transcript
25 of the deposition of Plaintiff Steven C. Johnson conducted on September 7, 2023.

26 22. Attached hereto as **Exhibit R** is a comparison sheet showing the inconsistencies
27 between David Bosch's report from 2018, compared to the Declaration he submitted in this case.

23. Attached hereto as **Exhibit S** is a true and correct copy of the Declaration of J. Andrew Petersen, Ph.D., dated February 23, 2024. A portion of this document has been provisionally filed under seal pending the outcome of Glock's Administrative Motion.

24. Attached hereto as **Exhibit T** is a true and correct copy of the Warranty Service Order and excerpts from the Deposition of Jeff Searles in *Grosso v. Glock, Inc.*, Case No. CV2016-005086. Glock has designated portion of this exhibit as "confidential" under the Court's Protective Order (ECF83) and those portions have been provisionally filed under seal pending the outcome of Glock's Administrative Motion.

25. Attached hereto as **Exhibit U** is a true and correct copy of the Warranty Service Order and excerpts from the Deposition of Thomas Hanley in *Grosso v. Glock, Inc.*, Case No. CV2016-005086. Glock has designated portions of this Exhibit as "confidential" under the Court's Protective Order (ECF 83) and it has been provisionally filed under seal pending the outcome of Glock's Administrative Motion.

26. Attached hereto as **Exhibit V** is a true and correct copy of the Warranty Service Order and excerpts from the Deposition of Dennis Crabill in *Grosso v. Glock, Inc.*, Case No. CV2016-005086. Glock has designated portions of this Exhibit as "confidential" under the Court's Protective Order (ECF 83) and those portions have been provisionally filed under seal pending the outcome of Glock's Administrative Motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on February 23, 2024.

/s/ Christopher Renzulli
Christopher Renzulli, Declarant

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024, I filed the foregoing document entitled **DECLARATION OF CHRISTOPHER RENZULLI IN SUPPORT OF DEFENDANTS' (1) OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION; (2) MOTIONS TO EXCLUDE DECLARATIONS AND TESTIMONY OF DAVID BOSCH, JOHN NIXON, STEVEN GASKIN, AND COLIN B. WEIR** with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Carissa Casolari
Carissa Casolari

EXHIBIT FILED UNDER SEAL

EXHIBIT FILED UNDER SEAL

EXHIBIT FILED UNDER SEAL

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EXHIBIT G

1 Glock pistols to (1) law enforcement agencies (2) sworn law enforcement officers with powers of
2 arrest; (3) military personnel including Reservists and National Guard; (4) Nationally recognized
3 security companies; (5) Law Enforcement Academy Cadets with enrollment documentation; (6)
4 active-duty firefighters or volunteer fire fighters; (7) corrections officers, including parole and
5 probation officers, and EMT's or tactical EMT's and paramedics; and (8) any individuals related
6 to the law enforcement, first responder, legal or security field as approved by Glock or the Blue
7 Label sales parameters. LC Action does not sell new Glock pistols to individuals who do not fall
8 within one of these categories.

9 4. Some of the California law enforcement agencies with which LC Action does
10 business include the California Department of Justice (DOJ Firearms Bureau), Los Angeles Police
11 Department (LAPD), Oakland Police Department, California Department of Corrections &
12 Rehabilitation (CDCR), San Diego County Sheriff's Department, San Jose Police Department, and
13 many others. All of these agencies issue or authorize Glock pistols.

14 5. It is my understanding and experience from working directly with California law
15 enforcement agencies that they do not rely on statements, advertising, or marketing of Glock, or
16 any other firearm manufacturer, with respect to the selection of a duty firearm. Instead, it is
17 standard operating procedure for almost all agencies to have their own T&E process. These
18 processes are generally rigorous, and often include extensive test firing, safety assessments, long
19 term wear testing, and comparison testing involving multiple manufacturers. When an agency's
20 T&E process is completed, they will typically issue a bid or quote request for the specific make
21 and model they have approved, authorized, and selected based on the results of the independent
22 T&E, and then place an order for the selected pistols from LC Action or the vendor that is deemed
23 most responsive to their request.

24 6. In my experience, Glock pistols are the most commonly selected duty pistol by
25 California law enforcement agencies as a result of independent T&E. I understand this is generally
26 true for law enforcement agencies outside the state of California as well. As an example, Safariland
27 holsters are the #1 purchased holster for law enforcement agencies and their statistics show that
28

1 70% of their law enforcement holsters sold are specifically for Glock pistols.

2 7. In the three decades that LC Action has been supplying law enforcement agencies
3 with duty pistols, I am not aware of any complaints about sudden explosions or catastrophic
4 failures of Glock pistols. Glock pistols are historically one of the most trusted pistols by law
5 enforcement agencies because they have proven to be both reliable and safe. Glock law
6 enforcement agencies routinely order additional Glock pistols or new Generations of Glock pistols.

7 8. It is my experience that law enforcement officers frequently purchase Glock pistols
8 for personal use purposes because they are familiar with them from on-duty use and training. I
9 understand that law enforcement officers often rely on the T&E conducted by their agencies
10 regarding the safety and reliability of Glock pistols and purchase them for personal use based on
11 familiarity and having good experiences using them in the scope of their employment.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct and that this declaration was executed this 19th day of February,
14 2024 at San Jose, California.

15 

16 _____
17 Kip M. Miller, Declarant
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EXHIBIT H



National Institute of Justice

Law Enforcement and Corrections Standards and Testing Program

Autoloading Pistols For Police Officers

NIJ Standard-0112.03

ABOUT THE LAW ENFORCEMENT AND CORRECTIONS STANDARDS AND TESTING PROGRAM

The Law Enforcement and Corrections Standards and Testing Program is sponsored by the Office of Science and Technology of the National Institute of Justice (NIJ), U.S. Department of Justice. The program responds to the mandate of the Justice System Improvement Act of 1979, which created NIJ and directed it to encourage research and development to improve the criminal justice system and to disseminate the results to Federal, State, and local agencies.

The Law Enforcement and Corrections Standards and Testing Program is an applied research effort that determines the technological needs of justice system agencies, sets minimum performance standards for specific devices, tests commercially available equipment against those standards, and disseminates the standards and the test results to criminal justice agencies nationally and internationally.

The program operates through:

The *Law Enforcement and Corrections Technology Advisory Council* (LECTAC) consisting of nationally recognized criminal justice practitioners from Federal, State, and local agencies, which assesses technological needs and sets priorities for research programs and items to be evaluated and tested.

The *Office of Law Enforcement Standards* (OLES) at the National Institute of Standards and Technology, which develops voluntary national performance standards for compliance testing to ensure that individual items of equipment are suitable for use by criminal justice agencies. The standards are based upon laboratory testing and evaluation of representative samples of each item of equipment to determine the key attributes, develop test methods, and establish minimum performance requirements for each essential attribute. In addition to the highly technical standards, OLES also produces technical reports and user guidelines that explain in nontechnical terms the capabilities of available equipment.

The *National Law Enforcement and Corrections Technology Center* (NLECTC), operated by a grantee, which supervises a national compliance testing program conducted by independent laboratories. The standards developed by OLES serve as performance benchmarks against which commercial equipment is measured. The facilities, personnel, and testing capabilities of the independent laboratories are evaluated by OLES prior to testing each item of equipment, and OLES helps the NLECTC staff review and analyze data. Test results are published in Equipment Performance Reports designed to help justice system procurement officials make informed purchasing decisions.

Publications are available at no charge from the National Law Enforcement and Corrections Technology Center. Some documents are also available online through the Internet/World Wide Web. To request a document or additional information, call 800-248-2742 or 301-519-5060, or write:

National Law Enforcement and Corrections Technology Center
P.O. Box 1160
Rockville, MD 20849-1160
E-mail: asknlectc@nlectc.org
World Wide Web address: <http://www.nlectc.org>

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Autoloading Pistols for Police Officers

NIJ Standard-0112.03

Supersedes NIJ Standard-0112.02 dated January 1995

November 1998

GINC000082

National Institute of Justice

Jeremy Travis
Director

The technical effort to develop the initial issue of this standard was conducted under Interagency Agreement 94-IJ-R-004, Project No. 98-001CTT.

This standard was formulated by the Office of Law Enforcement Standards (OLES) of the National Institute of Standards and Technology (NIST) under the direction of Kathleen M. Higgins, Director of OLES.

The technical research was performed by Carter K. Lord, Weapons Technology Manager, of the National Law Enforcement and Corrections Technology Center—Rocky Mountain Region.

The preparation of this standard was sponsored by the National Institute of Justice, David G. Boyd, Director, Office of Science and Technology.

This standard has been reviewed and approved by the Weapons and Protective Systems Subcommittee and the Executive Committee of the Law Enforcement and Corrections Technology Advisory Council.

FOREWORD

This document, *NIJ Standard-0112.03, Autoloading Pistols for Police Officers*, is an equipment standard developed by the Office of Law Enforcement Standards of the National Institute of Standards and Technology. It is produced as part of the Law Enforcement and Corrections Standards and Testing Program of the National Institute of Justice. A brief description of the program appears on the inside front cover.

This standard is a technical document that specifies performance and other requirements equipment should meet to satisfy the needs of criminal justice agencies for high quality service. Purchasers can use the test methods described in this standard to determine whether a particular piece of equipment meets the essential requirements, or they may have the tests conducted on their behalf by a qualified testing laboratory. Procurement officials may also refer to this standard in their purchasing documents and require that equipment offered for purchase meet the requirements. Compliance with the requirements of the standard may be attested to by an independent laboratory or guaranteed by the vendor.

Because this NIJ standard is designed as a procurement aid, it provides precise and detailed test methods. For those who seek general guidance concerning the selection and application of law enforcement equipment, user guides have also been published. The guides explain in nontechnical language how to select equipment capable of the performance required by an agency.

NIJ standards are subjected to continuing review. Technical comments and recommended revisions are welcome. Please send suggestions to the Director, Office of Science and Technology, National Institute of Justice, U.S. Department of Justice, 810 7th St., NW, Washington, DC 20531.

Before citing this or any other NIJ standard in a contract document, users should verify that the most recent edition of the standard is used. Write to: Director, Office of Law Enforcement Standards, National Institute of Standards and Technology, Gaithersburg, MD 20899.

David G. Boyd, Director
Office of Science and Technology
National Institute of Justice

NIJ STANDARD FOR AUTOLOADING PISTOLS FOR POLICE OFFICERS

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COMMONLY USED SYMBOLS AND ABBREVIATIONS

A	ampere	H	henry	nm	nanometer
ac	alternating current	h	hour	No.	number
AM	amplitude modulation	hf	high frequency	o.d.	outside diameter
cd	candela	Hz	hertz (c/s)	Ω	ohm
cm	centimeter	i.d.	inside diameter	p.	page
CP	chemically pure	in	inch	Pa	pascal
c/s	cycle per second	ir	infrared	pe	probable error
d	day	J	joule	pp.	pages
dB	decibel	L	lambert	ppm	part per million
dc	direct current	L	liter	qt	quart
°C	degree Celsius	lb	pound	rad	radian
°F	degree Fahrenheit	lbf	pound-force	rf	radio frequency
dia	diameter	lbf·in	pound-force inch	rh	relative humidity
emf	electromotive force	lm	lumen	s	second
eq	equation	ln	logarithm (natural)	SD	standard deviation
F	farad	log	logarithm (common)	sec.	section
fc	footcandle	M	molar	SWR	standing wave ratio
fig.	figure	m	meter	uhf	ultrahigh frequency
FM	frequency modulation	min	minute	uv	ultraviolet
ft	foot	mm	millimeter	V	volt
ft/s	foot per second	mph	mile per hour	vhf	very high frequency
g	acceleration	m/s	meter per second	W	watt
g	gram	N	newton	λ	wavelength
gr	grain	N·m	newton meter	wt	weight

area=unit² (e.g., ft², in², etc.); volume=unit³ (e.g., ft³, m³, etc.)

PREFIXES

d	deci (10 ⁻¹)	da	deka (10)
c	centi (10 ⁻²)	h	hecto (10 ²)
m	milli (10 ⁻³)	k	kilo (10 ³)
μ	micro (10 ⁻⁶)	M	mega (10 ⁶)
n	nano (10 ⁻⁹)	G	giga (10 ⁹)
p	pico (10 ⁻¹²)	T	tera (10 ¹²)

COMMON CONVERSIONS

(See ASTM E380)

ft/s $\times$ 0.3048000 = m/s	lb $\times$ 0.4535924 = kg
ft $\times$ 0.3048 = m	lbf $\times$ 4.448222 = N
ft·lbf $\times$ 1.355818 = J	lbf/ft $\times$ 14.59390 = N/m
gr $\times$ 0.06479891 = g	lbf·in $\times$ 0.1129848 = N·m
in $\times$ 2.54 = cm	lbf/in ² $\times$ 6894.757 = Pa
kWh $\times$ 3600000 = J	mph $\times$ 1.609344 = km/h
	qt $\times$ 0.9463529 = L

Temperature: $(T_F - 32) \times 5/9 = T_C$

Temperature: $(T_C \times 9/5) + 32 = T_F$

NIJ STANDARD FOR AUTOLOADING PISTOLS FOR POLICE OFFICERS

1. PURPOSE AND SCOPE

This standard establishes performance requirements and test methods for pistols to be used by law enforcement officers. This standard is a general revision of and supersedes NIJ Standard-0112.02 dated January 1995, and addresses new pistol designs, calibers, revised procedures for verifying headspace, and general revision of the testing procedures. NIJ Standard-0112.02 added the 10 mm and 40 S&W calibers. This revision of the standard deletes the 10 mm and adds the 357 SIG caliber. This standard is intended for use in assessing the acceptability of new or reissue¹ autoloading pistols. It does not address specific safety devices, full or partial magazine release, pistol shot group size, accuracy, or sights, nor does this standard address service life (endurance testing).

2. CLASSIFICATION

The pistols covered by this standard are considered to be those typically carried by law enforcement personnel as their duty weapon.

3. DEFINITIONS

3.1 Barrel Groove Diameter

The diameter of the largest inscribed circle that can be placed inside the barrel.

3.2 Barrel Land Diameter

The diameter of the largest round rod which will fit into the bore of the barrel.

3.3 Double Action

A mode of operation that permits a single pull of the trigger to cock and fire the pistol. (See also **3.16 Single Action** and **3.17 Striker Fire Action**.)

3.4 Firing Malfunction

Failure to feed, fire, or eject a round. This is a subset of a malfunction.

3.5 Grip Safety

A passive safety device that requires an applied force on the grip before the pistol can be fired.

¹ All pistols must be examined and reconditioned as necessary by a trained armorer or gunsmith prior to reissue.

3.6 Hammer Spur

Extension of the hammer used to cock the hammer manually.

3.7 Headspace

The distance between the closed breech face of the firearm and the surface of the chamber on which the cartridge case seats.

3.8 Headspace Gage

A device used to facilitate measurement of headspace.

3.9 Magazine Safety

A passive safety device that prevents firing of the pistol unless a magazine is in place.

3.10 Malfunction

Failure to feed, fire, or eject a round or failure to accept or eject a magazine; or failure of the slide to remain open after the last round has been fired.

3.11 Minimum Bore and Groove Area

The minimum allowable open or unrestricted area of the barrel bore as specified by SAAMI² Standards.

3.12 Misfire

Failure to fire a round. (See **3.4 Firing Malfunction** and **3.10 Malfunction**).

3.13 Model

The manufacturer's designation which uniquely identifies a specific design of autoloading pistol.

3.14 Model Change

Any change in the design or construction of a model previously tested and found to comply with the NIJ Standard requires a new model designation and testing of the new model to determine compliance with the standard. A **Change in Design or Construction** is defined as any alteration to the basic design or construction of the pistol submitted for testing which, in the concurrent opinion of NIJ, NLECTC, and OLES, has the potential to effect the performance of the pistol in the field or as it relates to the required testing specified in the NIJ Standard.

Examples which would require retesting under a new and separate model designation include, but are not specifically limited to: Changes in/to: materials of construction (with the exception of the items listed below, and excluding finish); overall size or shape of the weapon; the designated caliber or chambering; the mechanical operation and configuration of the weapon, including safety mechanisms (with the exception of those items listed below); and magazine size or capacity which requires alteration to the grip area.

Examples which would not require retesting under a new and separate model designation include, but are not specifically limited to: Changes in/to: the finish of the pistol; minor variations in materials of construction (i.e., carbon steel vs. stainless steel) or alloys thereof; sights (fixed vs. adjustable); and the location of the safety mechanism (to accommodate left vs. right-handed shooters), as long as the design, configuration and operation of the safety mechanism remains identical to the previously tested and approved model.

Issues not specifically listed above will be reviewed on a case-by-case basis by NIJ, OLES, and NLECTC to determine whether or not a new test will be required.

² Sporting Arms and Ammunition Manufacturers Institute, an organization dedicated to establishing and maintaining industry standards for firearms and ammunition.

3.15 Safe Action

Striker fire action. (See 3.17 Striker Fire Action.)

3.16 Single Action

A mode of operation that uses the trigger to fire the pistol only. (See also 3.3 Double Action.)

3.17 Striker Fire Action

A pistol design which employs an internal striker mechanism to detonate the primer. In operation, the pistol is normally in a partially cocked condition. Pulling the trigger completes cocking the action, and then releases the striker mechanism to fire the pistol.

3.18 Trigger Pull

The force that must be applied to the trigger to fire the pistol.

4. REQUIREMENTS

4.1 Acceptance Criteria

To satisfy the requirements of this standard, both sample pistols (see Sec. 5.1) must pass all of the requirements and tests specified in this standard.

To be suitable for issue or reissue, a pistol model that has previously met the requirements of this standard must be reconditioned by a trained armorer or gunsmith and as a minimum meet the visual inspection requirements (Sec. 4.3), the dimensional requirements (Sec. 4.4), the functional requirements (Sec. 4.5), and the reissue firing requirement (Sec. 4.6.2).

4.2 User Information

The following minimum information must be supplied in the English language by the manufacturer:

- a. Instructions for field disassembly/assembly and diagram(s) identifying all parts.
- b. Cleaning instructions.
- c. A description of each safety feature designed into the pistol, how each safety feature is intended to function, and for those under shooter control, how the shooter should operate (activate/deactivate) each safety feature.
- d. A statement on ammunition known to be beyond the design limits of the pistol (e.g., +P ammunition in a pistol not designed to handle +P ammunition) and/or known not to function in the pistol.
- e. A statement identifying how a parts list may be obtained.
- f. Certification of compliance with this standard: Manufacturers are prohibited from placing any statement on the pistol itself, the labeling, or accompanying user information that in any way states, infers, or otherwise suggests that the model complies with the requirements of this standard until such time as the model has successfully completed testing at an NIJ-approved testing facility, and a letter of compliance for the model tested has been issued to the manufacturer by NLECTC. At that time, the manufacturer may place the following statement in the required user information:

“The manufacturer certifies that this model of autoloading pistol has been tested and found to comply with the requirements of NIJ Standard-0112.03, dated November, 1998.”

Manufacturers may supply any other information that they believe may be needed by the user for proper and safe operation of their handgun.

4.3 Visual Inspection

4.3.1 Hammer Travel

In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.

4.3.2 Particles

There shall be no loose chips, shavings or filings in the pistol.

4.3.3 Surface

The pistol shall have no chips, scratches, or burrs. There shall be no sharp edges or corners that could cut the shooter's hand while firing or during manual cycling of the pistol.

4.4 Dimensional Requirements

4.4.1 Barrel Bore Dimensions

The barrel bore diameter shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered (see App. A). The barrel shall meet the specifications for either bore and groove diameter or minimum bore and groove area.

4.4.2 Headspace

The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered (see App. A).

4.5 Functional Requirements

4.5.1 Action

The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests (see Secs. 5.5.1 and 5.6).

4.5.2 Ejection

The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test (Sec. 5.5.2) or the firing tests (Sec. 5.6), except as provided in Sections 4.6 and 4.8.

4.5.3 Trigger

- a. The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested in accordance with Section 5.5.3.³
- b. The double action trigger pull force shall be no more than 80 N (18 lbf) when tested in accordance with Section 5.5.3.³
- c. For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested in accordance with Section 5.5.3.³

4.5.4 Hammer

When tested in accordance with Section 5.5.4, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 1/4 lbf $\pm$ 1/4 lbf).

³ N, the metric unit of force, is equal to 0.2248 lbf. For the purpose of this standard all conversions from Newton to pound-force for required values and measurements have been rounded to the nearest 1/4 lbf.

4.5.5 Safety Features

The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety(s) with the shooting hand.

The pistol shall not fire when tested in accordance with Section 5.5.5.

4.5.6 Magazine

The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.

4.6 Firing Requirement

4.6.1 Model Qualification Firing Requirement

When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions no more than three shall be firing malfunctions not attributable to faulty ammunition (see Sec. 5.6).

4.6.2 Reissue Firing Requirement

The pistol shall function with the ammunition used by the issuing department when tested in accordance with Section 5.6.2. The department is free to increase the number of rounds to be fired. However, the minimum number of rounds that are required is equal to twice the maximum capacity of a magazine times the number of magazines issued with the pistol. For tests of 200 rounds or less, there shall be no more than one malfunction not attributable to faulty ammunition.

4.7 Drop Safety Requirement

The pistol shall not fire during the drop test described in Section 5.7.

4.8 Drop Function Requirement

The pistol shall exhibit no more than three malfunctions when tested as in Section 5.8.

5. TEST METHODS

All firing tests shall be performed with a shooter provided by the manufacturer. Mechanical rests, if desired by the manufacturer, may be used. In addition to the shooter, a manufacturer may have one additional representative present to witness the test. Should any test sample fail a specific test, the data for that test shall be recorded and testing continued, if possible, until all the tests required by this standard are completed.

In the event that a pistol model fails to comply with only one of the requirements of this standard, the manufacturer may elect to resubmit that model to NLECTC for retesting under the same model designation as previously tested. The manufacturer must include a written explanation with the samples submitted for retesting indicating why, in their opinion, the model failed this portion of testing and what steps they have taken to correct the cause of failure. Assuming that the steps taken do not fall under the definition of Model Change (Sec. 3.14), the model will be retested only for that portion of the test which it originally failed, with the exception of the Drop Function Test (Sec. 5.8), where the Drop Safety Test (Sec. 5.7) must also be performed.

A model which passes retesting under this criteria will be considered to be in compliance with the requirements of this standard. A model which fails retesting will have to be submitted under a new model designation.

Samples that fail more than one of the performance tests required by the standard shall be considered as having failed the compliance testing, and may not be resubmitted under the same model designation.

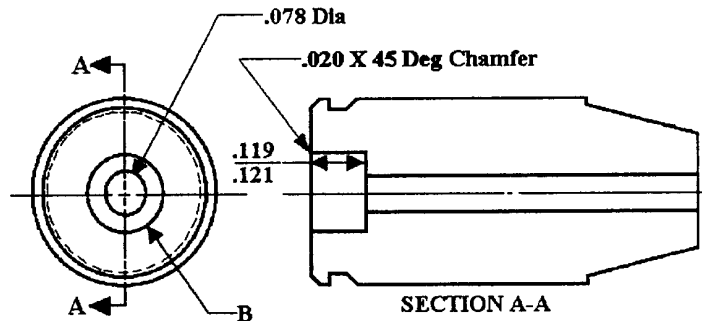
5.1 Sampling

Two representative samples of each pistol model to be tested are required. The samples can be selected at random from the current purchase lot for acceptance testing, recognizing that the two tested pistols probably will not be suitable for field issue after testing. NOTE: The pistols must be examined by a trained armorer or gunsmith after testing and reconditioned as necessary if issue of these two pistols is contemplated. Alternatively, two test pistols can be supplied by the manufacturer for qualification compliance testing separately from the purchase lot, in which case they shall be selected randomly from the current production.

5.2 Special Test Equipment

5.2.1 “Go,” “No-Go” Headspace Gages

These headspace gages are commercially available hardened steel gages used to verify the headspace of pistols firing from a locked breech condition. The “Go” gage verifies that the headspace of the pistol is equal to or greater than the SAAMI minimum headspace for the caliber for which the pistol is chambered. The “No-Go” gage verifies that the headspace of the pistol is not greater than the SAAMI maximum headspace for the caliber for which the pistol is chambered. The headspace gages to be used in this testing shall be standard commercial headspace gages, except that they shall be modified to permit the installation of a standard primer (of the appropriate size for the caliber of the gage), as well as a vent of 0.2 cm (0.078 in) dia located on the longitudinal axis of each gage (Fig. 1). Unfired primers will be in place in each headspace gage during the testing, and will be used to verify whether the hammer struck the firing pin with sufficient force to cause the pistol to fire during the headspace testing.



B = 0.4406 cm $\pm$.0013 cm (0.1735 in $\pm$.0005 in) Dia for 9 mm, 357 Sig & 40 S&W; 0.5308 cm $\pm$.0013 cm (0.2090 in $\pm$.0005 in) Dia for 45 ACP.

FIGURE 1. “Go,” “No-Go” headspace gages, modified for NIJ Standard-0112.03 tests.

5.3 Visual Inspection

Verify that the pistol is unloaded.

5.3.1 Hammer

Cock the external hammer, if one is present, to the single action full-cock position if the weapon will fire single action. Verify that there is perceptible travel past this position.

5.3.2 Particles

Examine the pistol. Note any shavings or filings that should not be inside the pistol.

5.3.3 Surface

Examine the pistol's surfaces. Note any chips, scratches, sharp edges, burrs, or rust spots.

5.4 Dimensional Tests

5.4.1 Barrel Bore Dimensions

The Barrel Bore dimensions shall be verified by either Sec. 5.4.1.1 or 5.4.1.2.

5.4.1.1 Groove and Land Diameters

Measure the diameter of the largest circle that can be inscribed in the bore of the barrel at the muzzle. This shall be the **"Groove Diameter,"** and shall be within the limits defined by SAAMI for the caliber of the pistol (see App. A).

Determine the largest diameter round rod which will fit into the bore of the barrel. This shall be the **"Land Diameter,"** and shall be within the limits defined by SAAMI for the caliber of the pistol (see App. A).

5.4.1.2 Minimum Bore and Groove Area

The **"Minimum Bore and Groove Area"** shall be determined in accordance with the SAAMI Standards, and shall meet or exceed the value specified for that specific caliber (see App. A).

5.4.2 Headspace

CAUTION: In all tests involving a headspace gage, do not force the gages or allow the mechanism to slam shut on a gage, since one or the other may be damaged.

NOTE: In all tests involving a headspace gage, verify that the extractor does not prevent the slide from reaching its forwardmost position—if the extractor does catch on the gage, manipulate the slide until the extractor slides over the rim of the gage, permitting the slide to move to its forwardmost position.

NOTE: In all tests involving a headspace gage with a live primer installed, the primer shall be seated flush with or 0.020 cm (0.008 in) below the base of the gage.

Examine the firing mechanism of the pistol to determine if the slide is physically restrained in a fixed position relative to the barrel when the weapon is ready to fire but without a cartridge in the chamber.

For pistols designed to physically lock the slide to the barrel in the firing position, verify that the headspace of the pistol meets the headspace requirements of this Standard in the following manner:

- a) Insert a "Go" headspace gage, with a live primer installed, into the chamber. Release the slide slowly until the slide stops and verify that the slide reached its mechanically locked position, and that the hammer will fall and strike the firing pin with sufficient force to cause the primer to detonate when all safeties are disengaged and the trigger is pulled.
- b) Remove the "Go" headspace gage, and install a "No-Go" headspace gage, with a live primer installed, into the chamber. Release the slide slowly until the slide stops and verify that the slide did not reach its mechanically locked position, and that the hammer is restricted from striking the firing pin (either will not fall or is blocked from striking the firing pin) with sufficient force to cause the primer to detonate when all safeties are disengaged and the trigger is pulled.

For pistols designed with slides that are not locked to the barrel in the firing position, verify that the headspace of the pistol meets the headspace requirements of this Standard in the following manner:

- a) Determine the location of the slide relative to the barrel at which the hammer will fall when all safeties are disengaged and the trigger is pulled without a round in the chamber.
- b) Insert a “Go” headspace gage, with a live primer installed, into the chamber. Release the slide slowly until the slide stops and verify that the slide travelled at least to the location noted in step a) above, and that the hammer will fall and strike the firing pin with sufficient force to cause the primer to detonate when all safeties are disengaged and the trigger is pulled.
- c) Insert a “No-Go” headspace gage, with a live primer installed, into the chamber. Release the slide slowly until the slide stops and verify that the slide will not travel to the location noted in step a) above, and that the hammer will not fall and strike the firing pin with sufficient force to cause the primer to detonate when all safeties are disengaged and the trigger is pulled.

5.5 Function Tests

5.5.1 Action

- a. Operate the unloaded pistol in all of its action modes.
- b. Pull the slide fully to the rear and release it to battery position. In each case note any sticking, binding, grittiness, or hesitation.

5.5.2 Ejection Test

Load the pistol with a full magazine of ammunition and then fire the full load into a bullet trap or other suitable device. Note any failure to eject, if any ejected cases hit the shooter, and whether the slide remains open after the last round.

5.5.3 Trigger Pull Test

With the pistol empty, apply a load to the rearmost part of the front surface of the trigger so that the load is parallel to the barrel to within 5° (Fig. 2). Weights or spring gages may be used to apply the specified load. If weights are used (which is the recommended method), the pistol shall be mounted in a fixture with the barrel vertical, and the muzzle up.

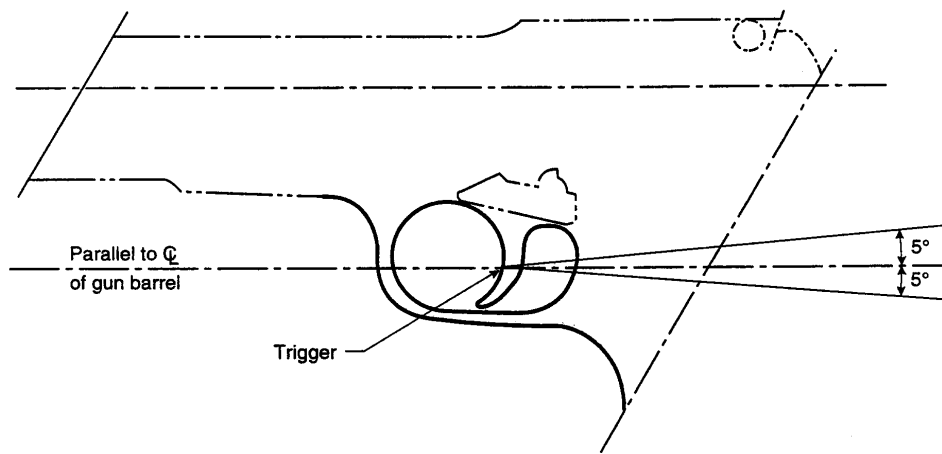


FIGURE 2. Trigger pull test setup.

- a. Single action. Cock the hammer or striker. Apply a 12 N (2 3/4 lbf) load to the trigger and uniformly increase it in 1 N (1/4 lbf) increments until the load of 36 N (8 lbf) has been applied or until the hammer releases. Record the load.
- b. Double action and Striker Fire Action. With the hammer or striker in the normal carry position, apply a 12 N (2 3/4 lbf) load to the trigger and uniformly increase it in 1 N (1/4 lbf) increments until a load of 80 N (18 lbf) has been applied or until the pistol cocks and fires on the empty chamber. Record the load.

5.5.4 Hammer “Push-Off” Test

With the pistol empty, cock the hammer if the weapon will fire single action and release it by pulling the trigger several times to check for smoothness of operation. Fully cock the hammer and load it with a $46 \text{ N} \pm 1 \text{ N}$ (10 1/4 lbf $\pm 1/4$ lbf) force applied to the rearmost part of the hammer spur and tangential to hammer’s arc (Fig. 3).

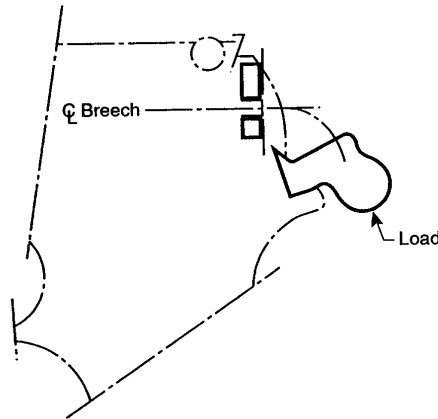


FIGURE 3. Hammer test setup.

5.5.5 Safety Features Test

Obtain from the manufacturer a description of the design feature(s) included in the pistol to ensure that the pistol will discharge only through the proper operation of the trigger mechanism, the list of parts that implement the design feature(s), and the manner in which the safety feature(s) operate. Verify that all of the safety parts are present, that they operate in the manufacturer’s intended manner, and that the feature(s) perform their intended function. Note: This description should be in the user information supplied by the manufacturer (see Sec. 4.2).

Chamber a primed case (no propellant or projectile) and attempt to fire the pistol, with the safety device engaged, into a bullet trap or other suitable device to determine whether the round discharges. If a pistol has more than one safety device, disengage all but one to conduct the test. Repeat, using the second safety device. Continue in this manner until all safety devices have been tested. In some designs the removal of parts to disable one safety feature may affect the performance of another safety feature. If assistance is needed to test each safety feature independently, consult with the manufacturer.

5.5.6 Magazine Test

Check the ease of insertion and removal of the magazine(s) by inserting each unloaded magazine into the pistol and releasing it in accordance with the manufacturer’s instructions. Note any binding or sticking during insertion and release.

5.6 Firing Test

5.6.1 Model Qualification Firing Test

Fire a total of 600 rounds of ammunition as shown by cartridge type in Appendix B. For pistols with both a single and double action mode, fire the first round of each magazine in double action mode. Before firing, examine the pistol for defects such as loose screws, cracks, etc. After every 200 rounds tighten any loose screws, measure trigger pull

(Sec. 5.5.3) and headspace (Sec. 5.4.2), and clean the pistol according to the manufacturer's recommendations in the provided user information. Also, determine from the manufacturer how, without firing the pistol, to lower the hammer when there is a live round in the pistol's chamber. It is necessary for safety reasons to be sure of the correct procedure. Place an empty magazine in the pistol, pull the slide all the way to the rear, and verify that the slide hold-open mechanism operates. Remove the magazine from the pistol and verify that the slide remains open. Load the magazine to maximum capacity, point the pistol at a suitable bullet trap, and insert the loaded magazine into the pistol. Release the slide hold-open mechanism to chamber a round. For double action pistols, lower the hammer so that the first shot can be fired in double action mode. Fire into a bullet trap or other suitable device until the magazine is empty. Fire the first six rounds in 5 s. The firing rate for the remainder of the test must be at least one round every 2 s and no greater than two rounds per second. Increments of 100 rounds must be fired with no delays except to reload or to determine causes of malfunctions. Note all misfires and whether the pistol ejects and feeds properly. Also observe whether the slide remains in the open position after the last round in the magazine has been fired.

After each magazine has been emptied, check the release mechanism for easy removal of the magazine. Check for smooth easy insertion of the reloaded magazine.

If feed or release problems are experienced during the first 50 rounds, replace the magazine with a different one and continue testing to determine whether the problems were caused by a faulty magazine. If a faulty magazine is suspected, note that the magazine was suspect and begin testing again at round zero with the new magazine.

Should three or more misfires occur during the 600 round test sequence, examine the primers in the misfired cartridges. If it is obvious that the misfires are the fault of the pistol (e.g., very shallow or no indentation of the primer), the pistol has failed to meet the requirements of the standard. If it is not obvious that the misfires are the fault of the pistol, repeat the entire firing test as stated above, except that the dimensional measurements (headspace, trigger pull) need not be made. If the pistol passes the second 600 round test, it meets the requirements. If three or more misfires occur during the second 600 rounds, and again it is not clearly the fault of the pistol, the ammunition manufacturer should be consulted to determine the condition of the misfired ammunition.

5.6.2 Reissue Firing Requirement

Perform the firing test of Section 5.6.1 using the department's standard issue ammunition and the magazine(s) that will be issued with the pistol. If there is more than one magazine, each magazine is to be used an equal number of times. The dimensional measurements (headspace, trigger pull) need not be made. Should there be too many malfunctions proceed as in Section 5.6.1 to determine if the ammunition is at fault.

5.7 Drop Safety Test

Pull the slide fully rearward and lock it in the rear position. Insert a primed case (no powder or projectile) into the chamber. Release the slide, allowing it to move forward under the impetus of the recoil spring. Insert a magazine loaded to capacity with dummy ammunition (a standard round with projectile in place, but no primer and no propellant), and place the pistol in a drop fixture capable of dropping the pistol from a drop height of 1.22 m (4 ft) onto a 85 ± 5 Durometer (Shore A) rubber mat, 2.54 cm (1 in) thick, backed by concrete. The mat and concrete shall be large enough so that when the pistol is dropped it will fall and come to rest without interference within the perimeter of the mat. The drop height shall be measured from the surface of the rubber mat to the center of gravity of the firearm. The center of gravity shall be determined to an accuracy of ± 2.54 cm (1 in) by any recognized method for finding the center of gravity of an irregular object. The pistol shall be cycled and returned to the specified testing condition after each drop, or a separate pistol may be used for each drop.

The pistol shall not be dropped from a hand; a fixture is required. However, the pistol shall be dropped in the condition (i.e., cocked, no manual safety applied, etc.) that the pistol would be in if it were dropped from a hand. If the design of the pistol is such that upon leaving the hand a "safety" is automatically applied by the pistol, this feature shall not be defeated. One fixture found to be suitable consists of a short piece of string with the pistol attached at one end and the other end held in an air vise until the drop is initiated.

The following six drops are required:

1. Normal firing position; barrel horizontal.
2. Upside down; barrel horizontal.
3. On grip; barrel vertical.
4. On muzzle; barrel vertical.
5. On either side; barrel horizontal.
6. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise on the rearmost point of the pistol.

Examine the primer for indentations after each drop. If indentations are present, a fresh primed case must be used for the next drop. Firing of the primer constitutes failure of the test.

5.8 Drop Function Test

After completing the drops specified in the drop safety test (Sec. 5.7), examine the pistols for damage and note any cracks, chips, or other visible damage. For those pistols that passed the drop safety test without structural damage, insert a fully loaded magazine, chamber a round, point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20 round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.

APPENDIX A—REFERENCE DIMENSIONS

TABLE A—Bore Dimensions*
(dimensions in millimeters (inches))

Caliber	Land Dia. (min)	Groove Dia. (max)	Min. Bore & Groove Area, mm ² (in ²)
9 mm Luger	8.8 (.346)	9.0 (.355)	2.46 (.0967)
357 Sig	8.8 (.346)	9.0 (.355)	2.46 (.0969)
40 S & W	10.0 (.390)	10.2 (.4005)	3.13 (.1233)
45 ACP	11.2 (.442)	11.4 (.450)	4.0 (.1570)

(dimensions in millimeters)

Caliber	Land Dia. (min)	Groove Dia. (max)	Min. Bore & Groove Area, cm ²
9 mm Luger	8.788	9.017	.6239
357 Sig	8.788	9.017	.6252
40 S & W	9.906	10.173	.7955
45 ACP	11.227	11.430	1.0129

TABLE B—Headspace Dimensions*
(dimensions in millimeters (inches))

Caliber	Minimum Headspace	Maximum Headspace
9 mm Luger	19.20 (.754)	19.71 (.776)
357 Sig	21.97 (.865)	22.28 (.877)
40 S & W	21.59 (.850)	21.90 (.862)
45 ACP	22.81 (.898)	23.37 (.920)

(dimensions in millimeters)

Caliber	Minimum Headspace	Maximum Headspace
9 mm Luger	19.152	19.710
357 Sig	21.971	22.276
40 S & W	21.590	21.895
45 ACP	22.809	23.368

* Presented for reference only—refer to SAAMI Standards.

APPENDIX B—AMMUNITION FOR FIRING TESTS

(Commercial Manufacturer, supplied by Pistol Manufacturer)

Caliber	200 Rounds	400 Rounds
9 mm Luger	115 g FMJ	124 g JHP
357 Sig	125 g FMJ	125 g JHP
40 S & W	155 g FMJ	180 g JHP
45 ACP	230 g FMJ	185 g JHP

APPENDIX C—TEST REPORT FORM

This Compliance Test Report form shall be used in conjunction with NIJ Standard-0112.03, Autoloading Pistols for Police Officers, and shall become a part of the official records of the compliance testing of pistols submitted. All sections of the form shall be completed.

Verification of the information recorded on the Compliance Test Report form shall be documented by the initials and date in the QA blocks provided of unbiased personnel assigned by NIJ (i.e., not a representative of either the test facility or pistol manufacturer), who will monitor the testing and verify information on this form.

COMPLIANCE TEST REPORT
Autoloading Pistols for Police Officers

Test Number: _____

5.1 Pistols Submitted for Testing:

Date submitted: _____

Manufacturer: _____

Address: _____

City, State, Zip: _____

Country: _____

This test is for (check one) **Compliance Testing:** _____ **Reissue:** _____

Pistol #1:

Brand Name: _____ Model: _____

Serial Number: _____ Caliber: _____

Action type (check one):

Single Action: ____ Double Action: ____ Double Action Only: ____ Striker Fire Action: ____

Magazine Capacity: _____ # Magazines provided with pistol: _____

Pistol Finish: _____

Safeties: Active: _____

Passive: _____

User Information Provided with Pistol Acceptable (see Sec. 4.2): (Y or N) _____

QA _____

Pistol #2:

Brand Name: _____ Model: _____

Serial Number: _____ Caliber: _____

Action type (check one):

Single Action: ____ Double Action: ____ Double Action Only: ____ Striker Fire Action: ____

Magazine Capacity: _____ # Magazines provided with pistol: _____

Pistol Finish: _____

Safeties: Active: _____

Passive: _____

User Information Provided with Pistol Acceptable (see Sec. 4.2): (Y or N) _____

QA _____

Compliance Test Report—Continued

5.3 Visual Inspection: Verify that the pistol is unloaded. **QA**_____

5.3.1 Hammer

Cock the external hammer, if one is present, to the single action full-cock position if the weapon will fire single action. Verify that there is perceptible travel past this position.

QA_____

5.3.2 Particles

Examine the pistol. Verify that there are no shavings or filings that should not be inside the pistol.

QA_____

5.3.3 Surface

Examine the pistol's surfaces. Note and record any chips, scratches, sharp edges, burrs, or rust spots.

QA_____

5.4 Dimensional Tests:

5.4.1 Barrel Bore Dimensions

The Barrel Bore dimensions shall be verified by either 5.4.1.1 or 5.4.1.2.

5.4.1.1 Groove and Land Diameter

Measured Groove Diameter: _____

Measured Land Diameter: _____

5.4.1.2 Minimum Bore and Groove Area

Minimum Bore and Groove Area: _____

Pistol #1 meets the SAAMI Standards for Bore Dimensions (Y or N): **QA**_____

Pistol #2 meets the SAAMI Standards for Bore Dimensions (Y or N): **QA**_____

5.4.2 Headspace

Pistol #1 meets the SAAMI Standards for Headspace (Y or N): **QA**_____

Pistol #2 meets the SAAMI Standards for Headspace (Y or N): **QA**_____

5.5 Function Tests

5.5.1 Action

Pistol #1 Action Function (Pass or Fail): _____ **QA**_____

comments: _____

Pistol #2 Action Function (Pass or Fail): _____ **QA**_____

comments: _____

Compliance Test Report—Continued**5.5.2 Ejection Test**Pistol #1 Ejection Test (Pass or Fail):_____ **QA**_____Pistol #2 Ejection Test (Pass or Fail):_____ **QA**_____**5.5.3 Trigger Pull Test**Pistol #1 Measured Trigger Pull:_____ **QA**_____Pistol #2 Measured Trigger Pull:_____ **QA**_____**5.5.4 Hammer “Push-Off” Test**Pistol #1 “Push-Off” (Pass or Fail):_____ **QA**_____Pistol #2 “Push-Off” (Pass or Fail):_____ **QA**_____**5.5.5 Safety Features Test**Pistol #1 Safety Features (Pass or Fail):_____ **QA**_____Pistol #2 Safety Features (Pass or Fail):_____ **QA**_____**5.5.6 Magazine Test**Pistol #1 Magazine Test (Pass or Fail):_____ **QA**_____Pistol #2 Magazine Test (Pass or Fail):_____ **QA**_____**5.6 Firing Test****5.6.1 Model Qualification Firing Test** (see Sec. 4.6.1 for number and types of malfunctions allowed)Pistol #1 Firing Test: # pistol-caused malfunctions:_____
types of malfunction(s):_____Pistol #1 Firing Retest: # pistol-caused malfunctions: _____
types of malfunction(s):_____Pistol #1 Firing Test (Pass or Fail):_____ **QA**_____Pistol #2 Firing Test: # pistol-caused malfunctions:_____
types of malfunction(s):_____Pistol #2 Firing Retest: # pistol-caused malfunctions: _____
types of malfunction(s):_____Pistol #2 Firing Test (Pass or Fail):_____ **QA**_____

Compliance Test Report—Continued**5.6.2 Reissue Firing Requirement** (if applicable):Pistol Serial Number _____ (Pass or Fail): _____ **QA** _____**5.7 Drop Safety Test:****Pistol #1:**Drop #1: Normal firing position; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #2: Upside down; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #3: On grip; barrel vertical. (Pass or Fail): _____ **QA** _____Drop #4: On muzzle; barrel vertical. (Pass or Fail): _____ **QA** _____Drop #5: On either side; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #6: If there is an exposed hammer or striker, on the rearmost point of that device; otherwise
on the rearmost point of the pistol. (Pass or Fail): _____ **QA** _____**Pistol #2:**Drop #1: Normal firing position; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #2: Upside down; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #3: On grip; barrel vertical. (Pass or Fail): _____ **QA** _____Drop #4: On muzzle; barrel vertical. (Pass or Fail): _____ **QA** _____Drop #5: On either side; barrel horizontal. (Pass or Fail): _____ **QA** _____Drop #6: If there is an exposed hammer or striker, on the rearmost point of that device; otherwise
on the rearmost point of the pistol. (Pass or Fail): _____ **QA** _____**5.8 Drop Function Test**

Pistol #1 after Drop Safety Test:

Cracks, chips, or other visible damage: _____

Structural damage (Yes or No): _____ **QA** _____

Drop Function test: # malfunctions: _____

Drop Function retest: # malfunctions: _____

Pistol #1 Drop Function Test (Pass or Fail): _____ **QA** _____

Pistol #2 after Drop Safety Test:

Cracks, chips, or other visible damage: _____

Structural damage (Yes or No): _____ **QA** _____

Drop Function test: # malfunctions: _____

Drop Function retest: # malfunctions: _____

Pistol #2 Drop Function Test (Pass or Fail): _____ **QA** _____

Compliance Test Report—Continued

Test Results

Test Number:_____

Date of Test: _____

Type of Test: Compliance_____ **Reissue**_____

Make: _____ **Model:** _____ **Caliber:**_____

Pistol #1 serial number:_____

Pistol #2 serial number:_____

Compliance Test (Pass or Fail): _____

Reissue Test (Pass or Fail):_____

Test Laboratory_____

Test Conductor: _____signature:_____

Manufacturer:_____

Mfg. Representative:_____signature:_____

Shooter (from Mfg.):_____signature:_____

Quality Assurance:_____signature:_____

This completed Compliance Test Report Form shall be submitted to:

NLECTC
ATTN: Testing Coordinator
2277 Research Blvd.
Rockville, MD 20850

for review and subsequent issuance of official NIJ Certificate of Compliance (if applicable).



Equipment Performance Report: 1999 Autoloading Pistols



U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

Equipment Performance Report: 1999 Autoloading Pistols

May 2000
NCJ 180751

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GINC000106

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The National Law Enforcement and Corrections Technology Center is supported by Cooperative Agreement #96-MU-MU-K011 awarded by the U.S. Department of Justice, National Institute of Justice. Analyses of test results do not represent product approval or endorsement by the National Institute of Justice, U.S. Department of Justice; the National Institute of Standards and Technology, U.S. Department of Commerce; or Aspen Systems Corporation.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

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About the National Institute of Justice

The National Institute of Justice (NIJ), a component of the Office of Justice Programs (OJP), is the research agency of the U.S. Department of Justice. Created by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, NIJ is authorized to support research, evaluation, and demonstration programs, development of technology, and both national and international information dissemination. Specific mandates of the Act direct NIJ to:

- Sponsor special projects and research and development programs that will improve and strengthen the criminal justice system and reduce or prevent crime.
- Conduct national demonstration projects that employ innovative or promising approaches for improving criminal justice.
- Develop new technologies to fight crime and improve criminal justice.
- Evaluate the effectiveness of criminal justice programs and identify programs that promise to be successful if continued or repeated.
- Recommend actions that can be taken by Federal, State, and local governments as well as by private organizations to improve criminal justice.
- Carry out research on criminal behavior.
- Develop new methods of crime prevention and reduction of crime and delinquency.

In recent years, NIJ has greatly expanded its initiatives, the result of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act), partnerships with other Federal agencies and private foundations, advances in technology, and a new international focus. Some examples of these new initiatives:

- New research and evaluation are exploring key issues in community policing, violence against

women, sentencing reforms, and specialized courts such as drug courts.

- Dual-use technologies are being developed to support national defense and local law enforcement needs.
- Four regional National Law Enforcement and Corrections Technology Centers (NLECTC), a Border Research and Technology Center, and three specialty offices have joined the National Center in Rockville, Maryland, to form the NLECTC system.
- The causes, treatment, and prevention of violence against women and violence within the family are being investigated in cooperation with several agencies of the U.S. Department of Health and Human Services.
- NIJ's links with the international community are being strengthened through membership in the United Nations (U.N.) network of criminological institutes; participation in developing the U.N. Criminal Justice Information Network; initiation of UNOJUST (U.N. Online Justice Clearinghouse), which electronically links the institutes to the U.N. network; and establishment of an NIJ International Center.
- The NIJ-administered criminal justice information clearinghouse, the world's largest, has improved its online capability.
- The Institute's Drug Use Forecasting (DUF) program has been expanded and enhanced. Renamed ADAM (Arrestee Drug Abuse Monitoring), the program will increase the number of drug-testing sites, and its role as a "platform" for studying drug-related crime will grow.
- NIJ's new Crime Mapping Research Center will provide training in computer mapping technology, collect and archive geocoded crime data, and develop analytic software.

About the National Institute of Justice

- The Institute's program of intramural research has been expanded and enhanced.

The Institute Director, who is appointed by the President and confirmed by the Senate, establishes the Institute's objectives, guided by the priorities of

OJP, the Department of Justice, and the needs of the criminal justice field. The Institute actively solicits the views of criminal justice professionals and researchers in the continuing search for answers that inform public policymaking in crime and justice.

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About the Law Enforcement and Corrections Standards and Testing Program

The Law Enforcement and Corrections Standards and Testing Program is sponsored by the Office of Science and Technology of the National Institute of Justice (NIJ), U.S. Department of Justice. The program responds to the mandate of the Justice System Improvement Act of 1979, which directed NIJ to encourage research and development to improve the criminal justice system and to disseminate the results to Federal, State, and local agencies.

The Law Enforcement and Corrections Standards and Testing Program is an applied research effort that determines the technological needs of justice system agencies, sets minimum performance standards for specific devices, tests commercially available equipment against those standards, and disseminates the standards and the test results to criminal justice agencies nationwide and internationally.

The program operates through the following:

- The **Law Enforcement and Corrections Technology Advisory Council (LECTAC)**, consisting of nationally recognized criminal justice practitioners from Federal, State, and local agencies, assesses technological needs and sets priorities for research programs and items to be evaluated and tested.
- The **Office of Law Enforcement Standards (OLES)** at the National Institute of Standards and Technology develops voluntary national performance standards for compliance testing to ensure that individual items of equipment are suitable for use by criminal justice agencies. The equipment standards developed by OLES are based upon laboratory evaluation of commercially available products in order to devise precise test methods that can be universally applied by any qualified testing laboratory and to establish minimum performance requirements for each attribute of a piece of equipment that is essential to how it functions. OLES-

developed standards can serve as design criteria for manufacturers or as the basis for equipment evaluation. The application of the standards, which are highly technical in nature, is augmented through the publication of equipment performance reports and user guides. Individual jurisdictions may use the standards in their own laboratories to test equipment, have equipment tested on their behalf using the standards, or cite the standards in procurement specifications.

- The **National Law Enforcement and Corrections Technology Center (NLECTC)**, operated by a grantee, supervises a national compliance testing program conducted by independent laboratories. The standards developed by OLES serve as performance benchmarks against which commercial equipment is measured. The facilities, personnel, and testing capabilities of the independent laboratories are evaluated by OLES prior to testing each item of equipment. In addition, OLES helps NLECTC staff review and analyze data. Test results are published in consumer product reports designed to help justice system procurement officials make informed purchasing decisions.

Publications are available at no charge through NLECTC. Some documents are also available online through the Justice Technology Information Network (JUSTNET), the center's Internet/World Wide Web site. To request a document or additional information, call 800-248-2742 or 301-519-5060, or write:

National Law Enforcement and Corrections Technology Center
P.O. Box 1160
Rockville, MD 20849-1160

E-mail: asknlectc@nlectc.org
World Wide Web address: <http://www.nlectc.org>

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About the National Law Enforcement and Corrections Technology Center System

The National Law Enforcement and Corrections Technology Center (NLECTC) system exists to support the Nation's structure of State and local law enforcement and corrections. The United States has more than 18,000 law enforcement agencies, 50 State correctional systems, and thousands of prisons and jails. The fragmented nature of law enforcement and corrections impedes the dissemination of valuable new information, fosters a patchwork marketplace that discourages the commercialization of new technologies, and underscores the need for uniform performance standards for equipment and technologies.

The National Institute of Justice's (NIJ's) Office of Science and Technology (OS&T) created NLECTC in 1994 as a national system of technology centers that are clearinghouses of information and sources of technology assistance and that also attend to special needs, including technology commercialization and standards development.

The NLECTC system's purpose is to determine the needs of the law enforcement and corrections communities and assist them in understanding, using, and benefiting from new and existing technologies that, increasingly, are vital levers of progress in criminal justice. It is especially important to note that NIJ/OS&T and the NLECTC system are the only current programs developed by the Federal Government that focus solely on the development and transfer of technologies to State and local law enforcement and corrections.

NLECTC is a program of NIJ, the research and development arm of the U.S. Department of Justice. The system currently consists of a national center, four regional centers, and three specialty centers. Also contributing to the initiatives of the center system is the Office of Law Enforcement Standards.

The centers are colocated with a host organization or agency that specializes in one or more areas of technology research and development.

The National Center, located in Rockville, Maryland, is the system's information hub. Regional centers are currently located in California, Colorado, New York, and South Carolina. Specialty centers located around the country deal with border matters (California), commercialization of law enforcement and corrections technologies (West Virginia), and forensic science (Florida).

Each center shares roles with the other centers and has distinctive characteristics. All are focused on helping law enforcement and corrections take full advantage of technology's rapidly growing capacity to serve the purposes of crime control and the criminal justice system.

A national body of criminal justice professionals, the Law Enforcement and Corrections Technology Advisory Council (LECTAC), helps identify research and development priorities, thereby influencing the work of the NLECTC system. In addition, each NLECTC center has a regional advisory council of law enforcement and corrections officials. Together, LECTAC and the advisory councils help to keep the NLECTC system attentive to technological priorities and the needs of law enforcement and corrections. They help to link the end user with the developer to create technologies that adequately meet operational requirements and establish which potential technologies should be pursued for development.

All of the current regional centers have distinctive roles or focus areas, that, in many cases, are aligned with the expertise of host organizations and agencies. The centers are currently operated

About the National Law Enforcement and Corrections Technology Center System

under cooperative agreements or interagency agreements with host organizations and agencies whose employees staff the centers.

To receive more information or to add your name to the NLECTC mailing list, call 800-248-2742 or 301-519-5060, or write:

National Law Enforcement and Corrections Technology Center

P.O. Box 1160
Rockville, MD 20849-1160
E-mail: asknlectc@nlectc.org
World Wide Web address: <http://www.nlectc.org>

The following is a list of NLECTC regional and affiliated facilities that assist NIJ in fulfilling its mission.

NLECTC-Northeast

26 Electronic Parkway
Rome, NY 13441-4514
(p) 888-338-0584
(f) 315-330-4315
E-mail: nlectc_ne@rl.af.mil

NLECTC-Southeast

5300 International Boulevard
North Charleston, SC 29418
(p) 800-292-4385
(f) 843-760-4611
E-mail: nlectc-se@nlectc-se.org

NLECTC-Rocky Mountain

2050 East Iliff Avenue
Denver, CO 80208
(p) 800-416-8086
(f) 303-871-2500
E-mail: nlectc@du.edu

NLECTC-West

c/o The Aerospace Corporation
2350 East El Segundo Boulevard
El Segundo, CA 90245-4691
(p) 888-548-1618
(f) 310-336-2227
E-mail: nlectc@law-west.org

Border Research and Technology Center

225 Broadway
Suite 740
San Diego, CA 92101
(p) 888-656-2782
(f) 888-660-2782
E-mail: brtcchrisa@aol.com

Office of Law Enforcement Standards

100 Bureau Drive, Stop 8102
Gaithersburg, MD 20899-8102
(p) 301-975-2757
(f) 301-948-0978
E-mail: oles@nist.gov

Office of Law Enforcement Technology Commercialization

Wheeling Jesuit University
316 Washington Avenue
Wheeling, WV 26003
(p) 888-306-5382
(f) 304-243-2131
E-mail: oletc@nttc.edu

National Center for Forensic Science

University of Central Florida
P.O. Box 162367
Orlando, FL 32816-2367
(p) 407-823-6469
(f) 407-823-3162
E-mail: natlctr@pegasus.cc.ucf.edu

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About the Office of Law Enforcement Standards

The Office of Law Enforcement Standards (OLES) was established as a matrix management organization in 1971 through a Memorandum of Understanding between the U.S. Departments of Justice and Commerce based upon the recommendations of the President's Commission on Crime. OLES' mission is to apply science and technology to the needs of the criminal justice community, including law enforcement, corrections, forensic science, and the fire service. While its major objective is to develop minimum performance standards, which are promulgated as voluntary national standards, OLES also undertakes studies leading to the publication of technical reports and user guides.

The areas of research investigated by OLES include clothing, communication systems, emergency equipment, investigative aids, protective equipment, security systems, vehicles, weapons, and analytical techniques and standard reference materials used by the forensic science community. The composition of OLES' projects varies depending upon priorities of the criminal justice community at any given time and, as necessary, draws upon the resources of the National Institute of Standards and Technology.

OLES assists law enforcement and criminal justice agencies in acquiring, on a cost-effective basis, the high-quality resources they need to do their jobs. To accomplish this, OLES:

- Develops methods for testing equipment performance and examining evidentiary materials.

- Develops standards for equipment and operating procedures.
- Develops standard reference materials.
- Performs other scientific and engineering research as required.

Since the program began in 1971, OLES has coordinated the development of nearly 200 standards, user guides, and advisory reports. Topics range from performance parameters of police patrol vehicles, to performance reports on various speed-measuring devices, to soft body armor testing, to analytical procedures for developing DNA profiles.

The application of technology to enhance the efficiency and effectiveness of the criminal justice community continues to increase. The proper adoption of the products resulting from emerging technologies and the assessment of performance of equipment, systems, methodologies, etc., used by criminal justice practitioners constitute critical issues that have safety and legal ramifications. The consequences of inadequate equipment performance or inadequate test methods can range from inconvenient to catastrophic. In addition, these deficiencies can adversely affect the general population when they increase public safety costs, preclude arrest, or result in evidence found to be inadmissible in court.

Equipment Performance Report: 1999 Autoloading Pistols

Executive Summary

A firearm is one of the most critical pieces of equipment carried by a law enforcement officer. It serves as a constant reminder of the unique responsibility that a police officer has to utilize deadly force when needed to protect his or her life or the lives of citizens. A firearm that does not work reliably can result in serious injury or death to the officer, and possibly to bystanders.

Recognizing that the vast majority of law enforcement agencies today use autoloading pistols as their issued duty weapon, the National Institute of Justice (NIJ), through its National Law Enforcement and Corrections Technology Center (NLECTC) system, recently performed a series of tests for autoloading pistols. The tests were performed in accordance with the requirements of the revised version of *Autoloading Pistols for Police Officers, NIJ Standard-0112.03 (Revision A)*, dated July 1999.

This standard establishes performance requirements and test methods for pistols used by law enforcement officers as their duty weapon, and is intended for use in assessing the acceptability of new or reissued autoloading pistols. (All pistols must be examined and reconditioned as necessary by a trained armorer or gunsmith prior to reissue.) This standard does not address specific safety devices, full or partial magazine release, pistol shot group size, accuracy, sights, or service life (endurance testing). It is important to note that the test methods and information detailed in this report address the performance requirements specific to the needs of the law enforcement community. The data and other information found in this report should not be interpreted or used for general consumer purposes (i.e., for use by private citizens in selecting or purchasing firearms for sporting use or personal protection).

The standard is a general revision of and supersedes *NIJ Standard-0112.02*, dated January 1995, and addresses new pistol designs, calibers (replacing the 10mm with the .357 SIG caliber), revised procedures for verifying headspace, and general revision of the testing procedures. *NIJ Standard-0112.03 (Revision*

A) addresses four calibers of weapons: the 9mm Luger, .357 SIG, .40 S&W, and .45 ACP. These are the four calibers that are commonly chosen by law enforcement agencies as their primary duty weapon. *Revision A* of *NIJ Standard-0112.03* clarifies procedures for test methods and incorporates data collection and revised reporting requirements.

The requirements of *NIJ Standard-0112.03 (Revision A)* are very stringent, as they represent the level of performance required for a pistol that is fully capable of service use under the demanding conditions and environments in which law enforcement officers work. NLECTC testing requires that the samples tested be combat ready directly “out of the box.” In the interest of safety, however, it is recommended that when an agency purchases new pistols, each pistol should be examined by a qualified armorer and judged to be combat ready before being issued.

To comply with the requirements of the standard, two representative samples of a pistol model must successfully pass all informational, functional, and test requirements defined in the standard. These requirements are discussed in detail later in this document. There are no provisions for partial compliance with the standard. However, a model that fails only one of the testing requirements may be submitted for retesting to that specific test. But the manufacturer must provide a written explanation indicating why—in the manufacturer’s opinion—the model failed that portion of the test, as well as what steps will be taken to correct the problem. Once the model passes the retest, it will be found to comply with the requirements of the standard. Any significant change in the construction of the pistol by the manufacturer requires that it be submitted under a new model designation and tested to all of the requirements of the standard.

In the summer of 1999, NLECTC contacted the major manufacturers of autoloading pistols for law enforcement use and requested that they provide pistols chambered in each of the four calibers specified

Executive Summary

in the standard for testing. Eight manufacturers (Colt's Manufacturing Company, Inc.; Glock, Inc.; Kahr Arms; Kimber Manufacturing, Inc.; SIG Arms, Inc.; Smith & Wesson; Sturm, Ruger & Company; and Taurus International Manufacturing, Inc.) agreed to submit a total of 23 pistol models for testing. The models and calibers tested are detailed in table 1.

NLECTC issued subcontracts to two independent testing laboratories (H.P. White Laboratory, Inc., Street, Maryland; and United States Test Laboratory, LLC, Wichita, Kansas) to perform this testing. Both laboratories submitted proposals that were evaluated by NIJ, the Office of Law Enforcement Standards (OLES), and NLECTC. Both laboratories then successfully demonstrated their capabilities to perform testing in accordance with *NIJ Standard-0112.03*

(*Revision A*) by conducting preliminary tests on two pistols of the same model, which were provided by NLECTC. Additionally, a representative from either NLECTC or OLES witnessed all testing described in this report.

Testing was performed between August and October 1999. The pistols were divided randomly by NLECTC between the two laboratories, so that each laboratory tested as equal a total number of pistols as possible, as well as an equal number of pistols in each caliber as possible. Test results showed that 17 of the 23 pistol models complied with the standard. Three models failed to comply with two or more of the critical test areas of the standard and were therefore not eligible for retesting. Two models failed one of the test requirements. However, each model was eligible for

Table 1. Listing of Models Tested

Manufacturer	Model	Caliber	Magazine Capacity (Number of Rounds)	Action Type
Colt's Manufacturing Company, Inc.	Government	.45 ACP	8	Single
Glock, Inc.	17	9mm Luger	17	Striker Fire
	21	.45 ACP	13	Striker Fire
	22	.40 S&W	15	Striker Fire
	31	.357 SIG	15	Striker Fire
Kahr Arms	K9	9mm Luger	7	Striker Fire
	MK40	.40 S&W	6	Striker Fire
Kimber Manufacturing, Inc.	Stainless Ultra Carry	.40 S&W	7	Single
	Ultra Carry	.45 ACP	6	Single
SIG Arms, Inc.	P220	.45 ACP	7	Double
	P229	9mm Luger	13	Double
	P229	.40 S&W	12	Double
	SP2340	.357 SIG	12	Double
Smith & Wesson	SW99	.40 S&W	12	Striker Fire
	4566	.45 ACP	8	Double
	5946	9mm Luger	15	Double Only
Sturm, Ruger & Company	P94DC	.40 S&W	10	Double
	P95DAO	9mm Luger	10	Double Only
	P97DC	.45 ACP	8	Double
Taurus International Manufacturing, Inc.	PT92AF	9mm Luger	15	Double
	PT940	.40 S&W	10	Double
	PT945	.45 ACP	8	Double
	PT957	.357 SIG	10	Double

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limited retesting in its respective areas of failure. Both models failed to comply upon retesting. Another model failed one of the test requirements (dimensional); the manufacturer elected not to submit the model for retesting. Summaries of the test results can be found in tables 2 and 3 in the summary section.

For the purposes of this report, no attempt has been made to rank the pistols according to their test results aside from compliance and noncompliance with the standard. Consequently, all models that are found to comply with the requirements of *NIJ Standard-0112.03 (Revision A)* are considered equal. NLECTC recommends that agencies carefully review the information contained in this report and base their purchasing decisions on the extent that failure to comply with a specific requirement limits the pistol's ability to meet the agency's needs. It is a reasonable assumption that a pistol that complies with **all** requirements of the NIJ standard is preferable to a pistol that does not comply with all requirements of the standard. However, if through a careful assessment of an agency's operational requirements, it is determined that a particular requirement of the standard is not essential, then noncompliance with that requirement need not be a disqualifying factor for a particular model. Conversely, if an agency desires certain requirements above and beyond those of the standard (e.g., a magazine with a minimum capacity of 15 rounds, as opposed to the 6-round minimum capacities required by the standard; ambidextrous safeties; night sights; and accuracy requirements, such as shot pattern size), a pistol that merely complies with the minimum requirements of the standard may not be suitable.

When an agency attempts to determine which, if any, of the requirements of *NIJ Standard-0112.03 (Revision A)* are not critical to its operational needs, it is important to recognize the level of skill and expertise needed to perform adjustments to an autoloading pistol. Individuals who have not had specific training either as an armorer or a gunsmith should never be allowed to make modifications or adjustments not specifically authorized in the manufacturer's literature that accompanies the pistol. Modifications or adjustments performed by untrained individuals may result in a pistol that is unsafe to use.

It is NLECTC's desire that this first round of testing will establish an ongoing voluntary compliance testing program for autoloading pistols, under which pistol manufacturers will submit other models sold to law enforcement agencies for testing on a continual basis. NLECTC would then publish periodic reports detailing new tests, as well as ongoing updates to the Autoloading Pistol Consumer Product List (CPL), to include new models tested and found to comply with the standard. To ensure that this testing program and its resulting reports meet the requirements of the law enforcement community, NLECTC desires input and feedback about the usefulness of this standard, the test procedures, or the equipment performance reports resulting from these tests, and suggestions for enhancements. Comments and suggestions may be sent in writing to NLECTC, c/o Autoloading Pistol Compliance Testing Program, P.O. Box 1160, Rockville, MD 20849–1160; faxed to 301–519–5149; or e-mailed to asknlectc@nlectc.org, Attention: Testing Manager.

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Minimum Performance Requirements, Methods of Testing, and Commentary

NIJ Standard-0112.03 (Revision A) establishes requirements and methods of testing for seven broad categories of pistol performance. The discussion that follows summarizes the specific requirements, briefly describes the manner in which compliance is tested or determined, and provides an explanation of the purposes for each requirement. To achieve compliance with the standard, both sample pistols of the same manufacturer and model must pass all of the following requirements and tests.

User Information

Requirements: At a minimum, the manufacturer must include with each pistol information detailing instructions for field disassembly/assembly and diagram(s) identifying all parts; cleaning instructions; a description of each safety feature designed into the pistol; a statement on ammunition known to be beyond the design limits of the pistol; and how a parts list may be obtained. Manufacturers may supply any other information that they believe may be needed by the user for proper and safe operation of their handgun.

Methodology: Compliance is determined by examining the information provided with each pistol, verifying that all required information is included and that the documentation is suitable for its intended purpose.

Commentary: This information is essential for the user in order to properly use and care for the pistol. *NIJ Standard-0112.03* changed the requirements for disassembly/assembly from “complete” to “field,” in recognition of the fact that certain pistols are not recommended to be completely disassembled by anyone other than a trained armorer or gunsmith. This provides a line officer to whom the pistol is issued sufficient information to perform routine or emergency cleaning and maintenance, but does not go beyond the manufacturer’s recommendations for “field stripping” a weapon.

Visual Inspection

Requirements: The pistol must meet the following visual inspection requirements:

1. In the single action mode (if the pistol has a “single action” mode), the hammer will have sufficient over-travel to ensure achievement of the full cocked position.
2. There will be no loose chips, shavings, or filings in the pistol.
3. The pistol will have no chips, scratches, or burrs. There will be no sharp edges or corners that could cut the shooter’s hand while firing or during manual cycling of the pistol.

Methodology: Compliance for each of these requirements is determined by:

1. Manually operating the hammer and visually confirming the presence of sufficient over-travel.
2. Visual inspection of the pistol.
3. Visual inspection of the pistol.

Commentary: The three visual inspection parameters either affect the pistol’s appearance or performance, or indicate its quality of workmanship. Sharp edges, chips, or burrs can injure and potentially disable the shooter.

Dimensional Requirements

Requirements: The pistol must meet the following dimensional requirements:

1. The barrel bore dimensions will be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.

Minimum Performance Requirements, Methods of Testing, and Commentary

2. The headspace will be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.

Methodology: Compliance for each of these requirements is determined by:

1. Measuring the barrel bore dimensions and verifying that they are in accordance with SAAMI specifications. Whenever possible, the preferred method is to measure the barrel bore dimensions by making a casting of the inside of the barrel and measuring the bore (land) and groove diameters and the groove width on the casting, which are measured with a set of calipers. For barrels that do not have lands and grooves (see the “commentary” section below), the minimum bore and groove area is calculated. If the minimum bore and groove area is to be evaluated, then these dimensions are substituted into a set of mathematical formulas to calculate that area.
2. Using commercially available headspace gauges (one sized to the appropriate tolerance (“go” gauge) and one that exceeds the appropriate tolerance (“no-go” gauge)), modified to accommodate an unfired primer, insert the “go” gauge into the chamber and slowly release the slide until it comes to rest against the gauge. Fire the pistol, which, if the pistol complies, will detonate the primer. Record the result. Remove the “go” gauge and repeat the test with the “no-go” gauge; to comply, the primer should not fire. Record the result.

Commentary: The barrel bore dimensions requirement ensures that the correct barrel has been fitted in the pistol and that safe operating pressures are maintained. The barrel complies with this requirement if either the bore and groove diameters meet SAAMI specifications or the calculated bore area meets SAAMI specifications. SAAMI specifications, approved and published by the American National Standards Institute (ANSI), are recognized throughout the industry as the preferred firearms manufacturing standards. To determine compliance, typically the bore and groove diameters are measured. However, this method is modified somewhat for certain types

of barrels. For example, polygonal bores do not have traditional lands and grooves, while other barrel designs may have rifling of some other shape, such as circular segments, which would make the bore appear to be scalloped edged. In these cases, the minimum bore and groove area specified by SAAMI must be met to ensure that safe chamber pressures are maintained. For any of these nontypical bores, new mathematical formulas are developed based on the unique barrel geometry, measurements are made of the key barrel features, and these values are substituted into the formulas to calculate the bore area.

Headspace is measured and verified to SAAMI specifications, as it is critical to the reliable and safe operation of an autoloading pistol. Excessive headspace can permit a minimum size cartridge to extend so far into the chamber that the firing pin will not reach the cartridge to fire it or to cause case rupture. Inadequate headspace can “jam” the pistol, keeping it from ejecting a spent casing.

Functional Requirements

Requirements: The pistol must meet the following functional requirements:

1. Action. The slide will operate smoothly without binding or sticking when operated by hand or during firing tests.
2. Ejection. The ejection mechanism shall eject cases without a hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8.
3. Trigger.
 - a. The single action trigger pull force will be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested.*
 - b. The double action trigger pull force will be no more than 80 N (18 lbf) when tested.*
 - c. For a pistol employing a striker fire mechanism, the trigger pull force will be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.*

*N, the metric unit of force, is equal to 0.2248 lbf. For the purpose of this standard, all conversions from Newton to pound-force for required values and measurements have been rounded to the nearest 1/4 lbf.

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4. Hammer. When tested, the hammer will operate smoothly without binding and will not release under an applied load of $46 \text{ N} \pm 1 \text{ N}$ ($10 \text{ lbf} \pm 1/4 \text{ lbf}$).
5. Safety Features. The pistol will have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, will be designed so that the pistol can be made fire-ready by releasing the safety(s) with the shooting hand. The pistol will not fire when tested with the safety feature(s) engaged.
6. Magazine. The magazine will have a capacity of six rounds, minimum, and will be capable of being released without removing the shooting hand from the pistol.

Methodology: Compliance for each of these requirements is determined by:

1. Operating the slide manually and determining if there is any evidence of sticking, binding, grittiness, or hesitation.
 2. Firing a full magazine of ammunition and noting any failure(s) to eject, if any of the ejected rounds struck the shooter in the head or torso, and if the slide remains open after the last round has been fired. For rounds that fail to eject properly, the shooter must determine if the cause can be attributed to faulty ammunition, which is usually manifested through numerous failures traced back to a specific lot of ammunition.
 3. Measuring the trigger pull force in both single and double action modes by securely mounting the pistol in a vise or other suitable device and placing incrementally increasing weights on the trigger until the firing pin releases.
 4. Operating the hammer and applying the required load in the cocked position.
 5. Operating the safety features and observing their operation, noting if they performed as intended.
 6. Loading a magazine to maximum capacity and inserting it into the pistol and releasing it.
- Commentary:* Each of the Functional Requirements is addressed correspondingly:
1. Action. The slide is a major functioning part of an autoloading pistol. It must operate smoothly, with no binding. The fit of the slide to the pistol can be assessed by operating it slowly by hand. Any hesitation or binding will affect the mechanical operation of the pistol.
 2. Ejection. An autoloading pistol uses a single barrel and a single chamber. Failure to eject a fired case prevents the loading of a new, unfired cartridge into the chamber. This renders the pistol inoperable until corrective action is taken. If the “jam” is of a severe nature and corrective action cannot be taken quickly, it may result in fatal consequences for the officer using the pistol. Also, the pistol should be designed so that ejected casings do not strike the shooter in the head or upper torso, as this could potentially disable or distract the shooter.
 3. Trigger. If a trigger pull is too “light,” or fires the pistol with a minimal effort, it may present a safety hazard. If the trigger pull is too “heavy,” or requires excessive effort to fire the pistol, it may be difficult to fire accurately and may indicate malfunctions within the internal firing mechanism. The test parameters of 3 to 8 pounds for single action and not more than 18 pounds for double action were determined through laboratory and field testing, and represent acceptable latitude in design and manufacturing, while maintaining safety and accuracy for most shooters.
 4. Hammer. When the internal parts of a pistol’s trigger and hammer fit correctly, the hammer will come to single action full cock and stay there until a sufficient force (pull) is applied to the trigger by the shooter. This parameter, generally called “push off,” verifies that the single action cocking surfaces mate properly and that the hammer will not release prematurely. Laboratory experiments have shown that 10 pounds was a reasonable load to verify that the full cock hammer notch was properly fitted to the sear.
 5. Safety Feature(s). The manufacturers of autoloading pistols include in their design various parts and features that give some degree of safety to their product. The intent of the standard is not to pass judgment on the suitability of a particular safety feature, or to determine which feature(s) are preferable by comparing them to those

Minimum Performance Requirements, Methods of Testing, and Commentary

features found on other models. The standard requires that a model of autoloading pistol have at least one safety feature incorporated into the pistol, and that the safety feature performs as intended by the manufacturer.

6. Magazine. For law enforcement and corrections duty service, an autoloading pistol should have at least the ammunition capacity of a duty revolver (six rounds). If the officer is to realize the benefit of the rapid reloading potential of a pistol, it must be possible to remove an empty magazine from the pistol without removing the shooting hand from the pistol.

Model Qualification Firing Requirement

Requirements: The pistol will fire 600 rounds of commercial ammunition with no structural or mechanical failures and no more than 5 malfunctions. Of the five allowable malfunctions, no more than three will be firing malfunctions (failure to feed, fire, or eject a round) not attributable to faulty ammunition.

Methodology: Compliance is determined by firing a total of 600 rounds of ammunition (200 rounds Full Metal Jacket (FMJ) and 400 rounds Jacketed Hollow Point (JHP)). Before firing, the pistol is examined for defects such as loose screws, cracks, etc. For pistols with both a single and double action mode, the first round of each magazine is fired in double action mode. The first six rounds are fired in 5 seconds. The firing rate for the remainder of the test must be at least one round every 2 seconds and no greater than two rounds per second. Increments of 100 rounds must be fired with no delays except to reload or to determine causes of malfunctions. All misfires and proper pistol ejections and feeds should be noted. After each magazine has been emptied, the release mechanism is checked for easy removal of the magazine. It is also checked for smooth, easy insertion of the reloaded magazine. The slide is checked to ensure that it remains in the open position after the last round in the magazine has been fired. After every 200 rounds, any loose screws are tightened, trigger pull and headspace are measured, and the pistol is cleaned according to the manufacturer's recommendations in the provided user information.

If feed or release problems are experienced during the first 50 rounds, the magazine is replaced with a different one and testing is continued to determine whether the problems were caused by a faulty magazine. If a faulty magazine is suspected, it is noted that the magazine was suspect, identifying it in the report by the number or letter on the bottom of the plate, and testing is continued from the point testing stopped with the new magazine.

Should 3 or more misfires occur during the 600-round test sequence, the primers are examined in the misfired cartridges. If it is obvious that the misfires are the fault of the pistol (e.g., very shallow or no indentation of the primer), the pistol has failed to meet the requirements of the standard. If it is not obvious that the misfires are the fault of the pistol, repeat the entire firing test as stated above, except that the dimensional measurements (headspace, trigger pull) need not be made. If the pistol passes the second 600-round test, it meets the requirements. If 3 or more misfires occur during the second 600 rounds, and again it is not clearly the fault of the pistol, the ammunition manufacturer should be consulted to determine the condition of the misfired ammunition.

Commentary: The firing requirement examines the pistol's ability to fire FMJ round nose and JHP blunt nose ammunition, which are the most common types of duty ammunition used. For informational purposes, headspace and trigger pull are measured after every 200 rounds fired to determine if any degradation in functional performance has occurred. The model fails if it has problems feeding, firing, or ejecting rounds that cannot be directly attributed to faulty ammunition, or if the slide does not remain in the open position after the last round has been ejected.

As noted earlier in this document, the standard is not an endurance or service life test that determines how many rounds can be fired before major component failures occur. It is intended to determine if the pistol meets basic workmanship, safety, and functional requirements and is "combat ready," or can be put into law enforcement or corrections duty service with few or no adjustments by a trained armorer or gunsmith. It has been established through previous testing initiatives that most problems become apparent during the first 200 or so rounds fired. The

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600-round firing test was established to ensure a sufficient number of rounds are fired to identify all firing problems, if any are present.

Drop Safety Requirement

Requirements: The pistol is dropped from a height of 4 feet onto a 1-inch-thick rubber mat, backed by concrete. The pistol will not fire (cartridge with a live primer, but no bullet) during the drop test. Each pistol is dropped from 7 different positions, with a different part of the pistol hitting the ground on each drop, for a total of 14 drops. Firing on any one of the 14 drops constitutes a failure for this test.

Methodology: A magazine is fully loaded with “dummy” ammunition (live primers, no gunpowder or bullet), inserted into the pistol, and a round is chambered. The pistol is suspended in a normal firing position (barrel horizontal and parallel to the floor surface) from a “cradle” made of string, held by a compressed-air controlled vise mounted to a fixture whose height can be adjusted incrementally. The lowermost part of the pistol is raised to a height of 1.22 meters (4 feet) from the surface of the concrete-backed rubber mat. The pistol is dropped by releasing the jaws of the air vise. If the primer detonates when the pistol hits the mat, it is considered a failure. The test is repeated for each of the six remaining positions:

- Upside down, barrel horizontal.
- On grip, barrel vertical.
- On muzzle, barrel vertical.
- On left side, barrel horizontal.
- On right side, barrel horizontal.
- On the rearmost point of that device, if there is an exposed hammer or striker; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.

Firing of the primer on any drop constitutes failure of the test.

Commentary: That a pistol may be dropped occasionally is a potential hazard of law enforcement and

corrections service. This could be a result of the pistol being improperly secured in the holster, a physical struggle with a combative suspect or arrestee, or any number of other circumstances. It is a reasonable requirement to expect the pistol not to discharge when dropped, as this poses a safety hazard to the officer and anyone in the officer’s immediate proximity. This test approximates a drop from a typical height encountered when drawing or firing the pistol. A rubber mat is used in consideration of the fact that due to the number of different drop positions that are required to fully determine if there are any “weak points” in the pistol design that may cause inadvertent firing, it may be unrealistic and unreasonable to expect a single pistol to pass seven consecutive drops onto bare concrete. The use of the rubber mat was viewed as the preferable alternative to using 14 different pistols for this test (one for each drop position, each position performed twice), which would have greatly increased the cost of the test.

Drop Function Requirement

Requirements: After completing the drop safety test, the pistol will fire 20 rounds with no more than 3 malfunctions.

Methodology: After completing the drops specified in the drop safety test, the pistols are thoroughly examined for any cracks, chips, or other visible damage, which is noted. For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, a fully loaded magazine is inserted, a round is chambered, and the pistol is pointed into a bullet trap or other suitable device. The ammunition is fired until it has been expended. The magazine is released (note any sticking or binding), reloaded, and the test is repeated until 20 rounds have been fired. Any misfires or malfunctions are noted. If there are more than 3 malfunctions, the 20-round firing test is repeated. If there are no more than three malfunctions during the repeated firing test, the pistol meets the requirements of this test.

Commentary: It is a reasonable requirement for law enforcement and corrections service to expect a pistol that has been accidentally dropped to still be able to function properly and safely, as an officer’s life

Minimum Performance Requirements, Methods of Testing, and Commentary

may depend on it. Most autoloading pistols intended for law enforcement service are designed to withstand rough or occasionally improper handling.

This requirement verifies that the pistol has been “ruggedized,” and will still operate correctly and safely after it has been dropped.

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Summary of Test Results

The following narrative provides a summary of the test results for all pistols tested, noting specific areas of failure. The accompanying tables (tables 2 and 3) provide a graphic summary of these results.

- **User Information:** Of the 23 models tested, all complied with the user information requirements.
- **Visual Inspection:** Of the 23 models tested, all complied with the visual inspection requirements.
- **Dimensional Requirements:** Of the 23 models tested, two failed to comply with the dimensional requirements. Further discussions with the manufacturer of one pistol revealed that it was manufactured to military specifications, which differ slightly from the SAAMI specifications. As the NIJ standard clearly stated that the pistols would be evaluated to SAAMI specifications, and participating manufacturers were provided a copy of the standard in advance of the testing, a request to waive this requirement was denied by NIJ. The manufacturer declined to submit a modified version of this pistol for retesting. For the second model that failed, both pistols' barrel bore and groove areas were determined to be smaller than the minimum tolerances specified by SAAMI
- **Functional Tests:** Of the 23 models tested, all complied with the functional test requirements.
- **Firing Tests:** Of the 23 models tested, 18 complied with the requirements of the firing test, and 5 failed to comply. Of the five that failed, all experienced the disqualifying condition between shots #201 and #400. Three of the five that failed were .40 S&W caliber pistols. Three of the pistols experienced magazine-related failures: The magazine

locking pin broke on one and was unable to keep a magazine secured in the pistol, and two experienced numerous failures to feed. The other two pistols that failed did so because they did not comply with the headspace tests taken after shot #400. One pistol was unable to fire in double action mode after shot #231 and was unable to complete the test.

- **Drop Safety Tests:** Of the 23 models tested, 21 complied with the requirements of the drop safety test, and 2 did not comply. One was unable to perform the drop test, as the magazine locking pin broke during the firing test, rendering it inoperable. The other pistol fired the live primer on drop #2, when the top surface of the slide impacted the rubber mat.
- **Drop Function Test:** Of the 23 models tested, 21 complied with the requirements of the drop function test, and 2 did not comply. One model was not tested, as it did not perform the drop safety tests due to a mechanical failure. It is interesting to note that the other pistol that did not comply was not the same pistol that failed to comply with the drop safety test. The pistol that failed experienced 5 malfunctions during the 20-round test.

Compliance

Overall, 17 of the 23 models tested were found to comply with the requirements of the standard. An analysis of the results by manufacturer and by caliber is in table 2. The models are listed in the Autoloading Pistols Consumer Product List.

Summary of Test Results

Table 2. Summary of Test Results (Pass/Fail) by Manufacturer and Caliber

Manufacturer	Total Pass	Total Fail	9mm Pass	9mm Fail	.357 SIG Pass	.357 SIG Fail	.40 S&W Pass	.40 S&W Fail	.45 ACP Pass	.45 ACP Fail
Colt's Manufacturing Co., Inc.	1	0	N	N	N	N	N	N	1	0
Glock, Inc.	4	0	1	0	1	0	1	0	1	0
Kahr Arms	1	1	1	0	N	N	0	1	N	N
Kimber Manufacturing, Inc.	0	2	N	N	N	N	0	1	0	1
SIG Arms, Inc.	3	1	1	0	1	0	0	1	1	0
Smith & Wesson	3	0	1	0	N	N	1	0	1	0
Sturm, Ruger & Company, Inc.	3	0	1	0	N	N	1	0	1	0
Taurus International Manufacturing, Inc.	2	2	1	0	0	1	1	0	0	1
TOTALS	17	6	6	0	2	1	4	3	5	2

N = Manufacturer did not provide a model in this caliber for testing.

It is interesting to note that 11 of the 13 (85 percent) 9mm and .45 ACP pistols tested complied with the standard, while only 6 of the 10 (60 percent) .357 SIG and .40 S&W models complied. It is possible that there may be a correlation between the fact that the .357 SIG and .40 S&W caliber models are rela-

tively new to the marketplace, while 9mm and .45 ACP models have a much longer history of use by both law enforcement and the military. It is hoped that further testing will be performed for all calibers, which will assist in identifying any further trends of this type.

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Table 3. Summary of Test Results

Manufacturer/Model	User Information	Visual Inspection	Dimensional Requirements	Functional Tests	Firing Tests	Drop Safety Test	Drop Function Test	Compliance
9mm Luger:								
Glock/17	●	●	●	●	●	●	●	Yes
Kahr/K9	●	●	●	●	●	●	●	Yes
SIG Arms/P229	●	●	●	●	●	●	●	Yes
S&W/5946	●	●	●	●	●	●	●	Yes
Ruger/P95DAO	●	●	●	●	●	●	●	Yes
Taurus/PT92AF	●	●	●	●	●	●	●	Yes
.357 SIG:								
Glock/31	●	●	●	●	●	●	●	Yes
SIG Arms/SP2340	●	●	●	●	●	●	●	Yes
Taurus/PT957	●	●	●	●	○	●	●	No
.40 S&W:								
Glock/22	●	●	●	●	●	●	●	Yes
Kahr/MK40	●	●	○	●	○	○	○	No
Kimber/Stainless Ultra Carry	●	●	●	●	○	●	○	No
SIG Arms/P229	●	●	●	●	○	○	●	No
S&W/SW99	●	●	●	●	●	●	●	Yes
Ruger/P94DC	●	●	●	●	●	●	●	Yes
Taurus/PT940	●	●	●	●	●	●	●	Yes
.45 ACP:								
Colt/Government	●	●	●	●	●	●	●	Yes
Glock/21	●	●	●	●	●	●	●	Yes
Kimber/Ultra Carry	●	●	○	●	●	●	●	No
SIG Arms/P220	●	●	●	●	●	●	●	Yes
S&W/4566	●	●	●	●	●	●	●	Yes
Ruger/P97DC	●	●	●	●	●	●	●	Yes
Taurus/PT945	●	●	●	●	○	●	●	No

Key: ● = Complies with requirements of *NIJ Standard-0112.03 (Revision A)*.

○ = Failed to comply with the requirements of *NIJ Standard-0112.03 (Revision A)*.

Summary of Test Results

Autoloading Pistols Consumer Product List December 1999

As a result of independent testing, the following models of autoloading pistols were found to be in compliance with *NIJ Standard-0112.03 (Revision A)*.

Manufacturer	Model	Caliber
Colt's Manufacturing Company, Inc. P.O. Box 1868 Hartford, CT 06144-1868 (p) 800-962-2658 (f) 860-244-1449 http://www.colt.com	Government	.45 ACP
Glock, Inc. P.O. Box 369 Smyrna, GA 30081 (p) 770-432-1202 (f) 770-433-8719 http://www.glock.com/	17 21 22 31	9mm Luger .45 ACP .40 S&W .357 SIG
Kahr Arms P.O. Box 220 Blauvelt, NY 10913 (p) 914-353-5996 (f) 914-353-7833 http://www.kahr.com/front.html	K9	9mm Luger
SIG Arms, Inc. Corporate Park Exeter, NH 03833 (p) 603-772-2302 (f) 603-772-9082 http://www.sigarms.com/	P220 P229 SP2340	.45 ACP 9mm Luger .357 SIG
Smith & Wesson 2100 Roosevelt Avenue Springfield, MA 01104 (p) 800-331-0852 (f) 413-747-3317 http://www.smith-wesson.com/	4566 5946 SW99	.45 ACP 9mm Luger .40 S&W
Sturm, Ruger & Company, Inc. Lacey Place Southport, CT 06490 (p) 520-541-8820 (f) 520-778-6633 http://www.ruger-firearms.com/	P94DC P95DAO P97DC	.40 S&W 9mm Luger .45 ACP
Taurus International Manufacturing, Inc. 16175 N.W. 49th Avenue Miami, FL 33014 (p) 800-327-3776 (f) 305-623-7506 http://www.taurususa.com/	PT92AF PT940	9mm Luger .40 S&W

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Glossary

Barrel groove diameter: The diameter of the largest inscribed circle that can be placed inside the barrel.

Barrel land diameter: The diameter of the largest round rod that will fit into the bore of the barrel.

Caliber: The size of the ammunition that a weapon is designed to shoot, as measured by the bullet's approximate diameter in inches in the United States and in millimeters in other countries. In some instances, ammunition is described with additional terms, such as the year of its introduction (.30/06) or the name of the designer (.30 Newton). In some countries, ammunition is also described in terms of the length of the cartridge case (7.62mm X 63mm).

Double action: A mode of operation that permits a single pull of the trigger to cock and fire the pistol. (Also see **single action** and **striker fire action**.)

Firing malfunction: Failure to feed, fire, or eject a round. This is a subset of a **malfunction**.

Grip safety: A passive safety device that requires an applied force on the grip before the pistol can be fired. (Also see **safety**.)

Hammer spur: Extension of the hammer used to cock the hammer manually.

Headspace: The distance between the closed breech face of the firearm and the surface of the chamber on which the cartridge case seats.

Headspace gauge: A device used to facilitate measurement of headspace.

Magazine safety: A passive safety device that prevents firing of the pistol unless a magazine is in place.

Malfunction: Failure to feed, fire, or eject a round, failure to accept or eject a magazine, or failure of the slide to remain open after the last round has been fired (if the pistol is designed to do so).

Minimum bore and groove area: The minimum allowable open or unrestricted area of the barrel bore as specified by SAAMI** Standards.

Misfire: Failure to fire a round. (Also see **firing malfunction** and **malfunction**.)

Model: The manufacturer's designation, which uniquely identifies a specific design of an autoloading pistol.

Pistol: A handgun that does not contain its ammunition in a revolving cylinder. Pistols can be manually operated or autoloading. An autoloading pistol generally contains cartridges in a magazine located in the grip of the pistol. When an autoloading pistol is fired, the spent cartridge that contained the bullet and propellant is ejected, the firing mechanism is cocked, and a new cartridge is chambered. Autoloading pistols can either be semiautomatic (requiring the trigger to be pulled each time in order to fire a round) or fully automatic (capable of firing all available rounds in the magazine with a single pull of the trigger).

** Sporting Arms and Ammunition Manufacturers Institute, an organization dedicated to establishing and maintaining industry standards for firearms and ammunition.

Glossary

Safe action: Striker fire action. (Also see **striker fire action**.)

Safety: A design feature that prevents inadvertent firing of the pistol by either blocking or disconnecting the firing mechanism. A safety can be either active (requiring activation by the user) or passive. A pistol can have single or multiple safeties.

Single action: A mode of operation that uses the trigger to fire the pistol only. (Also see **double action**.)

Striker fire action: A pistol design that employs an internal striker mechanism to detonate the primer. In operation, the pistol is normally in a partially cocked condition. Pulling the trigger completes cocking the action, and then releases the striker mechanism to fire the pistol.

Trigger pull: The force that must be applied to the trigger to fire the pistol.

Equipment Performance Report: 1999 Autoloading Pistols

Photos and Test Result Forms

Colt's Manufacturing Company, Inc.



Model: Government

Caliber: .45 ACP

Colt's Manufacturing Company, Inc.**Model: Government****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 5.23"	Safeties - Active: Grip Safety Slide Lock Manual	Magazine Capacity: 8
Length: 8.61"		Action Type: Single
Width: 1.35"	Safeties - Passive: Firing Pin Disconnect Inertia F.P.	Finish: Stainless Steel-Matte
Weight: 2 lbs. 7 oz.		

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.450"-0.454")	0.451"	0.45"
- Measured Land Diameter. (Acceptable Range: 0.442"-0.446")	0.443"	0.442"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	✗	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action*	
	4.25 lbs.	4.36 lbs.
	Double Action / Striker Fire	
	N/A	N/A

* Lowest reading obtained from three repetitions of the test.

Colt's Manufacturing Company, Inc.**Model: Government****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Winchester®	185.0 grain HP	.45 ACP	20PD80	X45ASHP2
200 rounds	Speer®	230.0 grain TMJ	.45 ACP	53967	A10D21

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.31 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2 [Round 316: Failure to feed.]	1			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.28 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2 [Round 548: Failure to feed.]	1			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
	Single Action*	4.37 lbs.		4.48 lbs.	
	Double Action / Striker Fire	N/A	N/A	N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	2
Pass / Fail		Pass	Pass

* Lowest reading obtained from three repetitions of the test.

Colt's Manufacturing Company, Inc.**Model: Government****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Glock, Inc.



Model: 17

Caliber: 9mm Luger

Glock, Inc.**Model: 17****Caliber: 9mm Luger****TECHNICAL SPECIFICATIONS**

Height: 5.15"	Safeties - Active: Trigger	Magazine Capacity: 17
Length: 8.00"		
Width: 1.21"	Safeties - Passive: Firing Pin	Action Type: Striker Fire
Weight: 1 lb. 6 oz.	Trigger Mechanism Housing	Finish: Black Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.355"	0.355"
- Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.348"	0.347"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
Single Action	N/A	N/A
Double Action / Striker Fire*	7 lbs. 7.25 lbs.	7.5 lbs. 7.75 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 17****Caliber: 9mm Luger****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	124 JHP	9mm Luger	2213228189	P9HS3G1
200 rounds	Federal®	115 FMJ	9mm Luger	4547982137	AE9DP

		Malfunctions				
Fire Shots #1 - #200	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7.25 lbs.	7.50 lbs.	7.75 lbs.	7.75 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
		Pistol #1		✗		
		Pistol #2		✗		

		Malfunctions				
Fire Shots #201 - #400	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7.25 lbs.	7.50 lbs.	7.25 lbs.	7.50 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Malfunctions				
Fire Shots #401 - #600	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7.25 lbs.	7.50 lbs.	7.25 lbs.	7.50 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	0
Pass / Fail		Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 17****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Glock, Inc.



Model: 21

Caliber: .45 ACP

Glock, Inc.**Model: 21****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 5.22"	Safeties - Active: Trigger	Magazine Capacity: 13
Length: 8.15"		
Width: 1.05"	Safeties - Passive: Firing Pin	Action Type: Striker Fire
Weight: 1 lb. 13 oz.	Trigger Mechanism	Finish: Black Matte
	Housing	

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.450"-0.454")	0.452"	0.452
- Measured Land Diameter. (Acceptable Range: 0.442"-0.446")	0.442"	0.442

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	7.76 lbs. 8.4 lbs. 7.14 lbs. 7.24 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 21****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	185 grain HP	.45 ACP	L16B22	53964
200 rounds	CCI®	230 grain FMJ	.45 ACP	3571	F17E23

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2 [Round 43: Slide locked back]	1			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		7.94 lbs. 8.38 lbs.	7.14 lbs. 7.48 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		7.6 lbs. 7.98 lbs.	7.53 lbs. 7.59 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		7.39 lbs. 7.48 lbs.	7.38 lbs. 7.47 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	1
Pass / Fail	Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 21****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		<i>Malfunctions</i>
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Glock, Inc.



Model: 22

Caliber: .40 S&W

Glock, Inc.**Model: 22****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 5.15"	Safeties - Active: Trigger	Magazine Capacity: 15
Length: 7.65"		
Width: 0.92"	Safeties - Passive: Firing Pin	Action Type: Striker Fire
Weight: 1 lb. 9.6 oz.	Trigger Mechanism Housing	Finish: Black Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.4005"-0.4045")	0.402"	0.402"
- Measured Land Diameter. (Acceptable Range: 0.390"-0.394")	0.390"	0.391"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	6.95 lbs. 7.28 lbs. 6.62 lbs. 6.79 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 22****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	180 grain GDHP	.40 S&W	53962	G08E25
200 rounds	Federal®	155 grain FMJ	.40 S&W	90149	AE40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		6.54 lbs.	7.08 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		✗	
		Pistol #2		✗	

		Malfunctions				
Fire Shots #201 - #400	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N / A		N / A	
		Double Action / Striker Fire*	6.65 lbs.	6.76 lbs.	6.6 lbs.	6.81 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Malfunctions				
Fire Shots #401 - #600	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N / A		N / A	
		Double Action / Striker Fire*	6.98 lbs.	7.15 lbs.	6.97 lbs.	7.32 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	0
Pass / Fail		Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 22****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Glock, Inc.



Model: 31

Caliber: .357 SIG

Glock, Inc.**Model: 31****Caliber: .357 SIG****TECHNICAL SPECIFICATIONS**

Height: 5.2"	Safeties - Active: Trigger	Magazine Capacity: 15
Length: 8"		
Width: 1.22"	Safeties - Passive: Firing Pin	Action Type: Striker Fire
Weight: 1 lb. 7 oz.	Trigger Mechanism Housing	Finish: Black Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.357"
- Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.347"	0.347"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	7 lbs. 7.25 lbs. 7 lbs. 7.5 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 31****Caliber: .357 SIG****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	125 JHP	.357 SIG	180026Z130	P357S1
200 rounds	Federal®	125 TCFMJ	.357 SIG	181588Z124	357S2

		Malfunctions				
Fire Shots #1 - #200	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7.25 lbs.	7.5 lbs.	7.5 lbs.	7.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Malfunctions				
Fire Shots #201 - #400	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7.5 lbs.	7.5 lbs.	7.5 lbs.	7.75 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Malfunctions				
Fire Shots #401 - #600	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action	N/A		N/A	
		Double Action / Striker Fire*	7 lbs.	7.5 lbs.	7.5 lbs.	7.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	0
Pass / Fail		Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Glock, Inc.**Model: 31****Caliber: .357 SIG****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Kahr Arms



Model: K9

Caliber: 9mm Luger

Kahr Arms

Model: K9**Caliber: 9mm Luger**

TECHNICAL SPECIFICATIONS

Height: 4.5"	Safeties - Active:	Magazine Capacity: 7
Length: 6.2"		
Width: 1.15"	Safeties - Passive: Firing Pin	Action Type: Striker Fire
Weight: 1 lb. 8 oz.		Finish: Stainless Steel

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Minimum Bore and Groove Area. (Acceptable Range: 0.0967"-0.0971")	0.0968"	0.0968"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	7 lbs. 10 lbs. 6.25 lbs. 6.25 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Kahr Arms

Model: K9**Caliber: 9mm Luger**

FIRING TEST

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	124 GDHP	9mm Luger	D19D23	23618
200 rounds	Winchester®	115 FMJ	9mm Luger	PE62C	Q4172

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		6.5 lbs.	6 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		7 lbs.	6 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		6.5 lbs.	7 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Kahr Arms**Model: K9****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.	Malfunctions	
	Pistol #1	0
	Pistol #2	0

TEST TYPE	Compliance	Reissue
	x	
TEST RESULTS	Pass	Fail
	x	

Kahr Arms



Model: MK40

Caliber: .40 S&W

Kahr Arms**Model: MK40****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 3.95"	Safeties - Active:	Magazine Capacity: 6
Length: 5.35"		
Width: 0.7"	Safeties - Passive: Firing Pin Disconnect	Action Type: Striker Fire
Weight: 1 lb. 8.8 oz.		Finish: Stainless-Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.		x
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Minimum Bore and Groove Area. (Acceptable Range: 0.1233"-0.1273")	0.1226	0.1228

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
Single Action	N/A	N/A
Double Action / Striker Fire*	6.8 lbs. 7.2 lbs.	7.04 lbs. 7.35 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Kahr Arms**Model: MK40****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	180 grain GD HP	.40 S&W	E27E23	23962
200 rounds	Federal®	155 grain FMJ	.40 S&W	4203482070	AE40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1 [Round 77: Failure to feed.]	1			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		6.39 lbs.	6.57 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		✗	
		Pistol #2		✗	

		Malfunctions		
Fire Shots #201 - #400	Pistol #1	0		
	Pistol #2	2		
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2
		Single Action	N / A	
		Double Action / Striker Fire*	6.35 lbs.	6.40 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance
	Pistol #1	✗		
	Pistol #2			Discontinued

		Malfunctions		
Fire Shots #401 - #600	Pistol #1 [Round 502: Failure to feed.]	1		
	Pistol #2	Discontinued		
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2
		Single Action	N / A	
		Double Action / Striker Fire*	6.37 lbs.	6.99 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance
	Pistol #1	✗		
	Pistol #2			Discontinued

	Pistol #1	Pistol #2
Total Number of Malfunctions	2	2
Pass / Fail	Pass	Fail

* Lowest and highest readings obtained from three repetitions of the test.

Kahr Arms**Model: MK40****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	N/A
b. Upside down; barrel horizontal.	Pass	N/A
c. On grip; barrel vertical.	Pass	N/A
d. On muzzle; barrel horizontal.	Pass	N/A
e. On left side; barrel horizontal.	Pass	N/A
f. On right side; barrel horizontal.	Pass	N/A
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	N/A
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	Discontinued
Structural damage.	0	Discontinued

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1		
Pistol #2		

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

Kimber Manufacturing, Inc.



Model: *Stainless Ultra Carry* **Caliber:** *.40 S&W*

Kimber Manufacturing, Inc.**Model: Stainless Ultra Carry****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 5.05"	Safeties - Active: Thumb Safety Grip Safety	Magazine Capacity: 7
Length: 6.8"		
Width: 1.35"	Safeties - Passive: Hammer Safety Stop Firing Pin Safety	Action Type: Single
Weight: 1 lb. 7 oz.		Finish: Stainless Steel

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.4005"-0.4045")	0.403"	0.402"
- Measured Land Diameter. (Acceptable Range: 0.390"-0.394")	0.392"	0.391"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1/4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*		4 lbs.	
	Double Action / Striker Fire		N/A	N/A

* Lowest reading obtained from three repetitions of the test.

Kimber Manufacturing, Inc.**Model: Stainless Ultra Carry****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	180 GDHP	.40 S&W	23962	E27E23
200 rounds	Federal®	155 FMJ	.40 S&W	427492Z053	AE40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1 [SLF=16; PSL=7; FF=1]	24			
	Pistol #2 [SLF=8; MDF=6; FF=1]	15			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1 [Firing test discontinued at shot #284; no functioning magazines; SLF=10; FF=6; MDF=2]	18			
	Pistol #2 [Firing test discontinued at shot #396; no functioning magazines; SLF=6; FF=5; MDF=4]	15			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	Discontinued			
	Pistol #2	Discontinued			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		**	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		**	
		Pistol #2		**	

	Pistol #1	Pistol #2
Total Number of Malfunctions	42	30
Pass / Fail	Fail	Fail

SLF=Slide failed to lock back

MDF=Failure to drop magazine

PSL=Premature slide lock

FF=Failure to feed

* Lowest reading obtained from three repetitions of the test.

** Test not performed due to termination of firing test.

Kimber Manufacturing, Inc.**Model: Stainless Ultra Carry****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1 [SLF=3; MDF=1; FF=1]		
Pistol #2 [FF=1]		

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

Kimber Manufacturing, Inc.



Model: Ultra Carry

Caliber: .45 ACP

Kimber Manufacturing, Inc.**Model: Ultra Carry****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 7.72"	Safeties - Active: Thumb Safety Grip Safety	Magazine Capacity: 6
Length: 6.53"		Action Type: Single
Width: 1.12"	Safeties - Passive: Firing Pin Safety Half Cock Disconnect	Finish: Black / Silver Matte
Weight: 1 lb. 9.3 oz.		

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	x	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.		x
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A.)</i>]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.450"-0.454")	0.451"	0.450"
- Measured Land Diameter. (Acceptable Range: 0.442"-0.446")	0.442"	0.441"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A.)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	x	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action*	
	4.82 lbs.	3.78 lbs.
	Double Action / Striker Fire	
	N/A	N/A

* Lowest reading obtained from three repetitions of the test.

Kimber Manufacturing, Inc.**Model: Ultra Carry****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

400 rounds	Winchester®	185 grain HP	.45 ACP	20PD80	X45ASHP2
200 rounds	Winchester®	230 grain FMJ	.45 ACP	PH60	Q4170

		Malfunctions			
Fire Shots #1 - #200	Pistol #1 [Round 194: Slide locked back.]	1			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		3.15 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.06 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		3.8 lbs.	
		Double Action / Striker Fire		N/A	N/A
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	1	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

Kimber Manufacturing, Inc.**Model: Ultra Carry****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

SIG Arms, Inc.



Model: P220

Caliber: .45 ACP

SIG Arms, Inc.**Model: P220****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 5.2"	Safeties - Active: De-cock / Safety Lever	Magazine Capacity: 7
Length: 7.5"		
Width: 1.02"	Safeties - Passive: Firing Pin Disconnect	Action Type: Double
Weight: 1 lb. 15 oz.		Finish: Black Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	x	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.450"-0.454")	0.452"	0.452"
· Measured Land Diameter. (Acceptable Range: 0.442"-0.446")	0.443"	0.443"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	x	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action*	5.35 lbs.
	Double Action / Striker Fire**	10.52 lbs. 10.81 lbs. 11.04 lbs. 11.65 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P220****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	185 grain JHP	.45 ACP	250232029	C45C
200 rounds	Winchester®	230 grain FMJ	.45 ACP	PH60	Q4170

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.14 lbs.	
		Double Action / Striker Fire**		9.69 lbs.	10.19 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.08 lbs.	
		Double Action / Striker Fire**		11.25 lbs.	11.72 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.71 lbs.	
		Double Action / Striker Fire**		12.45 lbs.	12.64 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P220****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		<i>Malfunctions</i>
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

SIG Arms, Inc.



Model: P229

Caliber: 9mm Luger

SIG Arms, Inc.**Model: P229****Caliber: 9mm Luger****TECHNICAL SPECIFICATIONS**

Height: 5.25"	Safeties - Active:	Magazine Capacity: 13
Length: 7.05"		
Width: 1.4"	Safeties - Passive: Disconnecter	Action Type: Double
Weight: 1 lb. 13 oz.	Firing Pin Lock	Finish: Black Matte
	Safety Intercept Notch	

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly/assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation/deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.356"	0.357"
· Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.349"	0.349"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*		4.5 lbs.	
	Double Action / Striker Fire**		11.5 lbs.	12 lbs.
				12.5 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P229****Caliber: 9mm Luger****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	124 grain JHP	9mm Luger	240032Z160	P9HS1
200 rounds	Winchester®	115 grain FMJ	9mm Luger	PE62C	Q4172

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4 lbs.	
		Double Action / Striker Fire**		11 lbs.	11.25 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4 lbs.	
		Double Action / Striker Fire**		11 lbs.	12 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		3.75 lbs.	
		Double Action / Striker Fire**		11 lbs.	12 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P229****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

SIG Arms, Inc.



Model: P229

Caliber: .40 S&W

SIG Arms, Inc.**Model: P229****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 5.08"	Safeties - Active: De-cock / Safety Lever	Magazine Capacity: 12
Length: 6.74"		
Width: 1.13"	Safeties - Passive: Disconnecter	Action Type: Double
Weight: 2 lbs. 0.3 oz.	Firing Pin Lock	Finish: Black Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.4005"-0.4045")	0.4005"	0.401"
· Measured Land Diameter. (Acceptable Range: 0.390"-0.394")	0.392"	0.392"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1/4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*	4.9 lbs.	4.98 lbs.	
	Double Action / Striker Fire**	10.76 lbs.	11.49 lbs.	11.37 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P229****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Winchester®	180 grain SXT	.40 S&W	57AA5102	S40
200 rounds	Speer®	155 grain	.40 S&W	A07D23	53957

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.97 lbs.	
		Double Action / Striker Fire**		11.71 lbs.	11.14 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2 [Fired on no-go gauge during headspace check.]				X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1 [Round 48: Failure to extract round.]	1			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.26 lbs.	
		Double Action / Striker Fire**		12.44 lbs.	13.06 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2 [Fired on no-go gauge during headspace check.]				X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.53 lbs.	
		Double Action / Striker Fire**		13.31 lbs.	13.8 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	1	0
Pass / Fail	Pass	Fail

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: P229****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Fail
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.	<i>Malfunctions</i>	
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

SIG Arms, Inc.



Model: SP2340

Caliber: .357 SIG

SIG Arms, Inc.**Model: SP2340****Caliber: .357 SIG****TECHNICAL SPECIFICATIONS**

Height: 5.25" **Safeties - Active:** **Magazine Capacity:** 12
Length: 7.3" **Safeties - Passive:** Hammer Safety Notch **Action Type:** Double
Width: 1.36" Firing Pin Safety **Finish:** Black Matte
Weight: 1 lb. 11 oz.

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.357"
· Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.350"	0.350"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*		5.25 lbs.	
	Double Action / Striker Fire**		9.5 lbs.	9.75 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: SP2340****Caliber: .357 SIG****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	125 GDHP	.357 SIG	J24E24	23918
200 rounds	Remington®-UMC	125 FMJ	.357 SIG	RA2811	L357S1

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.5 lbs.	
		Double Action / Striker Fire**		9.75 lbs.	10.25 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6 lbs.	
		Double Action / Striker Fire**		9.5 lbs.	10 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.25 lbs.	
		Double Action / Striker Fire**		9.5 lbs.	10 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

SIG Arms, Inc.**Model: SP2340****Caliber: .357 SIG****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.	Malfunctions	
	Pistol #1	0
	Pistol #2	0

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Smith & Wesson



Model: 4566

Caliber: .45 ACP

Smith & Wesson**Model: 4566****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 5.7" **Safeties - Active:** **Magazine Capacity:** 8
Length: 7.9" **Safeties - Passive:** Firing Pin Safety **Action Type:** Double
Width: 1.4" Magazine Disconnect **Finish:** Stainless Steel
Weight: 2 lbs. 3 oz.

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly/assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation/deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.450"-0.454")	0.453"	0.453"
· Measured Land Diameter. (Acceptable Range: 0.442"-0.446")	0.446"	0.446"

FUNCTION TESTS

	Compliance		Noncompliance		
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗				
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗				
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✗				
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗				
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.					
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2		
	Single Action*		6 lbs.		
	Double Action / Striker Fire**		10.25 lbs.	10.25 lbs.	11 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: 4566****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Winchester®	185 grain JHP	.45 ACP	1NF325877	X45ASHP
200 rounds	Winchester®	230 grain FMJ	.45 ACP	PE70	Q4170

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.25 lbs.	
		Double Action / Striker Fire**		10.5 lbs.	10.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.5 lbs.	
		Double Action / Striker Fire**		10.5 lbs.	10.75 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.25 lbs.	
		Double Action / Striker Fire**		10.25 lbs.	11 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: 4566****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Smith & Wesson



Model: 5946

Caliber: 9mm Luger

Smith & Wesson**Model: 5946****Caliber: 9mm Luger****TECHNICAL SPECIFICATIONS**

Height: 5.21"	Safeties - Active:	Magazine Capacity: 15
Length: 7.22"		
Width: 1.1"	Safeties - Passive: Firing Pin	Action Type: Double Only
Weight: 2 lbs. 5 oz.	Disconnect Magazine	Finish: Stainless Steel-Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.355"
- Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.346"	0.346"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	✗	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	10.62 lbs. 11.28 lbs. 10.41 lbs. 10.59 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: 5946****Caliber: 9mm Luger****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	124 grain Hydra Shok	9mm Luger	2447762086	P9HS1
200 rounds	Winchester®	115 grain FMJ	9mm Luger	PE62C	Q4172

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		10.89 lbs., 11.48 lbs.	10.66 lbs., 11.04 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		10.25 lbs., 11.26 lbs.	9.97 lbs., 10.49 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		10.58 lbs., 11.16 lbs.	10.06 lbs., 10.26 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		X			
Pistol #2		X			

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: 5946****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Smith & Wesson



Model: SW99

Caliber: .40 S&W

Smith & Wesson**Model: SW99****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 5.2"	Safeties - Active: Trigger	Magazine Capacity: 12
Length: 7.3"		
Width: 1.25"	Safeties - Passive: Firing Pin Safety	Action Type: Striker Fire
Weight: 1 lb. 7 oz.		Finish: Blue

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Minimum Bore and Groove Area. (Acceptable Range: 0.1233"-0.1273")	0.1258"	0.1258"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
Single Action*	5.5 lbs.	5.25 lbs.
Double Action / Striker Fire**	9.5 lbs. 9.75 lbs.	9.25 lbs. 9.75 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: SW99****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	180 grain JHP	.40 S&W	421772H320	P40HSI
200 rounds	Federal®	155 grain FMJ	.40 S&W	420348Z059	AE40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.5 lbs.	
		Double Action / Striker Fire**		9.75 lbs.	10 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Malfunctions				
Fire Shots #201 - #400	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action*	5.5 lbs.		5.5 lbs.	
		Double Action / Striker Fire**	9.5 lbs.	10 lbs.	9.25 lbs.	9.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
		Pistol #1		X		
	Pistol #2	X				

		Malfunctions				
Fire Shots #401 - #600	Pistol #1	0				
	Pistol #2	0				
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2		
		Single Action*	5.25 lbs.		5.5 lbs.	
		Double Action / Striker Fire**	9.5 lbs.	9.75 lbs.	9.25 lbs.	9.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance		
	Pistol #1	✗				
	Pistol #2	✗				

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	0
Pass / Fail		Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Smith & Wesson**Model: SW99****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Sturm, Ruger & Company, Inc.



Model: P94DC

Caliber: .40 S&W

Sturm, Ruger & Company, Inc.**Model: P94DC****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 5.47"	Safeties - Active: De-cock	Magazine Capacity: 10
Length: 7.25"		
Width: 1.3"	Safeties - Passive: Firing Pin Disconnect	Action Type: Double
Weight: 2 lbs. 0.8 oz.		Finish: Stainless Steel-Matte / Gray-Matte

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	x	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.4005"-0.4045")	0.401"	0.401"
· Measured Land Diameter. (Acceptable Range: 0.390"-0.394")	0.391"	0.390"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✘			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✘			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✘			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✘			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.				
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*	4.72 lbs.	4.78 lbs.	
	Double Action / Striker Fire**	10.45 lbs.	10.1 lbs.	10.36 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P94DC****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Remington®	180 grain JHP	.40 S&W	J260A7917	R40SW2
200 rounds	Federal®	155 grain FMJ	.40 S&W	4203482157	AE40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.81 lbs.	
		Double Action / Striker Fire**		10.2 lbs.	10.45 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.05 lbs.	
		Double Action / Striker Fire**		10.22 lbs.	10.59 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1 [Round 569: Failure to feed.]	1			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.11 lbs.	
		Double Action / Striker Fire**		10.34 lbs.	10.37 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	1	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P94DC****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		<i>Malfunctions</i>
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Sturm, Ruger & Company, Inc.



Model: P95DAO

Caliber: 9mm Luger

Sturm, Ruger & Company, Inc.**Model: P95DAO****Caliber: 9mm Luger****TECHNICAL SPECIFICATIONS**

Height: 5.45"	Safeties - Active:	Magazine Capacity: 10
Length: 7.25"		
Width: 1.47"	Safeties - Passive: Firing Pin Disconnect	Action Type: Double Only
Weight: 1 lb. 11 oz.		Finish: Stainless Steel

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	N/A	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.357"
- Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.348"	0.348"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	N/A	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action	N/A
	Double Action / Striker Fire*	9.5 lbs. 9.5 lbs. 9.5 lbs. 9.5 lbs.

* Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P95DAO****Caliber: 9mm Luger****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Remington®	124 grain JHP	9mm Luger	J03NC01	R9MM10
200 rounds	Remington®	115 grain FMJ	9mm Luger	J07YB01	R9MM3

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		9.5 lbs.	9.25 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		9 lbs.	9.25 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action		N/A	
		Double Action / Striker Fire*		8.75 lbs.	9.25 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P95DAO****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Sturm, Ruger & Company, Inc.



Model: P97DC

Caliber: .45 ACP

Sturm, Ruger & Company, Inc.**Model: P97DC****Caliber: .45 ACP****TECHNICAL SPECIFICATIONS**

Height: 5.47"	Safeties - Active: De-cock	Magazine Capacity: 8
Length: 7.25"		
Width: 1.1"	Safeties - Passive: Firing Pin Disconnect	Action Type: Double
Weight: 1 lbs. 15 oz.		Finish: Stainless Steel-Matte / Thermoplastic-Black

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.450–0.454)	0.450	0.450
· Measured Land Diameter. (Acceptable Range: 0.442–0.446)	0.442	0.442

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1/4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*	4.18 lbs.	4.63 lbs.	
	Double Action / Striker Fire**	10.79 lbs.	11.14 lbs.	10.94 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P97DC****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Federal®	185 grain JHP	.45 ACP	2515882028	C45C
200 rounds	Remington®	230 grain MC	.45 ACP	H07BB0903	R45P4

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.09 lbs.	
		Double Action / Striker Fire**		10.37 lbs.	10.54 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.18 lbs.	
		Double Action / Striker Fire**		10.86 lbs.	11.05 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.18 lbs.	
		Double Action / Striker Fire**		10.86 lbs.	11.05 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass / Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Sturm, Ruger & Company, Inc.**Model: P97DC****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Taurus International Manufacturing, Inc.



Model: PT92AF

Caliber: 9mm Luger

Taurus International Manufacturing, Inc.**Model:** PT92AF**Caliber:** 9mm Luger**TECHNICAL SPECIFICATIONS**

Height: 5.36"	Safeties - Active: Trigger De-cock	Magazine Capacity: 15
Length: 8.56"		Action Type: Double
Width: 1.64"	Safeties - Passive: Firing Pin Half Cock Drop Safety	Finish: Stainless Steel
Weight: 2 lbs. 1.3 oz.		

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.357"
· Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.348"	0.348"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*	5.33 lbs.	5.42 lbs.	
	Double Action / Striker Fire**	11.2 lbs.	11.67 lbs.	10.39 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT92AF****Caliber: 9mm Luger****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Speer®	124 grain GDHP	9mm Luger	D23D22	23618
200 rounds	Winchester®	115 grain FMJ	9mm Luger	PD31	Q4172

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.68 lbs.	
		Double Action / Striker Fire**		10.37 lbs.	10.93 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2 [Rounds 376 and 389: Slide did not fully close.]	2			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.76 lbs.	
		Double Action / Striker Fire**		11.13 lbs.	11.88 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.31 lbs.	
		Double Action / Striker Fire**		10.42 lbs.	11.03 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
	Pistol #1	✗			
	Pistol #2	✗			

		Pistol #1	Pistol #2
Total Number of Malfunctions		0	2
Pass / Fail		Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT92AF****Caliber: 9mm Luger****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		Malfunctions
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Taurus International Manufacturing, Inc.



Model: PT940

Caliber: .40 S&W

Taurus International Manufacturing, Inc.**Model: PT940****Caliber: .40 S&W****TECHNICAL SPECIFICATIONS**

Height: 4.8" **Safeties - Active:** Frame-mounted Manual **Magazine Capacity:** 10
Length: 7.1" **Safeties - Passive:** Firing Pin **Action Type:** Double
Width: 1.6" **Finish:** Blue
Weight: 1 lb. 10 oz.

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	✗	
b. Cleaning instructions.	✗	
c. Description of all safety features and instructions for user activation / deactivation.	✗	
d. Statement regarding ammunition beyond design limits of pistol.	✗	
e. Instructions for obtaining a parts list.	✗	
f. Statement of compliance (should not be present unless previously tested).	✗	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	✗	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	✗	
Surface: The pistol shall have no chips, scratches, or burrs.	✗	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	✗	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	✗	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
· Measured Groove Diameter. (Acceptable Range: 0.4005"-0.4045")	0.404"	0.404"
· Measured Land Diameter. (Acceptable Range: 0.390"-0.394")	0.394"	0.394"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard-0112.03 (Revision A)</i> .	✗	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	✗	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action*	5.75 lbs. 6 lbs.
	Double Action / Striker Fire**	10.25 lbs. 11 lbs. 9.5 lbs. 10.25 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT940****Caliber: .40 S&W****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Winchester®	180 grain SXT	.40 S&W	17PA5104	S40
200 rounds	Federal®	155 grain FMJ	.40 S&W	427492Z053	AC40R2

		Malfunctions			
Fire Shots #1 - #200	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.75 lbs.	
		Double Action / Striker Fire**		10.5 lbs.	11 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.5 lbs.	
		Double Action / Striker Fire**		10 lbs.	11 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6 lbs.	
		Double Action / Striker Fire**		10.25 lbs.	10.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
		Pistol #1		X	
		Pistol #2		X	

	Pistol #1	Pistol #2
Total Number of Malfunctions	0	0
Pass/Fail	Pass	Pass

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT940****Caliber: .40 S&W****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		<i>Malfunctions</i>
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
	X	

Taurus International Manufacturing, Inc.



Model: PT945

Caliber: .45 ACP

Taurus International Manufacturing, Inc.**Model:** PT945**Caliber:** .45 ACP**TECHNICAL SPECIFICATIONS****Height:** 5.25"**Safeties - Active:** Frame-mounted Manual**Magazine Capacity:** 8**Length:** 7.72"**Width:** 1.4"**Safeties - Passive:** Firing Pin**Action Type:** Double**Weight:** 1 lb. 10 oz.**Finish:** Stainless Steel**USER INFORMATION**

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	x	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NII Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Minimum Bore and Groove Area. (Acceptable Range: 0.1570"-0.1610")	0.160"	0.160"

FUNCTION TESTS

	Compliance	Noncompliance
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	x	
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NII Standard-0112.03 (Revision A)</i> .	x	
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N $\pm$ 1 N (10 lbf $\pm$ 1/4 lbf).	x	
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	x	
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	x	
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1	Pistol #2
	Single Action*	5.25 lbs.
	Double Action / Striker Fire**	11 lbs. 11.5 lbs. 11.5 lbs. 12 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT945****Caliber: .45 ACP****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Winchester®	185 grain HP	.45 ACP	04PD31	X45ASHP2
200 rounds	Winchester®	230 grain FMJ	.45 ACP	PG82	Q4170

		Malfunctions			
Fire Shots #1 - #200	Pistol #1 [Rounds 135, 171, and 196: Failure to feed. Round 199: Failure to extract.]	4			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5 lbs.	
		Double Action / Striker Fire**		11 lbs.	11 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		x			
Pistol #2		x			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1 [Rounds 250, 274, 299, 301, 322, 396, 381, and 387: Failure to extract.]	8			
	Pistol #2 [Rounds 254 and 282: Failure to extract.]	2			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.75 lbs.	
		Double Action / Striker Fire**		10.5 lbs.	10.5 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		x			
Pistol #2		x			

		Malfunctions			
Fire Shots #401 - #600	Pistol #1 [All failures were failures to extract.]	31			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		4.75 lbs.	
		Double Action / Striker Fire**		11 lbs.	11 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1		x			
Pistol #2		x			

	Pistol #1	Pistol #2
Total Number of Malfunctions	43	2
Pass / Fail	Fail	Fail

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT945****Caliber: .45 ACP****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.	<i>Malfunctions</i>	
Pistol #1 [Rounds 7, 10, and 18: Failure to extract.]	3	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

Taurus International Manufacturing, Inc.



Model: PT957

Caliber: .357 SIG

Taurus International Manufacturing, Inc.**Model: PT957****Caliber: .357 SIG****TECHNICAL SPECIFICATIONS**

Height: 5.18"	Safeties - Active: Trigger De-cock	Magazine Capacity: 10
Length: 7.08"		Action Type: Double
Width: 1.62"	Safeties - Passive: Firing Pin Half Cock Drop Safety	Finish: Stainless Steel
Weight: 1 lb. 12.5 oz.		

USER INFORMATION

User Information in Accordance With Section 4.2	Compliance	Noncompliance
a. Instructions for field disassembly / assembly and diagram(s) identifying all parts.	x	
b. Cleaning instructions.	x	
c. Description of all safety features and instructions for user activation / deactivation.	x	
d. Statement regarding ammunition beyond design limits of pistol.	x	
e. Instructions for obtaining a parts list.	x	
f. Statement of compliance (should not be present unless previously tested).	x	

VISUAL INSPECTION

Visual Inspection in Accordance With Section 5.3	Compliance	Noncompliance
Hammer Travel: In the single action mode, if present, the hammer shall have sufficient over-travel to assure achievement of the full cocked position.	x	
Particles: There shall be no loose chips, shavings, or filings in the pistol.	x	
Surface: The pistol shall have no chips, scratches, or burrs.	x	

DIMENSIONAL TESTS

	Compliance	Noncompliance
Barrel Bore Dimensions: The barrel bore diameter shall be in accordance with Sporting Arms and Ammunition Manufacturers Institute (SAAMI) Standards for the caliber for which the pistol is chambered.	x	
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.	x	
Barrel Bore Dimensions [Note: Dimensions shall be determined by either Section 5.4.1.1 or Section 5.4.1.2 of <i>NIJ Standard-0112.03 (Revision A)</i> .]	Pistol #1	Pistol #2
- Measured Groove Diameter. (Acceptable Range: 0.355"-0.359")	0.357"	0.357"
- Measured Land Diameter. (Acceptable Range: 0.346"-0.350")	0.348"	0.348"

FUNCTION TESTS

	Compliance		Noncompliance	
Action: The slide shall operate smoothly without binding or sticking when operated by hand or during firing tests.	✗			
Ejection: The ejection mechanism shall eject cases without hangup and without hitting the shooter during the ejection test or the firing tests, except as provided in Sections 4.6 and 4.8. of <i>NIJ Standard–0112.03 (Revision A)</i> .	✗			
Hammer: When tested, the hammer shall operate smoothly without binding and shall not release under an applied load of 46 N ± 1 N (10 lbf ± 1 / 4 lbf).	✗			
Safety Features: The pistol shall have one or more design features to prevent inadvertent firing. Active (user activated) safety devices, if provided, shall be designed so that the pistol can be made fire-ready by releasing the safety device(s) with the shooting hand. The pistol shall not fire when tested with the safety feature(s) engaged.	✗			
Magazine: The magazine shall have a capacity of six rounds, minimum, and shall be capable of being released without removing the shooting hand from the pistol.	✗			
Measured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.	Pistol #1		Pistol #2	
	Single Action*	4.89 lbs.	4.82 lbs.	
	Double Action / Striker Fire**	9.88 lbs.	10.19 lbs.	9.57 lbs.

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT957****Caliber: .357 SIG****FIRING TEST**

Model Qualification Firing Test: When tested in accordance with Section 5.6.1, the pistol shall fire 600 rounds of ammunition with no structural or mechanical failures and no more than five malfunctions. Of the five allowable malfunctions, no more than three shall be firing malfunctions not attributable to faulty ammunition.

Ammunition	Manufacturer	Bullet Configuration	Caliber	Lot Number	Catalog Number
400 rounds	Remington®	125 grain JHP	.357 SIG	K02EC1411	R35751
200 rounds	Federal®	125 grain FMJ	.357 SIG	1083762032	C35752

		Malfunctions			
Fire Shots #1 - #200	Pistol #1 [Rounds 37 and 75: Failure to feed.]	2			
	Pistol #2	0			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		5.46 lbs.	
		Double Action / Striker Fire**		9.3 lbs.	10.22 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1 [Fired on no-go gauge during headspace check.]				X	
Pistol #2		X			

		Malfunctions			
Fire Shots #201 - #400	Pistol #1	0			
	Pistol #2 [Round 231: Unable to fire double action.]	Discontinued			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6.02 lbs.	
		Double Action / Striker Fire**		11.12 lbs.	10.28 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1 [Fired on no-go gauge during headspace check.]				X	
Pistol #2				Discontinued	

		Malfunctions			
Fire Shots #401 - #600	Pistol #1	0			
	Pistol #2	Discontinued			
Remeasured Trigger Pull: [1.] The single action trigger pull force shall be not less than 13 N (3 lbf) nor more than 36 N (8 lbf) when tested. [2.] The double action trigger pull force shall be no more than 80 N (18 lbf) when tested. [3.] For a pistol employing a striker fire mechanism, the trigger pull force shall be not less than 22 N (5 lbf) nor more than 67 N (15 lbf) when tested.		Pistol #1		Pistol #2	
		Single Action*		6 lbs.	
		Double Action / Striker Fire**		10.36 lbs.	10.96 lbs.
Headspace: The headspace shall be in accordance with SAAMI Standards for the caliber for which the pistol is chambered.		Compliance		Noncompliance	
Pistol #1 [Fired on no-go gauge during headspace check.]				X	
Pistol #2				Discontinued	

	Pistol #1	Pistol #2
Total Number of Malfunctions	2	0
Pass / Fail	Fail	Fail

* Lowest reading obtained from three repetitions of the test.

** Lowest and highest readings obtained from three repetitions of the test.

Taurus International Manufacturing, Inc.**Model: PT957****Caliber: .357 SIG****DROP SAFETY TEST**

The pistol shall not fire (cartridge with a live primer, but no bullet) during the drop test described in Section 5.7. The following seven drops are required for each of the pistols constituting the sample.	Pass/Fail	
	Pistol #1	Pistol #2
a. Normal firing position; barrel horizontal.	Pass	Pass
b. Upside down; barrel horizontal.	Pass	Pass
c. On grip; barrel vertical.	Pass	Pass
d. On muzzle; barrel horizontal.	Pass	Pass
e. On left side; barrel horizontal.	Pass	Pass
f. On right side; barrel horizontal.	Pass	Pass
g. If there is an exposed hammer or striker, on the rearmost point of that device; otherwise, on the rearmost point of the pistol. Alternately, a weight equivalent to that of the pistol may be dropped onto the rearmost point.	Pass	Pass
After completing the drops specified in the drop safety test, examine the pistols for damage and note any cracks, chips, or other visible damage.		
Cracks, chips, or other visible damage.	0	0
Structural damage.	0	0

DROP FUNCTION FIRING TEST

For those pistols that passed the drop safety test without structural damage or damage that will affect the safe and proper functioning of the pistol, insert a fully loaded magazine, chamber a round, and point the pistol into a bullet trap or other suitable device. Fire until the ammunition has been expended. Release the magazine (note any sticking or binding), reload, and repeat until 20 rounds have been fired. Note any misfires or malfunctions. If there are more than three malfunctions, repeat the 20-round firing test. If there are no more than three malfunctions during the repeat firing test, the pistol meets the requirements of this test.		<i>Malfunctions</i>
Pistol #1	0	
Pistol #2	0	

TEST TYPE	Compliance	Reissue
	X	
TEST RESULTS	Pass	Fail
		X

EXHIBIT FILED UNDER SEAL

EXHIBIT FILED UNDER SEAL

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EXHIBIT M

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEVEN C. JOHNSON, an individual,))
on behalf of himself and all))
others similarly situated,))
) Case No.
) 3:20-cv-08807-WHO
Plaintiff,))
vs.))
))
))
GLOCK, INC., a Georgia))
Corporation; GLOCK Ges.m.b.H,))
an Austrian entity; JOHN and))
JANE DOES I through V; ABC))
CORPORATIONS I-X, XYZ))
PARTNERSHIPS, SOLE))
PROPRIETORSHIPS and/or JOINT))
VENTURES I-X, GUN COMPONENT))
MANUFACTURERS I-V,))
Defendants.))
))

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
DAVID BOSCH, Ph.D.
(CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER)
Veritext Virtual ID No.: 6430049
January 30, 2024
10:13 a.m.

Prepared by:
SHELLEY HAVERMANN, CR
Certificate No. 50432
Prepared for:
SUPERIOR COURT
(ORIGINAL)
(Via videoconference)

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Page 2 1 INDEX 2 WITNESS: 3 DAVID BOSCH, Ph.D. PAGE 4 5 Examination by Mr. Renzulli.....6, 200, 236 6 7 Examination by Mr. Lewis.....157, 226 8 9 EXHIBITS 10 NO. DESCRIPTION PAGE 11 Exhibit 1 6/26/18 Deposition Transcript of 12 David Bosch, Ph.D. in Grosso Case.....8 13 Exhibit 2 7/31/17 Forensic Engineering, Inc. 14 Engineering Failure Analysis Report in 15 Grosso Case.....12 16 Exhibit 3 12/1/17 Forensic Engineering, Inc. 17 Rebuttal Report in Grosso Case.....12 18 Exhibit 4 Notice of Deposition of David Bosch.....19 19 Exhibit 5 10/12/23 Engineering Investigation Report 20 and Declaration.....21 21 Exhibit 6 Analysis of Implications of Different 22 Cases Support Areas Based on Idealized 23 Conditions Spreadsheet.....142 24 Exhibit 7 Dr. Bosch's File Materials (Retained)....142 25	Page 4 1 Veritext Virtual 2 January 30, 2024 3 10:13 a.m. 4 * * * 5 THE VIDEOGRAPHER: Good morning. We are 6 going on the record at 10:13 a.m. on January 30th, 7 2024. Please note that this deposition is being 8 conducted virtually. Audio and video recording will 9 continue to take place unless all parties agree to 10 go off the record. This is media unit one of the 11 video-recorded deposition of David Bosch in the 12 matter of Johnson versus Glock, Incorporated, filed 13 in the United States District Court, Northern 14 District of California, San Francisco Division, 15 Case Number 3:20-CV-08807-WHO. 16 This deposition is being conducted remotely 17 using virtual technology. My name is Tony Gonzales 18 representing Veritext, and I am the videographer. 19 The court reporter is Shelley Havermann from the 20 firm Veritext. I am not authorized to administer an 21 oath. I am not related to any party in this action 22 nor am I financially interested in the outcome. 23 If there are any objections to proceeding, 24 please state them at the time of your appearance. 25 Counsel and all present, including remotely, will now state their appearances and affiliations for the
Page 3 1 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF 2 DAVID BOSCH, Ph.D., 3 was taken on January 30, 2024, commencing at 4 10:13 a.m., by Veritext Virtual, before 5 SHELLEY HAVERMANN, a Certified Court Reporter, 6 CR No. 50432, for the State of Arizona. 7 APPEARANCES: 8 For Plaintiff: 9 LEWIS AND LEWIS TRIAL LAWYERS, PLC 10 By: Robert K. Lewis, Esq. 11 Amy M. Lewis, Esq. 12 28150 N. Alma School Road, Suite 103-637 13 Scottsdale, Arizona 85262 14 Rob@lewislawfirm.com 15 Amy@lewislawfirm.com 16 (Via videoconference) 17 KIESEL LAW, LLP 18 By: Stephanie M. Taft, Esq. 19 8648 Wilshire Boulevard 20 Beverly Hills, California 902-11-2910 21 taft@kiesel.law 22 (Via videoconference) 23 WEINBERG WHEELER HUDGINS GUNN & DIAL, LLC 24 By: Alexander "Alec" Heydemann, Esq. 25 3344 Peachtree Road, NE Atlanta, Georgia 30326 aheydemann@wwhgd.com (Via videoconference) For Defendant Glock, Inc., and Glock GES.M.B.H: RENZULLI LAW FIRM, LLP By: Christopher Renzulli, Esq. Howard D. Schilsky, Esq. One North Broadway, Suite 1005 White Plains, New York 10601 crenzulli@renzullilaw.com hschilsky@renzullilaw.com (Via videoconference) Also Present: Mr. Tony Gonzales, Videographer Mr. John Nixon (Via videoconference)	Page 5 1 record, beginning with the noticing attorney. 2 MR. RENZULLI: Christopher Renzulli on 3 behalf of the defendants. 4 MR. SCHILSKY: Howard Schilsky on behalf of 5 the defendants. 6 MR. LEWIS: Rob Lewis on behalf of the 7 plaintiff. 8 MS. LEWIS: Amy Lewis for the plaintiff. 9 MS. TAFT: Stephanie Taft -- 10 MR. HEYDEMANN: Alec Heyde -- sorry, go 11 ahead. Go ahead. 12 MS. TAFT: Stephanie Taft for plaintiff. 13 MR. HEYDEMANN: And Alec Heydemann for the 14 plaintiff. 15 * * * 16 DAVID BOSCH, Ph.D., 17 called as a witness herein, having been first duly 18 sworn to tell the truth, was examined and testified 19 as follows through videoconference: 20 * * * 21 MR. RENZULLI: I just want to make sure on 22 the record it's noted that John Nixon is also 23 appearing. Thank you. 24 * * * 25

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Page 6 1 EXAMINATION 2 BY MR. RENZULLI: 3 Q. Mr. Bosch, good morning. How are you? 4 A. I'm doing good. 5 Q. Good, good. Good to see you again. You and 6 I obviously have met before, correct? 7 A. I'm sorry? 8 Q. We've met before -- 9 A. Yes. 10 Q. -- correct? 11 A. Yep. 12 Q. On multiple occasions, right? 13 A. I believe so, yes. 14 Q. Okay. You've had your deposition taken 15 before, correct? 16 A. Yes. 17 Q. Okay. So you know the ground rules. I'm 18 not going to waste your time with those. You've 19 given an oath here on the record to tell the truth, 20 the whole truth and nothing about the truth, 21 correct? 22 A. Yes. 23 Q. And that's what you'll be doing here today, 24 right? 25 A. Yes, of course.	Page 8 1 exhibit of the June 26th deposition transcript. 2 MR. SCHILSKY: And just for the record, you 3 can give you me control -- Howard Schilsky 4 speaking -- of the screen so that I can share it. 5 I'll be putting up the exhibits today. 6 THE VIDEOGRAPHER: You should be set now. 7 MR. SCHILSKY: Thank you. 8 Q. BY MR. RENZULLI: Can you see that, 9 Mr. Bock -- Mr. Bosch? Sorry. 10 A. Yes. 11 Q. Okay. Great. This, I represent to you, is 12 a copy of your transcript of the deposition that you 13 provided on June 26th, 2018 in the Grosso matter. 14 Is that fair based upon what you see on your 15 screen? 16 A. Yes. 17 Q. Okay. And we're going to enter this as 18 Exhibit Number 1 to this deposition. 19 (Exhibit No. 1 was entered for 20 identification.) 21 Q. BY MR. RENZULLI: So have you ever read that 22 transcript before, Mr. Bosch? 23 A. Have I ever? 24 Q. Yes. 25 A. Yes.
Page 7 1 Q. And that will be just like in the deposition 2 I previously conducted of you back on June 26th of 3 2018, correct? 4 A. Correct. 5 Q. And it would be just like the testimony 6 in the evidentiary hearings you gave before 7 Judge Stephens on July 11th and July 26th of 2019, 8 correct? 9 A. Yes. 10 Q. All right. During that deposition and 11 during those court appearances, once again, you gave 12 an oath, correct? 13 A. Yes. 14 Q. All right. And with that oath, you swore to 15 tell the truth, the whole truth and nothing but the 16 truth, correct? 17 A. Yes. 18 Q. And that's what you did, correct? 19 A. Yes. 20 Q. Okay. So let me -- excuse me. We're doing 21 this remote. Mr. Bosch, is anyone else in the room 22 with you? 23 A. No. 24 Q. Okay. Let's see how we're going to put up 25 some exhibits. Let's put up -- let's put up an	Page 9 1 Q. When is the last time you read it? 2 A. Probably about three weeks ago. 3 Q. Okay. And how much time did you spend 4 reviewing it? 5 A. Oh, maybe an hour. 6 Q. Okay. Is there anything that you read in 7 that transcript that you thought was incorrect or 8 inaccurate? 9 A. No. 10 Q. Okay. So nothing in there you would -- you 11 know, you would like to change now that you've had a 12 chance to review it? 13 A. No. 14 Q. Okay. And you also had an opportunity to 15 make changes back when that other case was pending, 16 correct? 17 A. I would assume so. I don't remember it 18 explicitly, but I would imagine I did, yes. 19 Q. Okay. And if you did and you had any 20 changes, you certainly would have provided it to 21 Mr. Lewis, correct? 22 A. Yes. 23 Q. All right. So can I rely upon that prior 24 testimony in this case as well? 25 A. We can rely on it, yes.

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Page 10 1 MR. LEWIS: Vague, ambiguous. 2 THE REPORTER: Sorry? 3 MR. LEWIS: Vague, ambiguous. 4 Go ahead. 5 Q. BY MR. RENZULLI: All right. So one thing, 6 Mr. Bosch. 7 A. Yeah. 8 Q. After I ask a question, just take a breath, 9 take a breather -- Mr. Lewis may want to put some 10 objections on the record -- so that you and I aren't 11 talking over each other because Shelley would not be 12 happy if that were to occur. Okay? 13 A. Yeah. We're already off on the wrong foot 14 with her. 15 Q. There you go. There you go. 16 So I don't know that I got an answer to that 17 question. Can you answer it now? 18 A. Yes. I'm not aware of anything in that 19 deposition transcript that was incorrect. 20 Q. Okay. So the defendants can rely upon that 21 transcript in this case, in the Johnson case, 22 correct? 23 A. Yes. 24 Q. All right. You also produced a report and a 25 rebuttal report in the Grosso case as well, correct?	Page 12 1 looks like what I was provided. 2 Q. Yeah. Sounds good. 3 (Exhibit Nos. 2 and 3 were entered for 4 identification.) 5 Q. BY MR. RENZULLI: All right. So for the 6 record, we've marked and entered into this 7 deposition transcript Exhibits 2 and 3. One is the 8 Grosso report and one is the rebuttal report. 9 Much like with your testimony at your 10 deposition, can we, the defendants in this case, 11 rely upon the information in your reports from that 12 case? 13 A. Yes. 14 Q. Nothing to change in those reports, correct? 15 MR. LEWIS: Compound. 16 THE WITNESS: Not that I'm aware of. 17 Q. BY MR. RENZULLI: Nothing that is incorrect 18 or inaccurate? 19 MR. LEWIS: Compound. 20 THE WITNESS: Nothing I'm aware of right 21 now. 22 Q. BY MR. LEWIS: We spoke a little -- briefly 23 about it a little earlier. You were involved in an 24 evidentiary hearing before Judge Stephens where you 25 provided testimony as well, correct?
Page 11 1 A. That's true. 2 Q. When is the last time you reviewed either 3 one of them? 4 A. Again, about three weeks ago. As you know, 5 my deposition was scheduled for two weeks ago. So 6 in preparation for that, I read a lot of the Grosso 7 materials that I was provided -- or I read all of 8 the Grosso materials that I was provided. 9 Q. Excellent. And I could put them up on the 10 screen. 11 MR. RENZULLI: We want to -- here's what 12 we're going to do, Rob, if you're okay. We're going 13 to mark his report from Grosso as Exhibit 2 and the 14 rebuttal report as Exhibit 3. 15 Would you like me for to put it on the 16 screen, or do we have an agreement that those are 17 his reports? 18 MR. LEWIS: Yeah. You marked the reports 19 and -- that are listed and disclosed with the Bates. 20 That's fine. 21 Q. BY MR. RENZULLI: Okay. All right. There's 22 just an example of your -- of your first report. 23 That looks like your first report, 24 Mr. Bosch? 25 A. Yeah. I have no reason -- it's not -- it	Page 13 1 A. I didn't remember what her name was, but 2 yes. 3 Q. Okay. 4 A. Yeah. 5 Q. Okay. And did you -- did you read the 6 transcripts from those hearings? 7 A. No. 8 Q. Did you ever read the transcripts from those 9 hearings? 10 A. No. 11 Q. Do you have copies of the transcripts of 12 those hearings? 13 A. No. 14 Q. Thinking back to your testimony on July 11th 15 of 2019 and July 26th of '19, did you walk out of 16 there and think that any of the testimony that you 17 provided was inaccurate? 18 A. No. 19 Q. As you sit here today thinking back upon it, 20 do you believe that any of the testimony you gave 21 there was inaccurate? 22 MR. LEWIS: Compound; lacks foundation. 23 THE WITNESS: You know, it's impossible for 24 me to remember any of that, but I assume so. I have 25 no recollection of having any issues with what I

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Page 14 1 testified to at that time. 2 Q. BY MR. RENZULLI: Okay. 3 A. If I did, I'd remember that part. 4 Q. Yeah. Because if you did, you probably 5 would have told Mr. Lewis and Mr. Lewis would have 6 advised the defendants, I would assume, correct? 7 A. Yes, I would think so. 8 Q. Or the Court. He would have advised the 9 Court, right? 10 A. I would think so. 11 Q. Okay. So, once again, much like your 12 deposition testimony and your expert reports in the 13 Grosso case, it's fair that the defendants can 14 rely upon the testimony that you provided before 15 Judge Stephens for this case as well, correct? 16 A. Correct. 17 MR. LEWIS: Objection; compound, lacks 18 foundation. 19 THE WITNESS: To the best of my knowledge, 20 yes. 21 Q. BY MR. RENZULLI: So you talked a little bit 22 about what you did to prepare, and I think you said 23 you read your reports from the Grosso case, and then 24 you -- excuse me, you read your deposition 25 transcripts of the Grosso case, correct?	Page 16 1 A. Correct. 2 Q. And John Nixon is appearing at this 3 deposition remotely, correct? 4 A. Yes. 5 Q. Okay. So as we go through like our 6 deposition today, if you can let me know if there's 7 something that's -- if it's -- I'm going to assume 8 it's only your work product unless you tell me that 9 Mr. Nixon also had some work product or contributed 10 to your work product. Is that fair? 11 A. That's fair, yes. 12 Q. You had never worked with Mr. Nixon before, 13 correct? 14 A. I don't believe so. 15 Q. Okay. And Mr. -- you were introduced to 16 Mr. Nixon through Mr. Lewis, obviously, correct? 17 A. No. Actually, vice versa. I knew John from 18 one of the professional organizations that we're 19 both members of. 20 Q. Which organization is that? 21 A. AFS -- ASFS. American Society of Forensic 22 Science, something along that line. 23 Q. ASFS, I think you said. Okay. Got it. 24 So you -- is everything that -- I'm trying 25 to get to the end game here. So everything that's
Page 15 1 A. Correct. 2 Q. And that was about two, three weeks ago? 3 A. Yeah. Three weeks, yep. 4 Q. What else did you do to prepare for the 5 deposition? 6 A. I reviewed the -- all of the materials that 7 I would refer to as John and I's work product, all 8 of the materials that were provided me by Lewis and 9 Lewis. That's about it. 10 Q. Okay. So -- 11 A. Pretty general, but that's about it. 12 Q. Okay. I was talking over you with that last 13 sentence. Can you repeat it? 14 A. I'm sorry? 15 MR. RENZULLI: Shelley, did you get the last 16 sentence that he said? I was talking over him. 17 THE REPORTER: Yes. He said, "Pretty 18 general, but that's about it." 19 Q. BY MR. RENZULLI: Okay. So you have some of 20 your own, what you call, work product, correct? 21 A. Correct. 22 Q. And then you said some of John and I's work 23 product, correct? 24 A. Yes. 25 Q. John is John Nixon, correct?	Page 17 1 in your report, all the documents that you've 2 referenced in your report, you reviewed to prepare 3 for today's deposition? 4 A. I wouldn't say -- 5 MR. LEWIS: Objection; misstates his 6 testimony. 7 THE WITNESS: I wouldn't say every one that 8 was listed there, simply because a lot of those 9 legal documents don't generally contain anything 10 that is relevant to what I'm doing. 11 Q. BY MR. RENZULLI: Gotcha. Is there a -- is 12 there a way -- could you tell me which documents you 13 did review to prepare? 14 A. Well, if we had a day or two, I probably 15 could. There were many of them, so it would take a 16 while. 17 Q. It would take a while. 18 Okay. Is there anything that -- I think 19 what you're saying is that you may not have reviewed 20 every document that's in your report for this case, 21 but you did review a number of them, and it would 22 take you two days to tell me what those would be? 23 A. Let me clarify just a little bit there. At 24 one time or another, I have reviewed all the 25 documents that I was provided. In preparation for

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Page 18 1 my deposition, I didn't necessarily look at every 2 one of those documents. 3 Q. Are there any documents that you reviewed to 4 prepare for the deposition that are not noted in 5 your report? 6 A. Other those -- other than those that I 7 understand you became aware of a couple weeks ago, 8 no. 9 Q. Okay. So we received a couple of things 10 from Mr. Lewis about some additional work that you 11 did with Mr. Nixon. Barring that, everything else 12 is in your report? 13 A. Yes. 14 Q. Okay. And you've obviously spoken to 15 Mr. Nixon to prepare for this deposition as well, 16 correct? 17 A. Yes. 18 Q. And did you look at the deposition notice 19 for this case? 20 A. I didn't. 21 Q. You didn't. Maybe when we -- 22 A. You know, let me adjust that just a little 23 bit. I read the part that I needed to know, if you 24 will, and that was when and where. 25 Q. When and where. All right. Maybe we can	Page 20 1 A. Yes. 2 Q. Okay. So let's make a note. At a break, 3 I'm going to ask you to review what's in the 4 schedule, and when we go back off the break just 5 confirm that everything requested there has been 6 produced. Is that fair? 7 A. All right. All right. Yep. 8 Q. And who is your assistant that you relied 9 upon to make sure that everything was provided to 10 Mr. Lewis? 11 A. Typically, it would be Rashel Yabeney, 12 Y-A-B-E-N-Y. First name is Rashel, R-A-S-H-E-L. 13 Q. Okay. And how long has Rashel been with 14 you? 15 A. Fifteen years. 16 Q. Fifteen years. 17 A. Couldn't do it without her. 18 Q. Right. Rashel is not your wife, right? 19 A. No. 20 Q. Your wife was working with you for a while? 21 A. Yes. But she passed seven years ago. 22 Q. Oh, I'm sorry to hear that. 23 A. Yep, damn cancer. 24 Q. Horrible. 25 Now, you also did a declaration in this
Page 19 1 put it up on the screen, your deposition notice, and 2 mark it as Exhibit Number -- 3 MR. SCHILSKY: 4. 4 Q. BY MR. RENZULLI: -- Exhibit Number 4. 5 (Exhibit No. 4 was entered for 6 identification.) 7 Q. BY MR. RENZULLI: That look like it? 8 A. Yeah, it does. 9 Q. Okay. So let's go to the -- turn to the 10 next page. So keep going. 11 Did you see the schedule part, Mr. Bosch? 12 A. I did not read that, no. 13 Q. You didn't read that. Okay. 14 A. No. 15 Q. So why don't you take a minute and read it. 16 I'm surprised you didn't get that from your counsel. 17 A. I did. 18 Q. You did get it from your counsel? 19 A. Yes. Typically, the schedule is something 20 that I leave for my assistant to take care of. And 21 with regard to production, I produce everything that 22 I have to my client, and they provide it to you, or 23 at least that's my understanding of what happened. 24 Q. All right. So do you have a copy of this in 25 your file?	Page 21 1 case, correct? 2 A. Yes. 3 Q. Let's put your -- and you obviously -- do 4 you have a copy of the declaration in front of you, 5 by any chance, or -- 6 A. Yes. Well, off to the side of me here. 7 Q. No worries. 8 A. On another screen, I've got a copy, yes. 9 Q. Gotcha. Gotcha. We'll put it up and we'll 10 mark it as an exhibit. 11 This says: Johnson versus Glock, 12 Engineering Investigation Report and Declaration 13 dated October 12th, 2023. And we will mark this as 14 Exhibit Number 5. 15 (Exhibit No. 5 was entered for 16 identification.) 17 Q. BY MR. RENZULLI: Now, I don't think we need 18 to keep it up right this second. But fair to say, 19 sir, that you have a declaration of 175 pages, give 20 or take? 21 A. Yes. 22 Q. Okay. You also have your CV in there as 23 Exhibit -- I'm sorry -- Appendix 1, videos as 24 Appendix 2, ANSI product safety signs and labels as 25 Appendix 3; ANSI criteria as Appendix 4, and then

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Page 22 1 you have references as Appendix 5. Is that fair? 2 A. Yes. 3 Q. All right. So all of that is included 4 within Exhibit Number 5. Are there any other parts 5 of that declaration that I didn't just list off? 6 A. No. 7 Q. Good. Let me see if I can understand your 8 theory in this case, and tell me where I'm wrong or 9 if I'm right. 10 The Glock pistols are defective because the 11 feed ramp design causes them to erratically explode 12 under certain circumstances. Is that fair? 13 A. That's generally it, yes. 14 Q. And I read that right from Mr. Lewis's 15 motion to the Court, so that's fine. 16 And the certain conditions, can you tell me 17 what those certain conditions are that causes them 18 to erratically explode? 19 A. Some -- either overpressure or some sort of 20 issue with the case or some combination of those two 21 things. 22 Q. Okay. And what about the issue of fissures 23 or flow folds? Where does that fit into your 24 conditions? 25 A. It's part of what has been considered	Page 24 1 Q. BY MR. RENZULLI: Understood. Can you -- by 2 memory, can you tell me what those things were that 3 were provided by your attorney? 4 A. A couple weeks ago? 5 Q. Yeah. 6 A. Or, actually, before that even, but yes. 7 Well, there were several things. First and 8 foremost, it was my understanding that there were 9 some videos from the first production that your 10 office didn't receive. 11 Q. Okay. 12 A. So those were provided along with the 13 materials that were generated that we're talking 14 about having been provided a couple, three weeks 15 ago. Those were additional testing videos, two sets 16 of videos from different test days, two sets of 17 photographs from those same testing days, a number 18 of photographs of the characterization of additional 19 pistols; a fairly copious amount of material that 20 had to do with the laser scanning and 21 characterization of those scans, the scanning having 22 been done of various chamber molds; my Excel-based 23 analysis spreadsheet with fairly extensive analysis 24 that compared various pistols' unsupported areas and 25 the implications of those unsupported areas; and
Page 23 1 separate from pressure. 2 Q. So does that go with -- you said high 3 pressure/overpressure is one of the conditions. You 4 said the other thing is issues with the case. Do 5 you mean like weak cases? 6 A. Yeah. Cases that are somehow different 7 from, I'll say, the average case, if you will, in 8 that they're weak due to either exposure or to the 9 manufacturing processes. 10 Q. And when you say the manufacturing 11 processes, is that where you're bringing in this 12 issue about flow folds? 13 A. In part, yes. 14 Q. In part. Okay. Anything else -- any other 15 conditions, you call them, that you claim interact 16 with this -- the safety valve to cause a failure? 17 A. Not that I'm aware of. 18 Q. And all of your support for this theory is 19 included in your declaration in Exhibit Number 5, 20 correct? 21 MR. LEWIS: Compound; misstates his 22 testimony, vague. 23 THE WITNESS: And the materials that were 24 provided -- or I understand were provided or you at 25 least became aware of them a couple weeks ago.	Page 25 1 then a couple of references that I used, one for the 2 mechanical properties of barrel steel and another 3 with the mechanical properties of cartridge brass, 4 and that was it. 5 Q. Okay. That's everything you recall. Just 6 for clarification, you said videos from the first 7 production. I think you probably meant videos from 8 the first inspection. 9 A. No. I'm not sure when -- I'm not sure what 10 they were of at this point in time. I can go look, 11 if you want me to. 12 Q. Well, let's see what we have. I think you 13 may have just made -- 14 A. Okay. 15 Q. -- a faux pas. Not a big deal. 16 So that's everything that you recall as you 17 sit here that was added to your report or your 18 declaration after it was signed and sent off to us? 19 A. Correct. 20 MR. LEWIS: Objection; mischaracterized 21 testimony. 22 Q. BY MR. RENZULLI: So just to confirm a 23 couple of things just from your prior deposition. 24 You have no design experience with respect to 25 firearms, correct?

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Page 26 1 A. Outside of the forensic world, no. But all 2 of the work that I do -- well, I shouldn't say all, 3 but a lion's share of the work that I do has to do 4 with mechanical design. 5 Q. And just to confirm from the other 6 deposition, you have no specific firearm education, 7 correct? 8 A. Correct. 9 Q. All right. On Page 2 of your declaration -- 10 if you can just pop that up. 11 If you want me to put it up on the screen, I 12 will, but if not -- 13 A. I've got it here. 14 Q. Super. You say here that you've provided 15 engineering opinions in multiple civil and criminal 16 cases involving other firearms and/or ammunition. 17 Do you see that? 18 A. Yes. 19 Q. Right up on top. 20 During your last deposition, you couldn't 21 recall any of those specific cases that you worked 22 on. Do you remember that? 23 A. Yes. 24 Q. Do you recall any as you sit here today? 25 A. Only a couple that I remember the case name,	Page 28 1 The other case has to do with issues 2 associated with whether the lead BBs -- another 3 shotgun case -- lead BBs from the live rounds that 4 were recovered match the rounds -- the BBs that were 5 extracted from the deceased, so I'm looking at that. 6 Jeepers, what else? I know I've got at 7 least one other one pistol-related. What the heck 8 is it? Well, that's a start. 9 Q. So you don't remember any other ones as you 10 sit here today? 11 A. Not off the top of my head, no. 12 Q. Okay. What kind of revolver was it that 13 you're working with on the first one? 14 A. It's an Italian-made revolver. I don't 15 remember the name. It's an odd ball. 16 Q. Chiappa? 17 A. There you go. 18 Q. And what were the facts of that case? 19 A. Well, you know, I don't know a lot about the 20 case because I've been brought in fairly late with a 21 very focused assignment, if you will, on what I'm to 22 work on. But my understanding is, is that a 23 gentleman was shooting a firearm and it exploded. 24 That's pretty much it. 25 Q. What have you done on the case?
Page 27 1 but I have other cases -- current cases that I'm 2 working on. 3 Q. Okay. Well, tell me which ones are referred 4 to in that portion of your declaration on Page 2. 5 What are the specific cases involving firearms and 6 ammunition that you worked on that you recall today? 7 A. One of them is a revolver that I'm working 8 on that the barrel failed and essentially blew the 9 cylinder -- or not the barrel -- I'm sorry -- the 10 cylinder. It's a revolver. So you can think of it 11 as the chamber portion failed and blew the rest of 12 the firearm up. I'm working on that one from both 13 mechanical and a materials design perspective. 14 I've got a couple of criminal cases that I'm 15 working on for the public defender's office here in 16 Maricopa County -- actually, one of them is down in 17 Pima County, now that I think about it -- dealing 18 with issues associated with whether -- in one case 19 whether the firearm that is believed to have been 20 used was actually the firearm that was actually 21 used, along with the same question regarding the 22 ammunition that was used and comparing it to empty 23 shells -- this is a shotgun case -- empty shells 24 that were found at the scene where they believe the 25 shooting occurred.	Page 29 1 A. So far I've inspected the firearm and 2 prepared a protocol for additional, what I'll call, 3 laboratory work. We'll be doing what you 4 generically refer to as metallurgical analysis. 5 Q. Okay. So you're looking at the metallurgy 6 of the cylinder? 7 A. Yes. 8 Q. And then what about -- 9 A. And we're -- I'm sorry. 10 Q. No. That's my fault. 11 A. My fault. No, that was my fault. I -- 12 because I thought of something else to add. 13 Q. Please finish. 14 A. It's impossible -- it's impossible for you 15 to read my mind. But the other piece is, of course, 16 looking at the design of the cylinder. It's got 17 some rather interesting features that aren't 18 appropriate for the mechanical design of the 19 cylinder itself. 20 Q. What type of features does it have that's 21 inappropriate? 22 A. So the groove that is created to hold the -- 23 hold and advance the cylinder, the rotation of the 24 cylinder, is in a -- well, there's a number of ways 25 that you could look at it, I guess. But essentially

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Page 30 1 where they decided to place it isn't good simply 2 because it created a very thin location in the 3 chamber wall or in the cylinder wall adjacent to 4 where the cartridge sits. 5 Q. And you have been retained by the plaintiff 6 in that case? 7 A. Yes. 8 Q. And what type of ammunition was being used 9 in the revolver? 10 A. I don't recall off the top of my head. I 11 know it was factory ammo, but I can't tell you the 12 brand. I know it's .357 Magnum, but I don't recall 13 the brand of ammunition being used. 14 Q. Have you been asked to look at all as to 15 whether or not the ammunition caused that failure in 16 the cylinder chamber? 17 A. We haven't expanded our investigation to 18 that yet, but we may. 19 Q. Is this a lawsuit or a claim? 20 A. My understanding is that it's a claim at 21 this point. I don't think that there is litigation 22 yet. You know, I'm not certain of that, to tell you 23 the truth. 24 Q. Okay. But you have to go further down the 25 road, and then you may be looking at the ammunition	Page 32 1 at least part of what they do. Yeah, I guess, they 2 likely do other things, too. 3 Q. Understood. The criminal cases is more like 4 forensic-type work. Matching up, you know, BBs to a 5 shotgun shell was one of them; whether or not a 6 particular shotgun or ammo was used. It's all 7 forensic-types things you're looking at there, 8 right? 9 A. Yeah. Really looking at, you know, 10 materials from the perspective of determining where 11 there are differences and similarities, also looking 12 at, to some degree, reconstruction, in other words, 13 where -- how bodies may have been positioned 14 relative to the gun when the gun discharged, those 15 sorts of things. 16 Q. Okay. And have you been deposed in any of 17 those cases or provided courtroom testimony in the 18 criminal cases? 19 A. On the two that are active right now, no, 20 not yet. I have been in others, other cases that 21 were criminal in nature, again, looking at the same 22 sorts of things. You know, I'm trying to remember 23 explicitly what some of that was, but it's not 24 coming back to me right now. 25 Q. No worries. Any that involved ammunition?
Page 31 1 as a potential cause of the failure as well, 2 correct? 3 A. That's always possible. 4 Q. Sure. I mean, you have to look at the 5 ammunition, right? 6 A. Yep. Yep. I don't know that I would be the 7 one doing that, but that's obviously part of the 8 equation. 9 Q. Why would you not potentially be doing that? 10 A. Others are involved. Firearms experts are 11 involved that likely are better positioned to deal 12 with that aspect of the case. I mean, I'm certainly 13 capable, but we haven't gotten that far in the 14 process to sort out who's going to do that if it is 15 to be done. 16 Q. Gotcha. There's -- so you're not the only 17 expert in the case. There's other experts in the 18 case from the firearms world that may be more suited 19 to address the ammunition issues? 20 A. Yeah. I'm really focused on the materials 21 and de -- materials, material selection, mechanical 22 design aspects of the case. 23 Q. Are the other experts in the case any -- 24 like, ammunition experts; this is what they do? 25 A. You know, I -- I can only say that that is	Page 33 1 A. They almost always do in one way -- one form 2 or another, I guess, you know, would be the generic 3 answer. 4 Q. All right. 5 A. Yeah. You know, we're always -- that's 6 always an aspect of what's going on because a 7 firearm is really kind of a worthless thing without 8 the ammunition. And I would say that -- you know, 9 the one exception that comes to mind where I 10 haven't, at least at this point, been asked to 11 account for the ammunition itself is the case 12 involving the .357 Magnum that we were talking about 13 a few minutes ago. 14 Q. Uh-huh. Uh-huh. Okay. And what is the 15 name of that case with the revolver and Chiappa? 16 What's the name -- what's your client's name? 17 A. My client's name, Rob Hash, I believe. 18 Q. How do you spell that, sir? 19 A. It's H-A-S-H. 20 Q. And is Rob the attorney or is Rob the 21 plaintiff? 22 A. He's my client. He's the attorney. 23 Q. Okay. And where is Rob out of? 24 A. Oh, boy. Somewhere closer to your neck of 25 the woods.

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Page 34 1 Q. East Coast? 2 A. Pardon? 3 Q. Close to my neck of the woods? 4 A. Yeah, yeah. In other words, somewhere 5 in -- I'll call it the northeast part of the 6 United States. 7 Q. Okay. 8 A. Yeah, I don't recall -- I want to say 9 Chicago, but I'm not sure. 10 Q. Not quite the Northeast, but okay. 11 A. Yeah, I know. I've gotten in big trouble 12 over that one before. 13 Q. No worries. No worries. And -- withdrawn. 14 Any others that you're working on now that 15 we haven't discussed, any other firearm- or 16 ammunition-related cases? 17 A. I've got a case involving a SIG Sauer P320, 18 unintended discharge case. That's -- that's all I 19 can think of right now. Certainly I think I've 20 captured all my current cases. 21 Q. And tell me about the SIG P320 unintended 22 discharge. What are the facts? 23 A. Well, the facts in the case are that a 24 gentleman who obviously had a P320 had it discharge 25 when it was laying on his, as he called it, big, fat	Page 36 1 that opinion to the attorney? 2 A. I already have, yes. 3 Q. Gotcha. What do you plan on doing in the 4 future on that case? 5 A. You know, I've been deposed, and I just 6 don't have any awareness of what, if anything -- I 7 mean, obviously, something is going on with the 8 case, but I'm not privy to what's -- where things 9 are right now. 10 Q. Okay. How long ago were you deposed? 11 A. Probably about three months ago. 12 Q. Three months. Okay. And have you read your 13 transcript in that? 14 A. I haven't. I have it and I need to, but I 15 haven't gotten to it yet. I just received it -- I 16 think it was Wednesday or Thursday of last week. 17 Q. Gotcha. Excellent. On the Chiappa revolver 18 matter, have you done any high-pressure testing with 19 the revolver or with an exemplar? 20 A. No. Like I said, I prepared a metallurgical 21 protocol, and we're going to do some analysis of the 22 chamber looking at various metallurgical features to 23 characterize what we have there and what that 24 analysis tells us. That analysis may be all we need 25 to do.
Page 35 1 belly. And he states unequivocally that there was 2 no interaction on his part between the firearm and 3 his hand or any other body part. That's pretty much 4 the facts of the case. 5 Q. So it went off without a trigger pull? 6 A. Correct. 7 Q. And then have you done an inspection of the 8 P320? 9 A. Yes. 10 Q. What did your -- what did your inspection 11 show? 12 A. That there were no discernible defects with 13 the firearm. 14 Q. So you were retained by the plaintiff? 15 A. Yes. 16 Q. So did you tell the plaintiff there's no 17 defects here? 18 A. Yes. 19 Q. Are you still on the case? 20 A. Yes. 21 Q. I cut you off. 22 A. No, no. You're good. 23 Q. You're still on the case? 24 A. Yes. 25 Q. All right. And so do you plan on providing	Page 37 1 Q. And so do you plan on doing any 2 high-pressure tests? 3 A. Not at this time, no. No. It's like any 4 investigation. We have reason to believe that the 5 barrel was defective, possibly for multiple reasons. 6 We'll go in and have a look at things there. 7 Depending on what we see additional work may or may 8 not be justified. 9 Q. All from a metallurgical point of view, 10 though? 11 A. Yeah, initially. 12 Q. Gotcha. Let's -- you've had no -- since 13 last we spoke -- at your last deposition you had 14 discussed your education with me. You discussed 15 your experiences with me. You have no further, you 16 know, firearm design experience since that point, 17 correct? 18 MR. LEWIS: Form; vague. 19 THE WITNESS: Outside of the cases that I've 20 worked on, no. 21 Q. BY MR. RENZULLI: And the cases we've 22 discussed? 23 A. Well, the cases that I've been able to 24 remember that we've discussed, correct. 25 Q. And, look, if you remember any more, just

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Page 38 1 stop me -- 2 A. Okay. 3 Q. -- and say, hey, I remember. 4 All right. Good, good, good. 5 A. I can sure do that. 6 Q. There we go. There we go. Let's take a 7 five-minute break. 8 A. Okay. 9 THE VIDEOGRAPHER: We are off the record. 10 The time is 10:55 a.m. 11 (WHEREUPON, there was a recess taken.) 12 THE VIDEOGRAPHER: We are back on the 13 record. The time is 11:10 a.m. 14 THE WITNESS: Can we start out with a couple 15 of things that I need to say? 16 Q. BY MR. RENZULLI: Can I ask you a question 17 first? 18 A. Sure. 19 Q. Tell me about your conversation with 20 Mr. Nixon when we took a break. 21 A. I didn't talk with him, so -- 22 Q. Who did you talk to? 23 A. No one. 24 Q. Sir, you didn't talk to plaintiff's counsel 25 at a break?	Page 40 1 Q. Okay. I'll start off with the user's 2 manuals. And I understand that. I appreciate your 3 bringing that to my attention. Do you have all 4 those manuals? 5 A. I have all the manuals that we got. Let me 6 put it that way. I haven't actually looked to see 7 if every pistol that I have has a manual or not. I 8 know that they're going to be several that don't 9 simply because they were bought used and we got what 10 we got. I know that there are a lot of them that do 11 have manuals, but I can't differentiate here and 12 now. 13 Q. Okay. Just if you can -- don't throw them 14 away, the ones you have. 15 A. I won't. 16 Q. And the ones that you do have, maybe we'll 17 make copies, or provide a copy over to Mr. Lewis so 18 that at least he has it in his file, and then if we 19 need it, we could always run over to his shop and 20 get it. Okay? 21 A. Okay. Sounds good. 22 Q. And then on the Grosso, tell me about that. 23 A. So -- and, again, I didn't go through it 24 with a fine-tooth comb here, but it's requesting a 25 number of things. And I'll just give you one
Page 39 1 A. No. 2 Q. You sure? 3 A. Yep. 4 MR. LEWIS: I didn't talk to him, Chris, 5 so -- 6 Q. BY MR. RENZULLI: Okay. Is there -- now 7 that you've had a break -- 8 MR. RENZULLI: We're on the record, correct? 9 THE REPORTER: Yes. 10 Q. BY MR. RENZULLI: Now that you've had a 11 break, 10, 15 minutes, you want to add something to 12 the record. Please add it -- 13 A. Yes. 14 Q. -- to the record. 15 A. Just a couple of things. So I was reading 16 the deposition notice. I haven't finished yet. 17 Q. Okay. 18 A. But there are a couple of things that I read 19 here that I didn't provide. And one of them was all 20 of the user's manuals or owner's manuals that we 21 have for various pistols. And the other thing was, 22 and I didn't, you know, look at every detail there, 23 but it would be materials that were part of the 24 Grosso file. And, likely, some of those I never got 25 back. Does that make sense?	Page 41 1 example. Number 12, it says: Produce all documents 2 related to the Energy Dispersive X-rays Spectroscopy 3 results referenced in Section 7. 4 All I've got of those results are what is 5 included in my report, but there would have been 6 other material that -- you know, as you know, all my 7 work product was stolen from me after Grosso was 8 over. So the only thing I have that has anything to 9 do with Grosso what -- is what I was provided in 10 this case. 11 Q. Grosso, right? 12 A. Yes. 13 Q. G-R-O-S-S-O? 14 A. One more time. 15 Q. G-R-O-S-S-O. The Grosso case is what you're 16 talking about? 17 A. Correct. 18 Q. Okay. It was coming through differently. 19 So, no, I didn't know this, but thank you. What 20 work product was stolen from you? 21 A. My understanding, and I wasn't involved in 22 any of this, was that part -- and, I mean, I may not 23 have any of this, right? Hell, I don't know. But 24 my understanding is, is that part of the settlement 25 on Grosso was that everything associated with the

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Page 42 1 case be destroyed, including my work product. 2 Q. Pursuant to the agreement and stuff. I got 3 it. You gave it to Mr. Lewis. Understood. I 4 thought it was really stolen from you. I thought 5 someone broke in your house and stole it, so -- 6 A. Well -- 7 Q. -- thanks for clarifying. 8 A. -- you have to understand, yeah, from my 9 perspective, it felt like it was stolen. 10 Q. Sure, sure. I'm going to put up your 11 declaration, which is, I believe, Exhibit 5. We'll 12 put it up on the screen. To the extent you want it 13 on the screen, that's fine. If you want to just 14 look at the one that's in front of you, that's fine, 15 too. 16 A. I actually have one other quick comment, 17 just to get it in there before it actually happens. 18 I'm expecting a package that I'm likely going to 19 have to sign for. So what I'd like to do is 20 literally take 60 seconds to go sign for that so 21 that I don't have to chase it down later. 22 Q. One hundred percent. Of course. 23 A. Okay. I'll let you know as soon as I see 24 him walking up. 25 Q. Okay. Thanks, again, for the heads-up.	Page 44 1 materials that I would have reviewed during the 2 Grosso case, but, boy, that's been a long time ago. 3 Q. Gotcha. So maybe you didn't review those 4 for this case. They're not part of your opinions in 5 this case; fair to say? 6 A. That's fair to say, yes. I don't -- I don't 7 recall actually having been given those depositions 8 in this case. 9 Q. No worries. No worries. 10 A. Yeah. 11 Q. Let's jump to Page 10 and 11 of your report 12 here. This is where you start talking about your 13 examinations. And 3 -- let me see here. 3.5 is 14 where I saw it. 3.5 is on here, yeah. 15 (Discussion off the record.) 16 Q. BY MR. RENZULLI: Okay. On Page 11, it says 17 here: "Defense fired each of the pistols 15 times 18 using five rounds each of three different 19 ammunitions." 20 Now, this was the first examination? 21 A. Yes. 22 Q. Okay. And is your recollection, during the 23 first examination, both of Mr. Johnson's pistols 24 were fired? 25 A. Yes, but I'm not certain of that. I just
Page 43 1 A. Okay. I'm ready. 2 Q. Okay. We talked a little earlier -- Page 3. 3 We talked a little earlier about the documents that 4 you reviewed, and this shows the listing of the 5 documents that you reviewed to -- before you gave 6 your declaration. And on the bottom of Page 3, I 7 see a couple of things there. 8 It's on Page 3. Hold on. Stay there. Stay 9 there. 10 There was deposition transcripts there. 11 There was a fellow by the name of Dennis Crabill and 12 Julie Hofstetler (sic) and Jeffrey Searles on the 13 next page, and Tom Hanley. 14 Did you -- do you remember reading those 15 deposition transcripts? And maybe I -- let me ask 16 you that. Do you remember reading those? 17 A. Not anymore. 18 Q. Okay. Let me -- maybe I can refresh your 19 memory. These were folks that the plaintiff's 20 attorney wanted to depose who had issues with their 21 ammunition in Glock pistols in the past. Do you 22 remember those folks? 23 A. No. 24 Q. Okay. No worries. 25 A. You know, as it states in 2.1, these are	Page 45 1 don't remember that far back. 2 Q. You don't remember that far back. 3 Okay. Do you -- 4 A. I know -- I'm sorry. I know we looked at 5 both pistols, and my recollection is that we fired 6 both, but I could be mistaken. 7 Q. Okay. Maybe I could refresh your memory 8 about that. What is a G30 SF? What kind of a Glock 9 pistol is that? What caliber is that? 10 A. It's a small frame -- SF small frame 45 ACP. 11 Q. Okay. And is that one of the pistols owned 12 by Mr. Johnson? 13 A. Correct. 14 Q. And I know you don't remember as you sit 15 here today, but do you remember that the pistol was 16 not shot because there was some unknown substance in 17 the barrel? Do you remember that? 18 A. Yeah, do now. 19 Q. You do now. All right. Well, that's why 20 I'm here, then. 21 A. Yeah. Absolutely, yeah. 22 Q. And do you remember what that substance was? 23 A. No. I wasn't -- I didn't attend the SEM/EDS 24 examination that was done, but my understanding is, 25 is that was basically typical residue from having

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Page 46 1 been fired. 2 Q. Okay. And who told you it was typical 3 residue from having been fired? 4 A. Mr. Nixon. 5 Q. Mr. Nixon told you that. Okay. So we'll 6 talk to him later. 7 Other than what Mr. Nixon told you, did you 8 draw any conclusions about what was inside that 9 barrel, whether it be the chamber, et cetera? 10 A. No. 11 Q. Okay. You don't -- you're not critical at 12 all of the consultants for Glock that refused to 13 fire it that day because there was something in 14 there, right? 15 A. No. 16 Q. Okay. So that issue about something being 17 inside the chamber and barrel of the 30 SF, that's 18 not in your report because that's something that's 19 being handled by Mr. Nixon? 20 A. That and I don't know that it was relevant 21 to the case in any way. 22 Q. All right. But did you look at -- did you 23 talk to anyone who did any testing of the residue in 24 there? 25 A. Outside of what I just referred to,	Page 48 1 A. Not that I recall. That -- that wasn't 2 really my role that day, to look. My role was to 3 keep things moving. 4 Q. Okay. Your role wasn't to look at the 5 casings. Your role was to keep the inspection 6 moving? 7 A. Yep. 8 Q. What does -- just explain that for me. What 9 does that mean, keep it moving? Make sure 10 everyone's -- 11 A. Just -- 12 Q. -- moving quickly? 13 A. No. Just make sure that everybody had 14 everything that they needed and that the -- there 15 were no hold-ups due to the lack of availability of 16 anything. 17 Q. Gotcha. Okay. So you didn't look at those 18 ammunition casings that were fired by Glock's 19 consultants, correct? 20 A. Not that I recall. I can't say that I 21 didn't. My recollection is, is that there was some 22 photography done of the spent cases and that sort of 23 thing, but I don't remember doing any detailed 24 analysis of any cases. 25 Q. Gotcha. There certainly weren't any
Page 47 1 Mr. Nixon had attended the -- the laboratory work 2 that was done or participated in the laboratory work 3 that was done where the composition analysis, you 4 know, was completed and, you know, that data was 5 gathered, but I never even saw the result. 6 Q. That's all Mr. Nixon. We're going to -- 7 we'll point to him, right? 8 A. Let's push it over on him. 9 Q. Let's push it on him. Good. Now he can get 10 ready. Would -- let's leave that alone. 11 There was a second inspection, correct? 12 A. Yes. 13 Q. We can move over to -- well, I'm just -- I'm 14 looking here -- just so you know, I'm on 3.4. You 15 said: Defense fired each of the pistols 15 times 16 using 15 (sic) rounds each of the three ammunitions. 17 You're going to amend that -- or you 18 modified that today when you recollected that the 19 defense didn't fire both. But what happened with 20 those cartridge cases? 21 A. I'm not certain, but I'm pretty sure that 22 defense kept those. 23 Q. Okay. 24 A. I don't know why they wouldn't have. 25 Q. Did you look at them at all?	Page 49 1 ammunition failures during that test-firing, 2 correct? 3 A. Correct. 4 Q. So now let's go to -- move to the second 5 examination and testing. I'm on 4.3, Page 24. It 6 says Glock's experts discharged more than five 7 rounds of each type of ammo. Is that your 8 recollection here from looking at the report? 9 A. Yes. 10 Q. So would you agree with me that the Glock 11 consultants fired about, you know, 100 rounds of 12 different types of ammunition through the G30 SF? 13 A. I'm just reading. Bear with me. 14 Yeah, I'm not sure. It's not clear to me 15 how many rounds total that defense shot. If you 16 look at 4.5, that's when we pick up and we're doing 17 testing of other firearms. So based on what I've 18 read here, I can't say for sure how many rounds 19 total were fired by defense. 20 Q. Understood. And is it your recollection, 21 now that I've reminded you, that rounds were fired 22 through the pistol only after the buildup, whatever 23 it was, inside the barrel was removed? 24 A. I don't know anything about removal. 25 Q. Okay.

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Page 50 1 A. Now, that -- that certainly didn't happen in 2 my presence. It may have happened at the 3 laboratory, but I wasn't involved in that. 4 Q. Okay. Well, then looking at 4.5, which 5 you've pointed out to me, after that you and 6 Mr. Nixon fired another 100 rounds through each 7 pistol, correct? 8 A. Through other pistols, yes. 9 Q. Through each Glock pistol, the plaintiff's 10 pistols? 11 A. No. 12 Q. Okay. 13 A. No. If you read 4.5 -- 14 Q. Yeah. 15 A. Or, no, I'm sorry. I get myself confused. 16 Let me read a little bit more here. 17 Q. Take your time. 18 A. Yeah. Okay. You're correct. 19 Q. Okay. So Glock's consultants fired a number 20 of rounds -- you're not sure how many -- through the 21 30 SF. And then at some point after that, you and 22 Mr. Nixon fired another 100 rounds through each of 23 Mr. Johnson's pistols, correct? 24 A. Correct. 25 Q. And there were no ammunition failures either	Page 52 1 about competitors, and I'm not sure what you mean by 2 competitors. But were there observations made of 3 the hundreds of rounds of ammunition that were 4 test-fired through Mr. Johnson's pistol? 5 A. Yes. 6 Q. Okay. Just point me to where those 7 observations are in the report. What page is that? 8 A. They're not in there. So let me provide a 9 little bit more context and it will make a lot more 10 sense. 11 Q. I'm sure. 12 A. So one of the things that we were curious 13 about was what, if any, differences there were in 14 the geometry of spent cases comparing Glock cases 15 that were fired in Glocks with those that were fired 16 in Glock's competitors' handguns. 17 What we discovered in the effort to try to 18 capture an understanding about that difference was 19 that the differences were very subtle. And by that 20 I mean, I would argue impossible to measure. Not 21 only were the differences very small, but it was 22 basically impossible to ensure that your measurement 23 tool was always in the same place to capture those 24 subtle differences in an effort to characterize 25 their quant -- their -- a better word is quantify
Page 51 1 when Glock's consultants shot Mr. Johnson's pistols 2 or when you and Mr. Nixon shot Mr. Johnson's 3 pistols, right? 4 A. Correct. 5 Q. I don't see anything further about this 6 test-firing in your report. Is that fair to say? 7 A. Yes, I'm pretty sure that's true. 8 Q. Okay. Because that -- so the test-firing 9 you did wasn't important for your analysis, then? 10 A. No. You know, we made some observations of 11 the cases themselves at a later date. And let me 12 be -- actually, let me back up just a little bit. I 13 made some visual observations of the cases relative 14 to cases that came out of fire -- other competitors' 15 firearms at a later date. But it was very difficult 16 to quantify what I was seeing simply because the 17 differences were so subtle. That's an effort that 18 we may pick up later if and when it's appropriate. 19 Q. I apologize, Mr. Bosch. I'm not following 20 you. You first said -- 21 A. Well -- 22 Q. Let me try to get this out. 23 A. Yep. 24 Q. You first said that you made observations of 25 the cases themselves, and then you started talking	Page 53 1 those differences. We know from the visual 2 observations that there are differences, but making 3 measurements by hand to capture and quantify that 4 difference is not possible. 5 So there are techniques that likely can be 6 applied to capture those differences, but we didn't 7 have time to pursue that avenue. So if and when 8 it's appropriate, we'll pick that back up and have a 9 closer look at it. 10 Q. These very, very subtle, impossible to 11 measure, very small differences was something you 12 saw with a naked eye? 13 A. Yes. And just to be clear, impossible to 14 measure by hand. I wouldn't say impossible to 15 measure, but by hand, I don't think there's a way to 16 get there. With regard to the visual observations 17 that we were making, it was basically making 18 observations of how the light reflected from the 19 exterior case wall. 20 Q. Okay. And let me see if I understand that. 21 The visual that you did was the light reflecting 22 from up ahead onto the case wall looked different 23 when you compared it to a cartridge case from 24 something you called a competitor to Glock; is that 25 fair?

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Page 54 1 A. Yes. 2 MR. LEWIS: Form. 3 THE WITNESS: That's very generally what 4 we're talking about. 5 Q. BY MR. RENZULLI: Did you take pictures of 6 it? 7 A. You know, I found it almost impossible to do 8 that, too. 9 Q. You can't take a picture. Is there other 10 ways other than by hand to measure what you call a 11 very subtle, very small, impossible to measure by 12 hand issue? 13 A. Yes. 14 Q. How would you do that? 15 A. Laser scanning. 16 Q. Laser scanning? 17 A. Yeah, laser scanning and, of course, 18 analysis of those point clouds. 19 Q. Did you do that? 20 A. I'm sorry? 21 Q. Did you do that? 22 A. Did I do that? 23 Q. Yeah. 24 A. No, no. Like I said, we didn't have time to 25 pursue that avenue.	Page 56 1 have liked to have been able to have gotten, and 2 that's defensible data upon which to make 3 comparisons between the two based on having 4 quantified the differences in geometry. 5 Q. Okay. I'm on Section 5, Page 31 now. We 6 weren't at that. 7 Okay. Do you remember this, what you call, 8 examination and testing that occurred on June 29th 9 and 30th? 10 A. Yes. 11 Q. Okay. Now, this testing -- no one invited 12 Glock to this test, correct? 13 A. Not to my knowledge, no. 14 Q. Why not? 15 A. Well, I have no idea. 16 Q. Okay. It says that you looked at additional 17 Glock pistols and pistols of other manufacturers, 18 the calibers 45, 40, 10-millimeter and 45 GAP; is 19 that fair? 20 A. Yes. 21 Q. How did you determine which pistols to 22 examine other than the Glock pistol? 23 A. Well, I didn't make that determination. I'm 24 certain along the way I had some input on that, but 25 the objective was, is to use other, I'll say,
Page 55 1 Q. Okay. That -- those inspections were done, 2 oh, back in June, right, was one of them? 3 What was the first one? What was the date 4 of the first one? In March -- you've got -- so what 5 are we at? We're almost February here. So almost a 6 year ago the first one was done, the first 7 inspection, right? 8 A. Yes. 9 Q. Okay. And you talked about there were 10 differences when you compared it kind of visually, 11 if the light was shining the right way, on 12 competitors' cases, right? 13 A. And Glock cases. Obviously, they're not 14 Glock cases, but cases fired from Glocks. 15 Q. And what -- who were the competitors that 16 you did this visual of that's not referenced in your 17 report? Who were the competitors? 18 A. I was focused on 45 ACP pistols, so I'd have 19 to look at the list of pistols that we did testing 20 on. And I didn't make comparisons of each -- the 21 cases from each and every Glock or each and every 22 competitors'. 23 Q. You would be going by memory, right? You 24 didn't take any notes on this, right? 25 A. No. Because I couldn't get what I would	Page 57 1 polymer pistols, in other words, pistols that were 2 in the same -- I don't want to say class because 3 that could be misunderstood in the context of this 4 case, but pistols that most closely matched the 5 Glocks. 6 Q. Okay. So if you didn't determine and you 7 didn't decide which ones to use, who did? 8 A. That was decided by the -- probably with 9 more input from Mr. Nixon than myself, but the 10 pistols were actually acquired by the law -- the law 11 team, I'll say. 12 Q. Okay. So Mr. Lewis is the one who got you 13 the pistols? 14 A. To the best of my knowledge, that's where 15 they were obtained, yes. 16 Q. Gotcha. So that wasn't your choice? You 17 didn't say, hey, I want to see a certain type of 18 pistol? You just -- you -- what you have there in 19 the report is that you examined the testing guns. 20 Those were just ones that were provided to you; 21 fair? 22 A. Correct. Correct. 23 MR. LEWIS: Objection; mischaracterizes his 24 testimony. 25 Q. BY MR. RENZULLI: Can you identify the types

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Page 58 1 of ammunition used for each of the test-firing that 2 you discuss in Section 5? Can you tell me the 3 different types and brands? 4 A. Oh, let me see here. 5 Q. And if you're pointing to a certain page, 6 let me know and I'll pop it up on the screen. 7 A. I sure will. 8 Q. Thank you. 9 A. Yeah. So if we go down to -- starting on 10 Page 34, at the bottom, Section 5.5.8. 11 Q. Okay. 12 A. For the 45 ACPs, it lists the ammunition 13 that was used. And then this -- you know, this 14 section on 45 ACP is basically repeated for each 15 caliber of handgun. So after I'm done with the 16 45 ACP here, there will be a section on the 45 S -- 17 or the 40 S&W, which will basically list all the 18 same thing, including -- same things, including the 19 ammunition that was used. 20 Q. So just looking at the first one that you 21 referenced on Page 34, 5.5.8: Winchester 45 ACP, 22 230 grain, full metal jacket, brass case; Blazer 23 45 ACP, 230 grain, FMJ brass case; Blazer 45 ACP, 24 230 grain, FMJ, aluminum case; Federal 45 ACP, 25 230 grain, FMJ, brass case. Those are some of the	Page 60 1 A. No. 2 Q. All right. I mean, people -- competitors -- 3 people buy firearms for many different reasons, 4 right? 5 A. Correct. 6 Q. Some people buy it, let's say, for example, 7 self-defense, right? 8 A. Correct. 9 Q. Some people buy them for plinking. Do you 10 know what plinking is? 11 A. Oh, yeah, yeah. 12 Q. Some people -- 13 A. Done many hours of it. 14 Q. There you go. Some people buy them for 15 hunting, right? 16 A. Yes, yes. 17 Q. Some people buy them for home defense -- 18 A. Yep. 19 Q. -- right? 20 Some people buy them for concealed carry, 21 right? 22 A. Yeah. Some of these classes are -- or 23 class, not a good word. Some of these uses, 24 obviously, are overlapping each other, but they're 25 not only for a lot of different things, but, you
Page 59 1 different types of ammunition that you used when you 2 shot them through the Glock pistols, correct? 3 A. Yes, and specifically all the 45 ACP Glocks 4 and competitors, of course. 5 Q. I'm sorry, what? 6 A. I say not only the Glocks, but the 7 competitors and all 45 ACP in this case. 8 Q. Well, you're saying competitors. Do you 9 know that these particular firearms are competitors 10 of Glock, or is these just the ones that Mr. Lewis 11 provided to you? 12 MR. LEWIS: Objection -- 13 THE WITNESS: Well -- 14 MR. LEWIS: -- vague, misstates his 15 testimony, argumentative, compound. 16 THE WITNESS: My understanding is, is that 17 they're in the same family of firearms, so, by 18 definition, they would be competitors. Even if they 19 weren't in the same family, they were obviously 20 competitors to Glock. Glock doesn't own any of 21 them, so they're in direct competition with each 22 other. 23 Q. BY MR. RENZULLI: You've done no analysis, 24 no study as to who Glock competes with in certain 25 areas, right? You didn't do any of that?	Page 61 1 know, the same end is accomplished many ways. 2 Q. Some people buy them just to collect, right? 3 A. Yes. 4 Q. Like, there are some folks out there that 5 like the Glock pistols family so much that they want 6 to buy every model, correct? 7 MR. LEWIS: Objection; calls for 8 speculation, lacks foundation, argumentative. 9 THE WITNESS: Yeah, I -- I have never known 10 anybody that had every Glock, but given how humans 11 are with regard to collecting, I'm sure there is 12 someone out there that's done it. 13 Q. BY MR. RENZULLI: Sure. People buy firearms 14 for the competitive shooting, right? 15 A. Yep. 16 Q. And you would choose -- and let's stay with 17 Glock. You would choose which Glock you want to 18 purchase based upon what you're going to use it for, 19 right? 20 A. That's true for any firearm. 21 Q. Gotcha. So I think we left off -- you were 22 telling me the different types of ammunition that 23 you -- when you did your testing with Mr. Nixon, you 24 were telling me which ones they were. You started 25 off with 5.5.8. Was there anywhere else where you

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Page 62 1 talked about the particular type of ammo you used in 2 your report? 3 A. Well, as I said, there will be a similar 4 section for each of the calibers that we tested. In 5 this case, on Page 34 and 35, we're talking about 6 45 ACP. But in -- there will be another three 7 section, one each for 40-caliber, for the 8 10-millimeter and the nine-millimeter. And in each 9 one of those, it will list the ammunition that we 10 used. 11 Q. All right. So it will -- it will also -- so 12 you'll have a nine-millimeter in there and then 13 you'll have a 10-millimeter in there, but later on 14 in the report? 15 A. Yes. 16 Q. Excellent. Just looking at the 40 17 Smith & Wesson, it's on Page 48, 5.6.9. You 18 talk about a Winchester 40 Smith & Wesson, 180 19 grain, FMJ, brass case; Blazer 40 Smith & Wesson, 20 165 grain, FMJ, brass case. Then you did a 21 Sellier & Bellot 40 Smith & Wesson, 180 grain, 22 full metal jacket, aluminum case. 23 Those are more -- different types of 24 ammunition that you ran through a 40 Smith & Wesson 25 as well, correct?	Page 64 1 A. They were an available brand. 2 Q. Available. All right. 3 A. I mean, in part it's because they're 4 popular, too. As you can see, I didn't go hunt up 5 any odd -- what I'll call odd or unusual or unknown 6 types of ammunition. It was all pretty much the 7 ammunition that -- well, it's more than pretty much. 8 It was the kind of ammunition that we're all 9 familiar with and have been all of our lives. 10 Q. Okay. Then on Page 79, you talk about the 11 45 GAP. I don't see the type of ammo that you put 12 through that. 13 A. I -- we didn't shoot that. This will -- 14 this will probably be the last time that you'll see 15 that particular handgun mentioned. I mean, it kind 16 of fell by the wayside. 17 Q. I just don't know what that means, it fell 18 by the wayside. 19 A. Well, we decided not to continue with 20 extensive testing and characterization of that 21 particular handgun. 22 Q. Why is that, sir? 23 A. You know, I don't really know what the 24 reasoning was. 25 Q. Was that your recommendation?
Page 63 1 A. Correct. 2 Q. Gotcha. Going to Page 64, I think you did 3 this with a 10-millimeter. You just told me about 4 that. I'm not going to read them out, because 5 there's many different types of ammunition that you 6 put through the 10-millimeter. But as you see in 7 5.7.9, you detail what -- you say approximately 75 8 times using approximately 25 each of the following 9 ammunition. That's a listing of five additional 10 manufacturers of ammunition that you ran through 11 that -- the five 10-millimeter exemplar pistols, 12 correct? 13 A. Correct. 14 Q. Why did you choose -- did you choose the 15 ammunition -- 16 A. Yes. 17 Q. -- or did someone else? 18 You did? 19 A. Yes. 20 Q. Okay. Why did you choose -- I mean, you 21 have many, many different brands here. Why did you 22 choose those brands? 23 A. I could get them. 24 Q. You can get them. Okay. So they were -- 25 they were -- were they popular brands? Were they --	Page 65 1 A. Not that I recall. I don't remember exactly 2 how that came about, but it did. 3 Q. So you don't plan to talk to the jury about 4 Glock 45 GAPs? 5 A. Outside of what is in this report, not that 6 I'm aware of at this time. That may change. 7 Q. Why didn't you fire any rounds through it? 8 A. Well, first and foremost, it's damn hard to 9 find -- let me start over. First and foremost, it's 10 very hard to find the ammunition. 11 Q. Okay. Other than that? 12 A. No. Apparently nobody wants it, if you 13 will. 14 Q. Nobody wants it. Nobody wants the gun or 15 nobody wants the ammunition? 16 A. Well, apparently the gun. That would -- I 17 mean, if everybody had the guns, they'd need the 18 ammo. So I'm assuming that they just aren't that 19 interested in that particular gun because of 20 whatever reasons they have. 21 Q. I apologize. I'm not sure what that means. 22 But where did you look to find ammunition for the 45 23 GAP? 24 A. Oh, boy. I have -- I don't have any 25 recollection about that.

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Page 66 1 Q. You also said that you shot rounds through 2 the nine-millimeter. Just tell me what page that's 3 on. 4 A. So that -- we didn't do nine at that point, 5 but we did later. 6 Q. So you -- 7 A. So it would be essentially -- I can't 8 remember what the details were at that particular 9 time, but we didn't get the nine-millimeters done at 10 that time. 11 If we go to -- and I was reading this last 12 night. If we go farther down in the report, just -- 13 here, let me see if I can find it quickly. Yeah, 14 the next section of the report, I believe, 15 Section 6, includes nine-millimeters. And then we 16 also added another 45 ACP, a Walther PPG, a couple 17 more Glocks for the Smith & Wesson 40-caliber and 18 then some nine-millimeters and then one additional 19 10-millimeter Glock. 20 Q. All right. But there's nothing about the 21 nine-millimeter in here other than you examined 22 some. 23 MR. LEWIS: Objection; misstates his 24 testimony. 25 Q. BY MR. RENZULLI: Correct? Is there	Page 68 1 MR. LEWIS: Objection; misstates his 2 testimony, misstates the record, misstates the 3 report, and it's ambiguous. It's vague, and it's 4 been asked and answered. 5 MR. RENZULLI: Rob, you know, we've been 6 through this for so many years. He's doing a good 7 job. I don't think he needs your coaching. 8 MR. LEWIS: Well, we're -- you know, I 9 would -- we're in California now, so I -- you know, 10 I -- we're doing the California rules. I'm a little 11 rusty with them, so you have to bear with me. We 12 have to name these objections because that's the 13 rule, as I understand it. 14 So, you know, I would rather go back to the 15 good old days, but, you know, that's where we're at, 16 so -- I don't mean to be -- I don't mean to annoy 17 you or harass you or be ornery. 18 MR. RENZULLI: Yeah, you don't -- you're 19 not. And just a reminder, we're in Federal Court 20 right now, I guess Federal Court in California -- 21 MR. LEWIS: Yeah, in Federal Court, we're 22 following California state court rules. So, I mean, 23 I think it's my -- 24 MR. RENZULLI: Let's move on here. Let's 25 move on. Enough.
Page 67 1 something else in the report that I'm missing about 2 nine-millimeter other than listing it on Page 80? 3 MR. LEWIS: Objection; vague, ambiguous, 4 misstates his testimony, misstates the report. 5 Q. BY MR. RENZULLI: Do you understand the 6 question, sir? If it's vague, please tell me. 7 A. Bear with me. I'm reading here. 8 Yeah, that's pretty much what I've done for 9 all four calibers -- or all four calibers and all 10 the testing that we've done, is listed the fact that 11 it was done. And, as I said here at the top of 12 Page 81, is that, "It is expected that additional 13 testing and characterization will be completed on a 14 future date." And then that's it. Then we go 15 after -- for the nine-millimeters and the additional 16 45 and 40 and 10-millimeter that we did. And then 17 we start Section 7. 18 Q. I'm sorry, is it your opinion -- are you 19 planning to talk to the jury and say that 20 nine-millimeter Glocks are defective as well as all 21 the other ones? 22 A. Yes. 23 Q. And the testing that you did -- you haven't 24 done yet because it's not in the report outside 25 of --	Page 69 1 Q. BY MR. RENZULLI: Mr. Bosch, so tell me. 2 There's very little information about 3 nine-millimeter. You've talked about it. You've 4 said it in this report. 5 Do you plan on doing anything else in the 6 future with regard to nine-millimeters? 7 MR. LEWIS: Objection; misstates his 8 testimony, misstates the report, mischaracterizes. 9 THE WITNESS: In the future, there will 10 likely be a lot more work done. 11 Q. BY MR. RENZULLI: Like what? 12 A. Case characterization, possibly additional 13 firing with different loads, et cetera, et cetera. 14 There's a lot of work that could be done. 15 Obviously, if I'm asked to do so, I will. 16 Q. Oh, I'm sure. For this report, have you 17 fired any nine-millimeters? 18 MR. LEWIS: Objection. 19 THE WITNESS: I'm not -- I'm uncertain about 20 what you're asking me. 21 Q. BY MR. RENZULLI: Oh, yeah. Sir, I'm sorry. 22 A. Yeah. 23 Q. Did you put any rounds through the 24 nine-millimeter -- that's rounds went through the 25 gun -- fired them, discharged through a

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Page 70 1 nine-millimeter that's in the report? 2 A. Yes. 3 Q. Just tell me which page it is. 4 A. Bottom of Page 80. 5 Q. Okay. 6 A. That's in, yeah, Section 6.3. 7 Q. This says: The following eight pistols, 8 including five Glocks and three competitors', were 9 examined and several were tested. 10 So examined is not discharged. But tested, 11 is that what you think -- is that -- do you use 12 those words for discharging them? 13 A. Yes. 14 Q. Okay. Can you show me where it says which 15 ones? Because it says several, so I don't know what 16 that means. What types of ammunition was put 17 through them or any other reference other than 18 several were tested for nine-millimeters? 19 A. At this point, I don't remember why I stated 20 it that way, and off the cuff, no, I can't answer 21 either one of those questions. I can certainly get 22 that info for you. There's a -- 23 Q. Just so that I'm clear -- go ahead. 24 A. I'm sorry. If you look at the date that we 25 did it there, I was a little bit rushed in bringing	Page 72 1 have written that given the reason we were out 2 there, and that was to test all those pistols, 3 test-fire all those pistols. 4 Q. And we don't know what tested means, either. 5 We don't know if that means taking a look at it -- 6 A. It could be testing -- 7 Q. -- comparing it, firing it. No worries. 8 So would you have any -- I have all your 9 notes, right? You sent them to Mr. Lewis. 10 A. Correct. 11 Q. So if you did do any test-firing of any 12 nine-millimeter pistols, you would have no notes on 13 it, either? 14 A. Given the proximity of the testing that we 15 did that day to when I did my report, I doubt 16 whether I wrote anything on-site. It would have 17 just all been recorded in my head, if you will. And 18 I would have written it up as we see it here today. 19 Q. Gotcha. I see -- well, let's go back to the 20 45 ACP. We'll go to Page 45 on your -- in your 21 report. 22 A. You know, may I pick up for just a second? 23 Q. Sure thing. 24 A. So I just noted here -- and I don't know why 25 I didn't see this before, but, again, we're back on
Page 71 1 it all together. So I would need to go back and 2 review precisely what we did there. 3 Obviously, you know, not only do we have all 4 the pistols, but we have all the rounds that were 5 discharged through each of the pistols segregated 6 into -- I don't know how many different plastic 7 bags, et cetera, et cetera, et cetera. So I have 8 the materials that I need to answer those questions, 9 but I'm not going to be able to pull them out of my 10 head at this point. 11 Q. Okay. Just so that we can button this up, 12 is it fair to say as you sit here today, you don't 13 have any specific recollection of putting rounds, 14 discharging rounds, firing rounds through a 15 nine-millimeter pistol? Is that fair? 16 A. No. No. I know we did. We shot up a bunch 17 of nine-millimeter ammunition that day. I just 18 can't say for certain, you know, what ammo, how many 19 or which, if any, pistols we skipped for some 20 reason. 21 Sitting here as we are today, I can't think 22 of any reason why we wouldn't have fired all those 23 pistols. But like you pointed out, it says, several 24 were tested. Well, that implies that all weren't, 25 which I don't have an explanation for why I would	Page 73 1 the bottom of Page 80. Specifically for the 45 ACP, 2 the 6.1.1, that's a likely explanation of why I 3 wrote several. Specifically, it says, examined but 4 not yet tested. That's probably where the several 5 come from -- came from. 6 Q. I'm sorry, I didn't understand what you 7 said. 8 A. Okay. So if we go down to the bottom of 9 Page 80 -- 10 Q. Yes. 11 A. -- Section 6.1.1 where it lists the 12 Walther -- Walther PPG -- 13 Q. Yes. 14 A. Yeah, you guys aren't in the right place. 15 Q. Right there. 16 A. There we go. There we go. Yeah, off to the 17 right after the serial number for that handgun, it 18 says, examined but not yet tested. That just caught 19 my eye. That's probably the explanation for why I 20 stated what I stated using the word several. I 21 would imagine, because I marked that one as not 22 having been tested, that if there had been any of 23 those other pistols listed in Section 6.1, 2, 3 and 24 4, that it -- similar comment would have been made. 25 Q. Let's go to Page 45. It looks like you

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Page 74 1 talked about this. Oh, next page. No. 45. 2 Page 45. There you go. 3 So you told me you had bags of all of these 4 cartridge cases, et cetera. Before you fired the 5 cartridge cases, the hundreds of rounds that we've 6 talked about, did you examine the cartridges before 7 you ran them through all these guns? 8 A. Outside of -- well, define exam -- examined. 9 Q. Well, like your testing. Did you look at 10 them at all? 11 A. Yes. 12 Q. Did you inspect them? 13 A. Yes, but just in the sense that we gave them 14 a quick spin as we were loading them to make sure 15 they weren't -- that was no case damage, that sort 16 of thing. 17 Q. And then after they were fired -- I think 18 you testified to this. Let me know if you have 19 anything to add -- you looked at some of them, and 20 that's where you may have seen the light issues, 21 some reflection, right? 22 A. Correct. 23 Q. So -- but in all of these, and I've got -- 24 you've got bags of them here that you have in your 25 figures. None of them had an ammunition failure,	Page 76 1 Q. We'll take a half hour. 2 A. Okay. 3 MR. RENZULLI: Is that good, Rob? 4 MR. LEWIS: That's fine with me, yeah. 5 MR. RENZULLI: Good. We want to make sure 6 that you're ready, you're strong. 7 THE WITNESS: Yep, so do I. 8 MR. RENZULLI: See you in a half hour. 9 THE WITNESS: Okay. Sounds good. 10 THE VIDEOGRAPHER: We are off the record. 11 The time is 12:01 p.m. 12 (WHEREUPON, there was a recess taken.) 13 THE VIDEOGRAPHER: We are back on the 14 record. The time is 12:42 p.m. 15 Q. BY MR. RENZULLI: Okay. Just bear with me. 16 I'm trying to figure out where I left off. I think 17 I've gone through this already. 18 MR. RENZULLI: Can you put up like Page 45? 19 I'll make sure I got this right. 20 MR. SCHILSKY: Just one second. You should 21 see it. 22 Q. BY MR. RENZULLI: Okay. I think we went 23 through this already, but bear with me, Mr. Bosch. 24 Those are the spent rounds from the ammunition that 25 you fired through various Glock pistols.
Page 75 1 right? 2 A. That's correct. 3 Q. You call them kabooms. No kabooms, as you 4 call them, correct? 5 A. Correct. 6 Q. Okay. Go to Page 81. 7 A. Mr. Renzulli? 8 Q. Yes, sir. 9 A. How long do you think we'll go yet? 10 Q. Oh, I think we're getting there. It's -- 11 Mr. Bosch, in all due fairness, it's not like 12 we've -- when we've done this in the past. Is there 13 a time constraint, or FedEx is there? 14 A. No, no time constraint, but I'm 15 hypoglycemic. 16 Q. Okay. 17 A. So it's getting time for me to get some 18 food. 19 Q. I don't -- I want you to testify truthfully 20 and honestly, and if that's going to get in the way 21 and you need something to eat, well, then go grab 22 some food. How much time do you need? 23 A. Okay. 24 Q. How much time do you need, sir? 25 A. Twenty minutes.	Page 77 1 Just to confirm, I have -- all of your notes 2 were provided to me with regard to those rounds of 3 ammunition, right? Any conclusions you drew, I have 4 it; it's in the report or you've stated it today? 5 A. Yes. 6 MR. LEWIS: Lacks foundation. 7 Q. BY MR. RENZULLI: I think it's asked and 8 answered maybe, but -- okay. I'm just flipping 9 through here, your report, and I probably did this 10 with you in the last deposition, but flip to 11 Page, like, 53. But you have this throughout 12 your report, like, Figure -- what is this one -- 13 5 point -- 5-30. You're comparing, I guess, a 14 Glock 40 Smith & Wesson to a Smith & Wesson M&P. 15 And you conclude that with the Smith & Wesson M&P, 16 there's a very small unsupported chamber/case area; 17 is that what you did? 18 A. Yes. 19 Q. Okay. And it looks like the next one below, 20 right there -- oh, that's the chamber. Once again, 21 very small unsupported case area. So you're saying 22 that's not defective because it's very small? 23 A. Correct. 24 Q. Okay. Gotcha. Let me continue here. 25 Okay. I think we went through this already.

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Page 78 1 We could just flip through. I want just to see if 2 we can get through this. Like 69 is another one. 3 Let's see here. Yeah, Page 69, it's just -- because 4 this is with the 10-millimeter. 5 And, again here -- and we may have gone 6 through this in your last dep, but here you're 7 comparing a Glock 10-millimeter Smith & Wesson M&P, 8 10-millimeter, and you're saying the Smith & Wesson 9 M&P has very little unsupported chamber/case area, 10 therefore, it's not defective, right? 11 A. Correct. 12 Q. Let's see here. I guess keep going. I 13 guess 81. We could probably get through this 14 quickly. Page 81. Let's see, Page 81, go down a 15 little bit. There's a section here on Page 81 16 through 104, and I assume this is just a 17 cut-and-paste from your Grosso report. This is -- 18 these were your conclusions in the Grosso matter? 19 A. Generally speaking, yes. It's not as pretty 20 as it was in Grosso because I had to cut it and 21 paste it out of a PDF, which you know what happens 22 then. So, yeah, it -- but, in a general sense, it's 23 identical to what was in Grosso. 24 Q. The words -- the words -- yeah, because I'm 25 sure I went through this with you in that	Page 80 1 clear, the failed case, that's the Grosso incident 2 case that you have here? 3 A. Correct. 4 Q. Okay. And in Grosso, you didn't attribute 5 any fault to the ammunition; fair? 6 MR. LEWIS: Objection; form, calls -- 7 objection; form. 8 THE WITNESS: My recollection is, is that it 9 was the foundation of -- one of the foundations of 10 my belief that it wasn't -- the failure wasn't 11 consistent necessarily with overpressure. As you 12 know, we've had a lot of discovery since this case 13 occurred, and it's become pretty clear that, 14 contrary to the claim during the Grosso case, the 15 cases can fail, not only cases in general, but cases 16 from reputable manufacturers can have variations 17 that cause or contribute to the kabooms in the Glock 18 pistols. 19 Q. BY MR. RENZULLI: And reputable 20 manufacturers have variations. What are those 21 variations? 22 A. I talked about that in both Grosso and in 23 the report for this case outside of Chapter 7, but 24 essentially it has to do with variations that are 25 caused with regard to forming the case and/or
Page 79 1 deposition, but I just want to confirm that you 2 basically did a cut-and-paste, and I don't care what 3 it looks like, but you did a cut-and-paste from 4 Grosso and put that section here in your report. 5 And if so, and there's no changes or anything to it, 6 I can move on to the next one. 7 MR. LEWIS: Objection; form. 8 THE WITNESS: Yeah, I don't recollect any 9 changes. If I were to make some changes, it would 10 be to get the figures numbered correctly. 11 Q. BY MR. RENZULLI: Oh, the figures are off. 12 Gotcha. 13 A. Yeah, they're off by a chapter. 14 Q. Ah, that's because of the cut-and-paste? 15 A. Yep. 16 Q. Okay. So this -- and this section really 17 looks at your metallurgical evaluation of two 18 cartridge cases. That's kind of what you did here, 19 sir? 20 A. Yes. I'm sorry, I didn't know there was a 21 question. 22 Q. Okay. Sorry. 23 A. I'm sitting here looking at it and didn't 24 catch that there was a question on the table. 25 Q. No worries. No worries. So just to be	Page 81 1 loading the case. 2 Q. So that's your flow fold idea? 3 MR. LEWIS: Objection; form. 4 THE WITNESS: In part, yes. I'm sorry. 5 Q. BY MR. RENZULLI: Yeah, yeah. Can you just 6 wait for me to finish and give Rob a second so that 7 we don't get yelled at. 8 A. Yeah. 9 MR. LEWIS: Objection; form and foundation. 10 Q. BY MR. RENZULLI: So it was with regard to 11 flow folds, correct? 12 A. Yes, in part. Obviously, there are other 13 variations in the case itself. There are also 14 issues that can come up as a result of handling 15 and/or exposure to the environment. 16 Q. Sure. So just in this section here, I think 17 what you're saying with your chamber casts from the 18 different models and different calibers, it's your 19 position that the risks presented by the different 20 calibers of Glock pistols are different based upon 21 the dimensions of the feed ramp? 22 MR. LEWIS: Form, foundation. 23 THE WITNESS: Which section are we working 24 in? Are we still in Chapter 7? 25 Q. BY MR. RENZULLI: Yeah, just in general, I

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Page 82 1 guess. 2 A. Okay. 3 Q. Because we looked at a lot of different 4 ones. You know, I think what you're saying -- your 5 position is that the risks that are presented by the 6 different calibers of the Glock pistols, they would 7 be different based upon the dimensions of the feed 8 ramp? 9 MR. LEWIS: Objection; form, foundation, 10 misstates his testimony. 11 THE WITNESS: Yeah, I'm not clear on exactly 12 what you're asking me. Do you mean with regard 13 to -- well, I'm not sure I follow you. One more 14 time. 15 Q. BY MR. RENZULLI: No, no worries. So a 16 different size feed ramp, in your opinion, would 17 create more or less of a risk to the user? 18 MR. LEWIS: Objection; form and foundation. 19 THE WITNESS: Yes, as the size or the area 20 of no support under the case increases, the risk 21 increases -- 22 Q. BY MR. RENZULLI: So is that what -- 23 A. -- in the Glock. 24 THE REPORTER: That what? 25 MR. RENZULLI: Did you get all that?	Page 84 1 see. We're getting through your report. 2 A. You know, the delivery I was expecting just 3 pulled up. 4 Q. Oh, I'm sorry. 5 A. Yeah. Can we take a few minutes here? Or 6 just give me two or three. 7 Q. Oh, your package is there. Oh, yeah. Go. 8 A. My package is here, yeah. I'm sorry. 9 Q. Go, and then we'll pick back up. 10 A. Okay. I'll be right back. 11 Q. Take your time. 12 A. Okay. I'll be right back. 13 THE VIDEOGRAPHER: We are off the record. 14 The time is 12:54 p.m. 15 (WHEREUPON, there was a recess taken.) 16 THE VIDEOGRAPHER: We are back on the 17 record. The time is 12:55 p.m. 18 Q. BY MR. RENZULLI: Okay. I think I'm on 19 Page 118 at this point. Maybe we could -- Howard 20 could put that up. Next page. Sorry. 21 Yeah. Do you remember this section, 22 Mr. Bosch? 23 A. Yes. 24 Q. Okay. I think you had different figures 25 here; a Glock 30 SF, a H&K VP40, and then a
Page 83 1 Q. BY MR. RENZULLI: Can you say that again? 2 I'm sorry, I spoke over you. 3 A. Oh, I didn't even catch that part. So as 4 the unsupported area increases, that area grows, if 5 you will, becomes larger or is designed to be 6 larger, the risk of failure increases. That's just 7 based on the, you know, basic mechanics of materials 8 and physics that are involved here. 9 I go through that all in great detail in the 10 spreadsheet we talked about earlier where, you know, 11 not only am I, you know, comparing within caliber 12 feed ramp or lack of support area, the unsupported 13 chamber or case, if you will, how that varies across 14 different handguns and also between calibers. 15 Q. So it's a matter of degree? 16 A. Yeah. 17 MR. LEWIS: Objection; form and foundation. 18 THE WITNESS: Yes. 19 Q. BY MR. RENZULLI: And, you know, different 20 calibers, I guess, would have different degrees? 21 MR. LEWIS: Objection; form and foundation. 22 THE WITNESS: Well, that's certainly what 23 the mechanics of materials and physics says, 24 absolutely. 25 Q. BY MR. RENZULLI: Okay. Thank you. Let's	Page 85 1 Smith & Wesson M&P, right? 2 A. Correct. 3 Q. It looks like you're kind of comparing feed 4 ramps, right? 5 A. Yeah, feed ramps and unsupported area. 6 Q. Right. 7 A. What we discovered, once we laser-scanned 8 the molds that we took of each of those firearms, is 9 that what I referred to in 9-2 and 9-3 as being a 10 very small unsupported area is actually no 11 unsupported area. 12 Q. Yeah, I'm looking here at the photos, and 13 you've got -- it seems like you're -- you're mixing 14 apples and oranges a little bit, right? Because 15 you've got a 40 and a 45. Are you comparing the 40 16 to the 45? 17 A. Yes. 18 Q. Okay. But you can't compare a 40 to a 45, 19 right, because there's different geometries for the 20 different calibers, right? 21 MR. LEWIS: Form, foundation. 22 Q. BY MR. RENZULLI: Were you trying to do 23 that? 24 MR. LEWIS: Form, foundation. 25 THE WITNESS: I didn't catch the end there.

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Page 86 1 Q. BY MR. RENZULLI: Well, there's different 2 geometries, right? You have different geometries of 3 the feed ramp to meet the needs of that particular 4 caliber, right? 5 MR. LEWIS: Form and foundation. 6 Q. BY MR. RENZULLI: And so you can't compare a 7 40 to a 45; would you agree? 8 MR. LEWIS: Form and foundation. 9 THE WITNESS: Not necessarily directly, but 10 I don't think it's relevant when comparing these 11 three simply because later it was discovered that 12 the H&K and W&S don't have any unsupported area. 13 Q. BY MR. RENZULLI: Okay. So you weren't 14 necessarily comparing the two because they're 15 different. You were just putting it up there for 16 demonstrative purposes? 17 A. Correct. 18 MR. LEWIS: Form and foundation. 19 Q. BY MR. RENZULLI: Have you looked at the 20 various design drawings produced by Glock Austria of 21 the chambers and the feed ramps of the various 22 models? 23 A. Yes. 24 Q. Okay. I don't see them referenced in your 25 report. Did you draw any conclusions from those?	Page 88 1 need is three-dimensional drawings in order to make 2 that determination. Then we'd have something to 3 measure directly from. 4 Q. BY MR. RENZULLI: Yeah. So is it your 5 position that the geometry of the designs is a 6 little different based upon model of caliber, so you 7 need to know them, what those geometries are? 8 MR. LEWIS: Form and foundation. 9 THE WITNESS: Not quite. I mean, from the 10 analysis that we've done so far, we know what the 11 differences are. I'm not sure I understood exactly 12 what your question was. 13 Q. BY MR. RENZULLI: Well, you said you wanted 14 more information about the geometry of the designs. 15 And my question was, is that because the geometry of 16 the designs are different based upon the different 17 calibers and models? 18 A. No. 19 MR. LEWIS: Objection; form and foundation. 20 Q. BY MR. RENZULLI: Why do you say you need 21 it, or do you really need it? 22 MR. LEWIS: Objection; form and foundation. 23 THE WITNESS: Where it would be desirable is 24 to confirm that the measurements we're making in the 25 virtual world match the intended design. I don't
Page 87 1 MR. LEWIS: Form and foundation. 2 THE WITNESS: Outside of -- well, so in 3 looking at the drawings, what was important to me 4 was to determine whether examples of the firearms 5 that we had were consistent with the drawings. And 6 due to -- well, it's very difficult to make that 7 determination. Easy things like chamber diameter or 8 barrel inside diameter, outside diameter, those 9 sorts of things are very straightforward, but to try 10 to quantify the feed ramp and the area under the 11 case that is taken up by feed ramp is almost 12 impossible to do directly from the drawings. That's 13 where the molding and characterization of the -- and 14 quantification, if you will, of the moldings came 15 into the equation. 16 Extracting -- and I think there's been a 17 request for different -- additional information 18 about the geometry of the designs. But in looking 19 or doing what we did with analyzing the laser scans 20 of each of those molds, one of the things that we 21 wanted to be able to do was confirm that our 22 measurements from those molds in the virtual world 23 was and were consistent with the drawings, but the 24 drawings don't have enough detail to make that jump. 25 According to my analyst, is -- what we would	Page 89 1 know that it's particularly important simply because 2 all the measurements that we're doing are done 3 exactly the same way. 4 So, say, the measurement on dimension X is 5 off by a half a thousandth or a thousandth, well, 6 then they're all off a thousandth. So relatively 7 speaking, I don't think it's that critical. 8 Q. BY MR. RENZULLI: You mean they're all off a 9 thousandth because each different design of the 10 chamber would suffer from that same amount? Let's 11 say you mess one up, all the other ones would be, 12 right? Is that what you're saying? 13 A. Well, yes. The -- 14 MR. LEWIS: Objection; form and foundation. 15 THE WITNESS: The chamber isn't -- yeah, 16 sorry. The chamber isn't messed up. It's -- and 17 neither is the measurement really, but the 18 measurement is the same every time. It's done the 19 same way using the same equipment in the same 20 environment, et cetera, et cetera. So if our 21 technique is off on one, they're off on all of them. 22 Q. BY MR. RENZULLI: But, obviously, the 23 measurements and the designs could be different as 24 you go through different chambers and models and 25 things of that nature?

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Page 90 1 A. Absolutely. 2 MR. LEWIS: Object -- object to form. 3 THE WITNESS: Yeah, absolutely. The user 4 error, as they say, should be the same in all areas. 5 Q. BY MR. RENZULLI: Understood. 6 A. Yeah. 7 Q. So go to Page 120 now. You talk about 8 aftermarket barrel examination. Do you remember 9 that part? 10 A. Yes. 11 Q. You looked at the KKM. Why did you pick 12 that one? 13 A. I didn't pick it. I was provided those by 14 Mr. Lewis. 15 Q. Okay. 16 A. I know that there are other manufacturers of 17 barrels and why KKM was chosen, I can't say. I 18 don't know. I know this was one of the things that 19 we talked about in the Grosso case. In that case, I 20 don't recall being aware of KKM, but there were 21 other -- at least one, if not more, other 22 aftermarket barrel manufacturers that were making 23 barrels for the Glocks. 24 Q. Okay. And have you -- have you done any 25 testing of a KKM?	Page 92 1 Q. Let's see here. Let's move to -- let's see. 2 Moving over to the section on Page 137, 138. Can 3 you pull that up? 4 Okay. While you're pulling it up, I think 5 you write here: The spontaneous exploding of a 6 class gun clearly can and does cause injury to 7 others. 8 I'm just trying to understand. When you say 9 spontaneous exploding, is that one of the conditions 10 that we discussed earlier? When one of those 11 conditions are present, then you have your -- what 12 you call spontaneous exploding? 13 A. Yes. 14 MR. LEWIS: Form and foundation. 15 THE WITNESS: Yes. 16 Q. BY MR. RENZULLI: Okay. And you call it 17 spontaneous because it's your belief that you can't 18 foresee when one of those conditions will be 19 present, right? 20 A. Correct. 21 Q. 139 looks like, you know, ANSI safety -- 22 product safety signs and labels. That's just a 23 listing of ANSI recommendations on warnings and 24 labels, right? Is that -- that's all that is? I'm 25 not missing anything?
Page 91 1 A. No. 2 Q. So you haven't done any feeding testing or 3 reliability testing, nothing like that? 4 A. Correct. 5 MR. LEWIS: Form, foundation. 6 THE WITNESS: Correct. 7 Q. BY MR. RENZULLI: Okay. Just -- 8 MR. RENZULLI: I want to make sure I heard, 9 Mr. Lewis. 10 Q. BY MR. RENZULLI: So you've not done any 11 feeding testing of a KKM barrel, correct? 12 A. Correct. 13 Q. You've done no reliability testing of a KKM 14 barrel, right? 15 A. Correct. 16 Q. You fired no rounds of ammunition through a 17 KKM barrel, correct? 18 MR. LEWIS: Form, foundation. 19 THE WITNESS: Correct. 20 Q. BY MR. RENZULLI: Can you tell me the amount 21 of pressures that a KKM barrel can withstand? 22 A. Not at this point, no. 23 Q. Would you agree that each caliber of 24 ammunition generates different pressure ranges? 25 A. Yes. That's pretty typical, yep.	Page 93 1 A. Correct. 2 Q. Okay. 3 A. I refer to it as the standard and possibly 4 the cookbook, if you will, for creating and 5 displaying warnings. 6 Q. The cookbook. Gotcha. Okay. It's like -- 7 it's like -- I think you told me in the past, SAAMI 8 specifications, that's the bible, right? 9 A. Yes. 10 MR. LEWIS: Form and foundation. 11 Q. BY MR. RENZULLI: Gotcha. 12 A. I guess you could say it's one of them. 13 Q. It's one of them. There you go. 14 A. It's certainly the one this country relies 15 heavily on. 16 Q. That's right. Starting on Page 141, this is 17 where you get into your discussion, your analysis. 18 This is kind of summarizing your opinions and your 19 methodology? 20 A. Yeah, the thought processes. Yeah, how I 21 got where I am today. 22 Q. Gotcha. And I think this is reaffirming 23 what you said earlier, like on Page 142. And I'm 24 just reading off it. In some cases, the case on 25 occasion fails catastrophically leading to

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Page 94 1 significant property damage and often severe 2 injuries. 3 Again, when you say in some cases, you're 4 referring to -- you know, one of the conditions that 5 must be present that we talked about earlier was -- 6 I think it was overpressure. You know, it was a 7 weak case and you added in flow folds of a certain 8 geometry. 9 MR. LEWIS: Form and foundation. 10 Q. BY MR. RENZULLI: Is that fair to say? 11 MR. LEWIS: Form and foundation. 12 THE WITNESS: Yes. You know, that's 13 certainly a big piece of it. And then, of course, 14 it isn't necessarily one or the another. It can be 15 a combination of both. 16 Q. BY MR. RENZULLI: Gotcha. So let's try to 17 pit each one of those, because it's in your -- this 18 is your final -- your opinions here. So let's talk 19 about -- the first one, I think, was overpressure. 20 And you would agree, you know, that SAAMI 21 sets the standard for ranges of pressures for 22 ammunition, right? 23 A. Correct. 24 MR. LEWIS: Form and foundation. 25 Q. BY MR. RENZULLI: And there are different	Page 96 1 ammunition, SAAMI, SAAMI specs. Does that sound 2 right? 3 MR. LEWIS: No. No. I mean, to the 4 extent -- and he's already testified about pressures 5 being overpressurized and the effects of that on -- 6 you know, from a metallurgical standpoint on brass 7 casing versus -- you know, and the amount of 8 deflection. So, no, I mean, that's not -- I think 9 you're trying to cut him off at the knees on what 10 he's -- 11 MR. RENZULLI: Oh, no. Oh, no, no, no. I 12 want to hear from Mr. Bosch, but if he's telling 13 me -- he's going to keep giving me that's Mr. Nixon 14 who's on the line, I'll cut it short. So I won't. 15 Q. BY MR. RENZULLI: So let's talk about a few 16 things. 17 MR. LEWIS: The only thing that Dr. Bosch 18 just said is that, in terms of defining or 19 regurgitating what SAAMI defines as the max pressure 20 for a particular caliber, he's going to defer to 21 John Nixon on, you know, what that definition is 22 vis-a-vis SAAMI guidelines as opposed to standard 23 versus -- it's SAAMI references. 24 MR. RENZULLI: Okay. 25 MR. LEWIS: So that's the only thing he
Page 95 1 ranges of pressure for each caliber, right? 2 A. Correct. 3 Q. For example, you know, a 40 S&W pistol 4 generates higher pressures, for example, than a 5 45 ACP pistol, right? 6 A. Correct. 7 Q. What is -- what is SAAMI max pressure? 8 A. What do they mean by max pressure or what is 9 it -- 10 Q. Yeah. 11 A. -- for a specific caliber? 12 Q. No, you don't have to -- I'm not going to 13 test your memory on that, I promise you. 14 A. Okay. Thank you. 15 Q. I'll put up a chart for you. But what is 16 SAAMI max pressure? What does that mean? 17 A. You know, I'm not sure I can define that off 18 the top of my head. We're wandering outside my 19 bailiwick particularly in this case and getting more 20 into Mr. Nixon's world. He's likely much more adept 21 at naming off those sorts of things. 22 Q. Okay. So let me make sure I understand it. 23 MR. RENZULLI: And, Rob, help me if I'm 24 wrong here. Mr. Bosch is not going to be talking 25 about pressures, pressures generated from	Page 97 1 said, and you're taking that and saying, well, he's 2 not going to talk about pressures at all. That's 3 simply not true. He's already testified on 4 pressures for quite a bit of time, so -- 5 MR. RENZULLI: Good. Okay. All right. 6 Enough said. Enough said, Rob. I thought I 7 could -- not cut him off at the knees. I like when 8 he speaks, and I'll go down it. 9 Q. BY MR. RENZULLI: So I apologize, Mr. Bosch. 10 I didn't mean to cut you at the knees, as your 11 attorney said. 12 So if ammunition exceeds SAAMI max 13 pressures, that doesn't mean it will cause a 14 failure, right? Just because it exceeds pressures; 15 is that right? 16 MR. LEWIS: Objection; form and foundation. 17 THE WITNESS: Not necessarily. You know, it 18 depends on how far it exceeds it. It depends on the 19 characteristics of that particular case that is 20 being pressurized. There are, as you know, a lot of 21 variables. 22 Q. BY MR. RENZULLI: It depends on how much it 23 exceeds the max pressures? 24 MR. LEWIS: Objection; form and foundation. 25 THE WITNESS: And also critically how much

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Page 98 1 of the case is actually supported. 2 Q. BY MR. RENZULLI: What -- how much max 3 pressure do you think a pistol should be able to 4 withstand? 5 A. I haven't done any -- 6 MR. LEWIS: Objection; form and foundation. 7 THE WITNESS: I haven't done any analysis 8 along those lines outside of what is in my 9 spreadsheet. And as I state in this spreadsheet, 10 those analyses are relative. They're not absolute. 11 In other words, there was no intention or objective 12 to establish any absolutes in that analysis. It was 13 simply to show how the variation in unsupported area 14 affected the outcome, if you will, or, more 15 specifically, how it affected the stresses and 16 strains and ultimately the likelihood that you would 17 have a case failure. 18 Q. BY MR. RENZULLI: In your mind, what does 19 highly overpressurized ammunition mean? 20 A. I haven't done an analysis to come up with a 21 number that would be an absolute, and I don't think 22 that that is even possible given the variables in 23 how ammunition is prepared. 24 Q. Would you agree that highly overpressurized 25 ammo, whatever that is, and when it gets to a	Page 100 1 the testing within which that ammunition was used. 2 Q. And you said you -- I don't know if you said 3 tweaked, but you said you changed the load. What 4 does that mean? 5 A. In other words, we had rounds that were 6 loaded with the stated recommended amount of powder 7 and then increasing amount of powder up to twice the 8 recommended quantity. 9 Q. Okay. And this was -- this was done in your 10 presence, but it was -- and don't -- I don't want to 11 put words in your mouth. This was kind of handled 12 by Mr. Nixon? 13 A. To a large degree, yes. I mean, the actual 14 hands-on testing part, you know, we kind of divided 15 up responsibilities. I was what I'll just call the 16 cameraman and notetaker, and he was more the 17 mechanic, if you will, in that he, you know, got the 18 rounds into the magazines and got the magazines into 19 the pistols and et cetera, et cetera. 20 Q. Okay. So I've got you're the cameraman and 21 you're the notetaker. Mr. Nixon is the one who had 22 hands-on and was performing the various tasks? 23 A. Yeah. My hands-on part was retrieving the 24 magazines after each round, and then, of course, 25 dealing with the cameras and the notes.
Page 99 1 certain point, it would cause any firearm, whether 2 it's a long gun or a handgun, to catastrophically 3 fail? 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: In a general sense, yes. We 6 know from our testing and we know from the world of 7 firearms in general that enormous pressures can be 8 contained if the firearm is properly designed. 9 Q. BY MR. RENZULLI: Do you know how much over, 10 let's say, max pressure it takes to cause a failure 11 in a 40 S&W Glock pistol? 12 MR. LEWIS: Form and foundation. 13 THE WITNESS: From a pressure perspective, 14 no. From a load perspective, we've done some 15 testing that gave us some insight about that. But 16 there was no effort to characterize what the actual 17 pressures involved were. The variable that we 18 controlled was the amount of propellant contained in 19 the case. 20 Q. BY MR. RENZULLI: And you're saying "we." 21 You mean Mr. Nixon as well? 22 A. Yeah, I'm kind of hitchhiking onto that. 23 Mr. Nixon oversaw the preparation of the ammunition 24 that we used in that testing. That was brought from 25 Indiana to Arizona, and I participated, assisted in	Page 101 1 Q. Gotcha. 2 A. So I had a little bit of hands-on, but it 3 was ancillary in the sense that, you know, it was 4 just to improve the efficiency of the turnaround 5 time for each task. 6 Q. And who -- I got that. Who came up with the 7 protocol? Was that Mr. Nixon or was that you? 8 A. Mr. Nixon primarily took the lead on that 9 one. 10 Q. Okay. All right. So you're the cameraman. 11 I think I've gotten your videos. You're also the 12 notetaker. I don't have your notes. Where are the 13 notes that you took during that testing? 14 A. So they were prepared by Mr. Nixon and 15 they're contained in his folder. 16 Q. I thought you were the notetaker. 17 A. I was the taker, but not the preparer. 18 Q. What did you do with your notes? 19 A. Destroyed them. All of the notes -- all my 20 handwritten notes, I always destroy them after I see 21 them in print somewhere. 22 Q. Well, you had to give them to Mr. Nixon, no? 23 A. Yeah, photographs of them, I believe. 24 Q. Awesome. Where are the photographs? Where 25 are the photographs of your notes?

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Page 102 1 A. You got me. I'm not sure. I thought he had 2 them. He also had a set of notes, so we were both 3 doing notations. I never looked at his. I believe 4 he had a copy of mine so that he could do what he 5 needed to do. 6 Q. What camera did you take pictures of the 7 notes on? Was that your cellphone? 8 A. I didn't take them. My recollection is 9 Mr. Nixon did. 10 Q. Okay. 11 A. I don't know that for a fact, but I believe 12 he did. 13 Q. Well, they're your notes. How did they get 14 to Mr. Nixon? What's your best understanding? 15 A. Well, my recollection is, is that after he 16 prepared the notes that he came up with, I compared 17 them to my notes, and they looked good to me. And I 18 threw my notes away. How he got a copy of my notes, 19 I just don't recall. 20 Q. It was this month. 21 A. Yep. 22 Q. Okay, sir. You're the notetaker, but we 23 don't have your notes. Understood. 24 A. Actually, you do. They're in Mr. Nixon's 25 file.	Page 104 1 A. That's likely true. I saw the protocol 2 that he -- well, actually, I don't think -- I don't 3 recall seeing anything written about what the 4 ammunition -- how the ammunition was going to be 5 prepared. I remember there was a safety protocol 6 with regard to what needed to be done when we were 7 actually doing the testing. 8 Q. Uh-huh. 9 A. But I don't -- if there was something 10 written defining what the loads were going to be, 11 you'll have to ask him about that. He'll also be 12 able to confirm whether he had a copy of my notes in 13 his phone or on his camera or not. 14 Q. Okay. And so I asked you about a Glock 15 pistol, but if I asked you a similar question, I 16 think you'd defer to Mr. Nixon, similar question 17 about, I don't know, SIG 320. You know that pistol, 18 right? 19 A. Yes. 20 Q. Okay. So, you know, what kind of -- how 21 much over max pressure would it take to cause a 22 failure in a SIG 320 or an M&P or any other one, 23 could you tell me what that would be? 24 MR. LEWIS: Form and foundation. 25 THE WITNESS: No. I can tell you that we
Page 103 1 Q. Did you write Mr. Nixon's report? 2 A. Nope. 3 Q. Did you help him? 4 A. No, no. I read -- I'm not sure -- you're 5 talking about the report that was published in 6 October? 7 Q. Any report that he's written. Did you -- 8 A. No report that he's -- no report that he's 9 written. 10 Q. There's been no report. How about a 11 declaration? 12 A. No. I've read it, but I didn't see it until 13 after it was written. 14 Q. So when did you see the declaration, before 15 you wrote your declaration or after you wrote your 16 declaration? 17 A. My recollection is, is it was while I was 18 writing my declaration. 19 Q. So you were sharing your declarations with 20 each other? 21 A. My recollection is, is I got a copy of his 22 before I completed mine. 23 Q. Okay. If I have questions about the 24 protocol, I think you're going to say Mr. Nixon is 25 probably more the right person to speak about that?	Page 105 1 did -- when we tested the Glocks, we also tested a 2 Smith & Wesson and an H&K. And up to the point we 3 tested those pistols -- in the case of the HK, it 4 completely survived. In the case of the S&W, 5 Smith & Wesson, the barrel survived, but there was 6 other damage to the pistol that would have prevented 7 it being fired again without some work. But both of 8 those were tested up to two X on the load. Like I 9 said, the HK survived was ready to proceed, but 10 that's as high as it went. You know, and you'll 11 find out more about this from Mr. Nixon, but we also 12 blew up three Glocks before they ever made it to 13 that point. 14 Q. BY MR. RENZULLI: Because you did blow them 15 up. Okay. What else? The second thing you told me 16 about was -- I think you used the term weak casing. 17 Sound right? 18 A. Yeah, likely did. 19 Q. What is a weak casing? 20 A. It's a case that would fall outside the norm 21 with regard to its mechanical strength. 22 Q. Did you say outside the norm? 23 A. Yes. 24 Q. With regard to mechanical strength. 25 Give me an example of that. I don't know

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Page 106 1 what you mean by that. I'm sorry. 2 A. Well, it goes back to what we've talked 3 about several times today regarding the variation in 4 cases that -- and specifically the variations that 5 can have an influence on the case strength. 6 Q. And are we talking about flow folds here? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: I'm sorry, did I cut you off? 9 MR. LEWIS: Form and foundation. 10 Go ahead, Dave. Go ahead, David. 11 THE WITNESS: Okay. I thought I heard 12 something. 13 Yeah, it could be what we've referred to as 14 flow folds or, you know, they get described as 15 various things, flow folds, other kinds of cracks 16 that are created during the forming process, 17 variations in the material itself specifically 18 regarding the material strength, variations in 19 geometry, again, exposure to atmospheric conditions. 20 I mean, there are a long list of variables all of 21 which are discussed in multiple references. 22 Q. BY MR. RENZULLI: Uh-huh. And what type of 23 a weak casing would it be that would constitute this 24 condition that we talked about today that would 25 result in a failure due to what you call an	Page 108 1 MR. LEWIS: Form and foundation. 2 Q. BY MR. RENZULLI: Those are the types of 3 conditions that would result in a failure along with 4 what you called the unsupported chamber; is that 5 fair? 6 A. Yes. 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: Yes. 9 Q. BY MR. RENZULLI: And I have all of your 10 support for that in your report and what we talked 11 about today, right? 12 A. Yes. 13 MR. LEWIS: Form and foundation. 14 THE WITNESS: Sorry, Rob. 15 Q. BY MR. RENZULLI: You've examined a lot of 16 cases over the last few years based on your work in 17 this case and the other one. Can you give me an 18 example of factory ammunition you came across that 19 had this type of a weakness that it would result in 20 this type of a failure? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: We did some of that in Grosso. 23 In this particular case, we have relied more on the 24 references that we provided that essentially parrot 25 what I stated in the Grosso case.
Page 107 1 unsupported chamber? 2 MR. LEWIS: Form, foundation. 3 THE WITNESS: I'm not sure what you're 4 driving at. To me it's self-evident, but I must be 5 missing something. 6 Q. BY MR. RENZULLI: Yeah, I don't know about 7 self-evident, but here's my question. 8 A. Okay. 9 Q. What kind of a weak casing would constitute 10 a condition -- that's the language you use in your 11 report. It's a condition that would result in the 12 failure due to what you call an unsupported chamber? 13 MR. LEWIS: Form and foundation. 14 THE WITNESS: What kind -- I'm not following 15 what you mean by what kind. We just discussed all 16 the things that could go into that word kind, I 17 guess, or what kind. I mean, there are -- 18 Q. BY MR. RENZULLI: So -- 19 A. Go ahead. 20 Q. No. Come on. Finish. 21 A. I'm done. No. I'm done. 22 Q. So what you talked about with flow folds and 23 geometry, and I think you even used the word 24 crack -- you used the word crack, huh? 25 A. Correct.	Page 109 1 Q. BY MR. RENZULLI: Just -- can you -- I 2 don't -- I'm not sure what you're saying there. But 3 what -- where was the factory ammunition that you 4 came across that you said it had this weakness and 5 if fired through the gun, it would result in a 6 failure in a Glock pistol? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: In a general sense, we've 9 covered part of that in Grosso. And then we've also 10 provided references where they talk about that 11 happening. With regard to having my hands on a case 12 that we've done some kind of characterization on, 13 which shows that it would fail if shot through a 14 Glock, no such thing exists. As we've discussed at 15 length before, I'm not sure how you could do that. 16 In other words, to do what you're asking to 17 be done would require destruction of what we're 18 trying to characterize. In other words, if we 19 section AKs and discover a defect that we believe 20 would likely lead to a failure, there's no way to 21 put it back together and fire it and see what would 22 happen. To the best of my knowledge, that's pretty 23 impossible. Certainly, I'm not aware of Glock ever 24 having done anything like that. 25 Q. BY MR. RENZULLI: Okay. Just so that I

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Page 110 1 understand -- 2 A. You bet. 3 Q. -- the work that you've done in this area 4 with regard to the two different litigations, you 5 cannot put your finger on any factory ammunition 6 that you have come across that had this type of 7 weakness that you're testifying about which would 8 result in a failure in a Glock pistol; is that fair 9 to say? 10 MR. LEWIS: Form and foundation. 11 THE WITNESS: Based on common sense and the 12 common sense of the people in the references, those 13 are the kind of variations that we need to worry 14 about. But I don't know -- again, I don't know how 15 you could provide an example of a case that will 16 explode given the difficulty, if not impossibility, 17 of characterizing that case and determining that it 18 would blow up and still have a case available to 19 fire through any handgun. 20 What my analysis and other people's 21 analysis have shown is that, number one, an 22 unsupported case is not a good idea. The cases 23 aren't supposed to be a structural part of the 24 system. And, number two, the more area that you 25 fail to support, the higher probability that you'll	Page 112 1 think what you're saying, are people who said 2 ammunition failed in their Glock pistol? 3 A. No. 4 MR. LEWIS: Form and foundation. 5 Q. BY MR. RENZULLI: Okay. Other than Yaqoob, 6 who are the people? 7 A. They're -- you've got a misconception about 8 what the references say. The references aren't 9 referring to Glock pistols at all. What they're 10 talking about is general basic firearms design. 11 Q. Got it. Okay. So no -- 12 A. Yeah. 13 Q. When you said people and references, you're 14 not talking about people who had failures -- 15 ammunition failures in their pistol. You're talking 16 about people like Yaqoob who have done studies? 17 A. Correct. And I should have been more 18 specific about that. There are a number of 19 references, both in my report and in my folder, that 20 are independent, if you will, references and experts 21 in the firearms design business that talk 22 specifically about ammunition, variations in 23 ammunition, and the requirement and importance of 24 providing sufficient case support. But it's not -- 25 they're not directly talking about Glock. It's
Page 111 1 have case failures. 2 Q. BY MR. RENZULLI: Let me see if I can parse 3 that apart. You said based upon the people and the 4 references. Who are the people and who are the 5 references? 6 A. They include the people that I referred to 7 in my report. I think one is -- I might pronounce 8 his name wrong, but Yaqoob -- Yaqoob. I believe 9 there is one -- well, I know that there's at least 10 one other gentleman that talks about case variation 11 and the lack of support or the fact that you need to 12 provide support, that the barrel or the -- 13 specifically the chamber is what needs to be there 14 to support a case. The ammunition itself, 15 specifically the case, again, is not supposed to be 16 a structural member of the system. 17 Q. Okay. Now, what type of Glock pistol did 18 this Yaqoob person have? 19 A. Yaqoob was not analyzing a Glock pistol. He 20 was doing failure analysis of ammunition. 21 Q. When you say ammunition, do you mean 22 130-millimeter shell, basically, cannon ammunition; 23 is that what you're referring to? 24 A. Correct. 25 Q. Okay. So the people and the references, I	Page 113 1 much more general in nature. 2 Q. Right. So I think what you're saying, 3 you're aware of no testing that was done, and I'm 4 going to leave your -- what you've done and what 5 Mr. Nixon has done out of this question. 6 You are aware of no testing that's been done 7 on Glock pistols or, for that matter, any other 8 semiautomatic pistols with regard to chamber, 9 chamber support and catastrophic failure of 10 ammunition. Is that fair to say? 11 MR. LEWIS: Form and foundation. 12 THE WITNESS: I'm sorry, you're going to 13 have to repeat that one. 14 MR. RENZULLI: Sure. If we could just have 15 a read-back on that, Shelley, that would be great. 16 (The last question was read back.) 17 THE WITNESS: Thank you. 18 Outside of what Glock provided in this case 19 regarding the testing of his pistols, that's 20 correct. 21 Q. BY MR. RENZULLI: And is it also fair to say 22 you're aware of no -- or you're not pointing to any 23 industry standards to support your opinions in this 24 case with regard to chamber, chamber design, 25 unsupported case, as you call it?

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Page 114 1 MR. LEWIS: Form and foundation; misstates 2 his testimony. 3 THE WITNESS: I'm relying both on common 4 sense as well as the references that we've talked 5 about regarding firearms design. I'm not sure that 6 answers your question. 7 Q. BY MR. RENZULLI: I'm just wondering if 8 there's any industry standards that you're relying 9 upon in forming your opinions in this case. 10 MR. LEWIS: Form and foundation. 11 THE WITNESS: Yeah. I think you could think 12 of people that have spent their entire life 13 designing firearms as providing some sort of 14 standard with regard to how firearms are designed. 15 If you're talking about, for instance, I 16 don't know, you know, an ANSI standard or ASTM 17 standard or something like that, no, I'm not aware 18 of anything like that. 19 Q. BY MR. RENZULLI: Okay. And you're not -- 20 your only effort to re-create this phenomenon you 21 say, this unsupported casing causing the 22 catastrophic failure of a round, your only effort to 23 re-create it is what you did recently with Mr. Nixon 24 and doubling up the charge that you put through a 25 Glock pistol; is that fair to say?	Page 116 1 and wouldn't try to publish such data during a live 2 case. 3 MR. LEWIS: Form and foundation. 4 Q. BY MR. RENZULLI: Are you aware of any 5 published works on this issue, this phenomenon, this 6 defect that you're talking about? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: No. No, not even -- not even 9 Glock has done something like that that I'm aware 10 of. 11 Q. BY MR. RENZULLI: Have you seen -- but 12 you've seen the pressure testing Glock did, right? 13 A. Yes. 14 Q. And you've seen the reliability feeding 15 testing that they did as well, right? 16 A. Probably. I don't remember that explicitly, 17 but I -- really that's not relevant to my part of 18 the case. 19 Q. All right. And if I tell you -- we talked 20 about, you know, 20 million firearms out there and 21 all the independent testing that's been done by the 22 government and law enforcement. That's not 23 something you're prepared to talk about at trial, 24 correct? 25 A. Correct.
Page 115 1 MR. LEWIS: Form and foundation. 2 THE WITNESS: In part. We did -- I'll just 3 call it normal charges; 25, 50, 75 and 100 percent 4 overcharges. 5 Q. BY MR. RENZULLI: And when you did the 6 normal charges, certainly you never saw the failure 7 of a round of ammunition, correct? 8 A. That's correct. 9 Q. So the only time you've done any testing -- 10 or only time you've -- withdrawn. 11 The only time you've done any testing to 12 re-create what you say is happening is when you did 13 the testing with Mr. Nixon where you doubled up on 14 the charge of gunpowder in the case, correct? 15 MR. LEWIS: Form and foundation. 16 THE WITNESS: Almost, with the clarification 17 that it wasn't just double charged. We did a ramp 18 of charges. 19 Q. BY MR. RENZULLI: Uh-huh. 20 A. Yep. Okay. Yep, we're on the same page. 21 Q. Okay. And do you know if this -- this 22 testing that you've done, that you've done with 23 Mr. Nixon, has been subject to any kind of a peer 24 review? 25 A. No, no. We've -- we can't -- arguably can't	Page 117 1 MR. LEWIS: Form, foundation. 2 THE WITNESS: Correct. 3 Q. BY MR. RENZULLI: Thank you. 4 THE WITNESS: Can we take a quick break? 5 Q. BY MR. RENZULLI: Just one more -- I'm 6 almost there, sir. 7 A. You bet. Not a problem. Just got to get 8 rid of some rented coffee. 9 Q. You can take a break. I know what cold 10 coffee is like, believe me. 11 A. Be right back. 12 THE VIDEOGRAPHER: We are off the record. 13 The time is 1:39 p.m. 14 (WHEREUPON, there was a recess taken.) 15 THE VIDEOGRAPHER: We are back on the 16 record. The time is 1:59 p.m. 17 Q. BY MR. RENZULLI: Okay. Before we took off, 18 we were talking about problems that you're finding 19 and this defective ammunition. So let me go back to 20 that. 21 Do you, sir, have any idea of how frequently 22 ammunition is manufactured with, you know, one of 23 these defects which would result in a failure? 24 MR. LEWIS: Form and foundation. 25 THE WITNESS: No.

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Page 118 1 Q. BY MR. RENZULLI: Do you have any idea how 2 the frequency would change depending upon the 3 caliber, the different geometries of the different 4 calibers and models? 5 MR. LEWIS: Form and foundation. 6 THE WITNESS: No. I would expect that there 7 wouldn't be any difference simply because the 8 manufacturing of ammunition is the same across the 9 board. It's just a matter of how big around they 10 are, how long they are. 11 Q. BY MR. RENZULLI: Okay. Shouldn't the ammo 12 manufacturer take care to avoid these variations or 13 conditions or defects that you talk about as opposed 14 to the firearm manufacturer? 15 A. They do take care of that. 16 MR. LEWIS: Form and foundation. 17 THE WITNESS: The problem becomes when their 18 ammunition goes into Glocks. 19 Q. BY MR. RENZULLI: So it's your understanding 20 that ammunition manufacturers only make defective -- 21 withdrawn. 22 Your understanding is that the ammunition 23 manufacturers take these variations and conditions 24 into effect, but only when that ammunition is fired 25 through a Glock pistol does it fail?	Page 120 1 THE WITNESS: There is a lot of support out 2 there. You can simply get online and find that 3 other manufacturers' handguns don't have this 4 problem. 5 Q. BY MR. RENZULLI: Ah, so you go on and see 6 how many hits you get from Smith & Wesson and SIG 7 and you see more hits with Glock than them, correct? 8 A. Hands down. 9 MR. LEWIS: Object to form and foundation. 10 THE WITNESS: Yes. 11 Q. BY MR. RENZULLI: Okay. And I think you 12 said ends down? 13 A. Yes, hands down. 14 Q. Hands down. Okay. 15 A. Yes. 16 Q. All right. Other any support other than 17 your Internet search? 18 MR. LEWIS: Form and foundation. 19 THE WITNESS: Common sense. If you don't 20 support -- if you don't support the case, you're 21 going to have blowouts. Plus we've got the fact 22 that Glock has admitted that they've got this 23 problem. They don't want to call it a problem, but 24 they've admitted that the design was intentionally 25 created to cause events and that's exactly what
Page 119 1 MR. LEWIS: Form, foundation. 2 THE WITNESS: Correct. 3 Q. BY MR. RENZULLI: Where is the support for 4 that? 5 A. Well, there are a couple of things. First 6 off, it's a -- how should we say? It's a scientific 7 fact if you don't support cases, you're going to 8 have problems. Again, the cases weren't designed to 9 provide structural strength. They're there to 10 contain the powder, basically, as a package. 11 Also, the manufacturers assume that the 12 cases are going to be supported when they 13 manufacture them. From what I've been told in this 14 case, the ammu manufacturers are very aware of the 15 problems that are caused by the Glock but blamed on 16 their ammunition. They don't have the issues at the 17 rate with competitors' handguns that they do with 18 the Glocks. 19 Q. Who told you -- where does that come from? 20 You said, from what I've been told, that other 21 manufacturers don't have the rate of failures as 22 Glock. Where's the support for that, sir? 23 A. Glock's failed to provide that to us. 24 Q. But you have no support? 25 MR. LEWIS: Form and foundation.	Page 121 1 they're doing. 2 Q. BY MR. RENZULLI: Have you spoken to 3 Smith & Wesson about this issue and what their 4 ammunition failures are for defective ammunition in 5 their guns? 6 MR. LEWIS: Form and foundation. 7 THE WITNESS: No. I would rely on Glock to 8 talk to them. They would have a lot higher 9 probability of getting that information. They may 10 have it, but they failed to provide it to us. 11 Q. BY MR. RENZULLI: Have you -- us being you 12 and plaintiff's lawyer, right? 13 A. Correct. 14 Q. Have you spoken to SIG about their failures 15 from using -- their users using defective ammunition 16 in their pistols? 17 A. No, no. Neither has Glock that we're aware 18 of, and if they have, they haven't provided that 19 information. 20 Q. Have you spoken to Smith & Wesson about -- 21 MR. LEWIS: Form and foundation. 22 MR. RENZULLI: Let me finish. 23 THE WITNESS: Yep. 24 Q. BY MR. RENZULLI: -- about failures they may 25 have from defective ammunition in their guns?

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Page 122 1 MR. LEWIS: Same. 2 THE WITNESS: No, I haven't. 3 Q. BY MR. RENZULLI: Okay. Tell me -- 4 A. They also don't -- they also don't have 5 the chamber problem -- 6 Q. -- about all of the ammunition -- 7 MR. LEWIS: I'm sorry, he wasn't finished 8 his response, Chris. I don't think he was done. 9 MR. RENZULLI: Oh, I'm sorry. 10 THE WITNESS: What we have -- 11 Q. BY MR. RENZULLI: Hold on. Hold on. 12 A. Yep. 13 Q. Go ahead, sir. 14 A. Okay. What we have to remain cognizant of 15 here is that they don't have the degree of 16 unsupported chamber, if any unsupported chamber at 17 all. You can't ignore that. When you have -- as 18 we've talked about at length and as the analysis 19 that I've completed shows, the larger unsupported 20 area you have, the higher probability you're going 21 to have blowouts. 22 The blowouts for smaller areas don't -- you 23 can't expect that the blowouts for smaller 24 unsupported areas would have a higher rate of 25 failure than those with the higher unsupported	Page 124 1 manufacturer's plant? 2 A. I have not. 3 Q. Would you agree that each time a casing is 4 fired, it gets weakened because it's stretched? 5 MR. LEWIS: Form, foundation. 6 THE WITNESS: Yes. 7 Q. BY MR. RENZULLI: So every time you reload a 8 casing and fire it, the casing is weaker than it 9 previously was, right? 10 A. Generally speaking, that's true. 11 Q. Okay. Did you see any testing done with 12 reloaded ammunition -- withdrawn. 13 And you're aware of the testing that was 14 done in the other case where ammunition was reloaded 15 10 times, fired through Glock pistols and never a 16 problem, right? 17 A. I don't recall that, but I have no reason to 18 believe that what you're saying isn't true. 19 Q. Okay. And this defective ammunition, this 20 ammunition with these issues, is it your position 21 that with all the hundreds of rounds of ammunition 22 that were fired in this case and the other case, it 23 just happened to be that none of them had this 24 condition? 25 A. Correct.
Page 123 1 areas. It's the Glocks that have this huge 2 unsupported area. 3 Q. BY MR. RENZULLI: Okay. I understand what 4 your position is. In looking at the Internet and 5 concluding that there are more ammunition failures 6 with defective ammunition in Glock pistols as 7 opposed to Smith and SIG, have you taken into 8 consideration at all the market share of Glock 9 firearm pistol owners as opposed to all the others? 10 MR. LEWIS: Objection; form and foundation, 11 misstates his testimony. 12 THE WITNESS: No. It's not relevant to this 13 case. 14 Q. BY MR. RENZULLI: Gotcha. Have you spoken 15 to any ammunition manufacturers about the defective 16 ammunition that they're selling? 17 A. I personally have not, no, and it's not 18 defective. What we're talking about is normal 19 variation in the ammunition. 20 Q. Have you spoken to any ammunition 21 manufacturers about what you call the normal 22 variation in the ammunition? 23 A. No. You're getting more into Mr. Nixon's 24 world now. 25 Q. Have you ever been to an ammunition	Page 125 1 MR. LEWIS: Form and foundation. 2 Q. BY MR. RENZULLI: Okay. Let's talk about 3 your flow folds theory a little bit. You call it a 4 fissure theory. That's the same as the flow fold 5 theory you had from the prior case, right? 6 A. Correct. 7 Q. Okay. Just describe for us what a flow fold 8 is and how it's formed. 9 A. The fissures or flow folds are created as 10 part of the -- or during part of the forming of the 11 case. The case is literally mechanically pressed, 12 if you will, into shape, pressed and drawn. And 13 during that process, it's inevitable that you're 14 going to have these features created. 15 Q. Are they in all casings, sir? 16 A. No. One to three or another, to the best of 17 my knowledge, yes. 18 THE REPORTER: I'm sorry, I didn't catch 19 you. I'm sorry, the answer again. 20 THE WITNESS: That's okay. To the best of 21 my knowledge, yes, simply because of the mechanical 22 processes that are involved in forming the cases. 23 Q. BY MR. RENZULLI: But it's your opinion that 24 not all cases with flow folds will result in a 25 failure, right?

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Page 126 1 A. Obviously. 2 Q. Why obviously, sir? There's nothing obvious 3 here with your testimony. Please, don't -- don't -- 4 that's not a proper answer. Can you answer the 5 question? 6 MR. LEWIS: Well, you know, Chris, you can't 7 badger him and make snarky remarks like that. 8 MR. RENZULLI: I'm not. I'm not badgering 9 him. 10 MR. LEWIS: Ask a straight question. I 11 mean, I think his testimony is pretty 12 straightforward, but, you know, the comments are not 13 appreciated. 14 Q. BY MR. RENZULLI: Let's move on. 15 A. Yeah, it's obvious to a knowledgeable 16 person. The fact that the flow folds vary a lot 17 from case to case is, you know, part of the 18 variation, if you will, or one of the variables that 19 inevitably end up with some cases that don't have 20 the mechanical strength that others do, and in this 21 case, most of the others. 22 Q. In this case, most of the others. What does 23 that refer to? My apologies. 24 A. That most cases don't have an issue that 25 significantly affects their mechanical strength.	Page 128 1 talk about that first. How does the location vary? 2 A. Well, I'm not sure how to explain that. 3 It's going to -- they will vary to some degree, 4 probably not in inches, obviously, because we're 5 talking about very small areas. But they're going 6 to vary in both the geometry and location within the 7 areas where the case material deformation occurs 8 during the forming process. And -- 9 Q. I want to stick with -- I'm sorry. I cut 10 you off. 11 A. If you refer back to the characterization 12 that we did in the Grosso case, it tends to be in 13 the area where the mandrel sits in the bottom of the 14 case on the interior bottom of the case. If you 15 remember those photographs, you could see the -- or 16 micrographs, you could see the variation in shape 17 and, to some degree, location and those sorts of 18 variables within the case. 19 Q. And I'm trying to -- and I appreciate you're 20 trying to be comprehensive. Yeah, but I want to 21 stick with one variable at a time. And the first 22 variable was length. Can you explain to me how they 23 vary, what it would be? Give me examples based upon 24 what you've seen in this case. 25 A. When you say how they vary, do you mean how
Page 127 1 Certainly, when they're properly supported, you 2 don't run into nearly as much of a problem with case 3 failures because the cases are fully supported like 4 the ammunition manufacturers expect them to be. 5 Q. Okay. So I think it depends on the geometry 6 of the flow fold. That varies from case to case? 7 A. And the location of those flow folds, yes, 8 and the -- you know, length, the sharpness of the 9 tip. I mean, it's -- you can characterize a flow 10 fold in a general sense, but there's obviously a 11 large variation between flow folds, you know, 12 between one end of the spectrum and the other. 13 Q. Right. And do I have that in your report? 14 Do I have the two ends of the spectrum? Have you 15 shown that? 16 A. I think it was likely implied, but I don't 17 remember using those words in there. Obviously, the 18 forming process is going to lead to a large 19 variation, not only in flow folds, but other 20 parameters within the case, not only the forming of 21 the case, but also the, you know, the raw material 22 that's used in making the cases is a variable that 23 needs to be considered, too. 24 Q. And you said there were variables, and the 25 first one you said was location. Okay. So let's	Page 129 1 the variation in length is created or how they vary 2 in length relative to each other? 3 Q. So the latter. We'll start with the latter. 4 How do they -- 5 A. Okay. 6 Q. -- vary in length? You know, when 7 comparing -- I'm sorry. When you're comparing the 8 different cases that you looked at, how did they 9 vary in length? 10 A. Well, I can't quantify that because I didn't 11 measure them, but if we go back and look at some of 12 the micrographs -- just bear with me here. 13 So let's go back on Page 95 in my report, 14 start there. 15 Q. Let me have him pull it up. 16 A. Okay. 17 Q. Yeah, that will work. 18 A. So specifically just as an example, let's 19 compare Figures 7-21 on Page 95 and 7-23 on Page 96. 20 You can see that there's a significant difference in 21 length between those two cracks. 22 Q. It's not really a crack, is it? 23 A. Well, it's -- we called it a flow fold, but 24 it has the geometry of a crack. So from a 25 mechanical analysis perspective, it's appropriate to

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Page 130 1 refer to it as a crack. 2 Q. Okay. So it's appropriate to call this a 3 crack, is what you're telling me, correct? 4 A. Yeah, due to its geometry. 5 Q. And when we talk about the flow fold varying 6 in length, you're basically measuring, right, what 7 you have on Figure 7-21 with what you have on Figure 8 7-25; is that -- 9 A. 23. 10 Q. 23, sorry. 11 A. 21 and 23. 12 Q. Gotcha. 13 A. Yeah. 14 Q. So you're looking at the length. You know, 15 if you had some kind of a -- some kind of small 16 ruler, you could get there and you could see the 17 difference in size. That's what you're saying about 18 varying in length? 19 A. Correct. 20 Q. Okay. So in this Winchester case, you had a 21 flow fold right where you see your arrow, right? 22 A. On 7-21, yes. 23 Q. I'm sorry. And 7-23, too, right? That's 24 where the flow fold is? 25 A. Yes. And 7-24 and 7-25 and --	Page 132 1 degree, those variations are dependent upon the base 2 material that's being used and then the -- and 3 milling processes that are employed periodically 4 through the forming process. You know, it depends 5 on what the actual milling process is and when it's 6 done relative to the mechanical forming processes. 7 So there are a lot of variables there. 8 Q. And your information about how ammunition 9 cartridges are made, I think you told me last time, 10 you got that from the Internet, correct? 11 MR. LEWIS: Form and foundation. It 12 misstates his testimony. 13 THE WITNESS: No. Like I said, it's from 14 the references that we provided in this case and 15 discussions with the -- Mr. Nixon. 16 Q. BY MR. RENZULLI: Mr. Nixon, right. 17 A. Mr. Nixon, you know, lives firearms and 18 so -- yeah. 19 Q. He lives firearms. This Mr. Nixon who 20 thought I committed suicide, the same guy? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: I'm sorry, I didn't catch all 23 that. 24 Q. BY MR. RENZULLI: That's okay. 25 A. Okay.
Page 131 1 Q. Understood. And it ends -- and I'm just 2 looking at it -- 3 A. Yeah. 4 Q. I'm not looking at it from a microscope. It 5 ends where it appears to end in the photographs, 6 right? 7 A. Correct. 8 Q. Okay. Good. And it could vary in width. 9 Is that just -- what I see in 7-21 and 7-23, you're 10 saying the width of the flow fold is different? 11 A. Yes. 12 Q. Do these flow folds vary in where they're 13 located on the casing? 14 A. Slightly, but, again, it's subtle. The 15 cracks that we were able to document or did document 16 in Grosso appeared to be in the area of the radius, 17 if you will, between the case base and the case 18 wall. But as discussed in some of the references, 19 that isn't necessarily the only -- either the only 20 form of geometric defect you can have or location 21 that you can have that. It's not really a defect. 22 It's just a stress-riser. It's part of the -- or 23 stress-raiser, I should say. It's just part of the 24 natural variation that occurs as they're making 25 these cases. And to some -- well, to a large	Page 133 1 Q. Tell -- describe for me -- describe the 2 geometry of a flow fold it would take to result in a 3 case failure in a Glock pistol. 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: Again, it appears to be 6 self-evident. I'm not sure what exactly you're 7 asking me. 8 Q. BY MR. RENZULLI: What is the geometry of a 9 flow fold? Tell me about the geometry that it would 10 take to result in a case failure in a Glock pistol. 11 MR. LEWIS: Form and foundation. 12 THE WITNESS: I don't know that we've 13 documented a connection between the two. What we 14 know is that cracked geometries are highly 15 susceptible to crack propagation, i.e., failure in 16 this case and explosion. That's just a scientific 17 fact. 18 With regard to its geometry, I don't know 19 that it -- I'm not sure how you could define that. 20 I think that, you know, geometry's part of it. 21 Location's part of it. Again, there are a lot of 22 variables there, and capturing or quantifying things 23 like I believe you're asking about would be 24 something that I would assume firearms manufacturers 25 would know about, if anybody does.

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Page 134 1 Q. BY MR. RENZULLI: I think what you're saying 2 is you can't quantify for me right now the geometry 3 of the flow fold specifically -- 4 MR. LEWIS: Form and foundation. 5 Q. BY MR. RENZULLI: -- that it would take -- 6 that it would take to result in a case failure in a 7 Glock pistol, right? 8 MR. LEWIS: Form and foundation. 9 THE WITNESS: Yeah, I think I understand a 10 little bit better now. Yeah, you're going back to 11 where we were earlier. You know, you can think of 12 it almost as, you know, a chicken and an egg 13 problem, if you will. By the time we would have the 14 data we would need to determine exactly what that 15 would be, we wouldn't have an egg anymore. 16 Q. BY MR. RENZULLI: I think you're saying you 17 can't do the test? 18 MR. LEWIS: Form and foundation. 19 THE WITNESS: Correct. 20 Q. BY MR. RENZULLI: Gotcha. If this -- you 21 know, these flow folds are in every case, it must 22 take a certain amount of geometric variation to 23 cause the failure, right? 24 MR. LEWIS: Form and foundation. 25 THE WITNESS: That's exactly what we've been	Page 136 1 THE WITNESS: No. 2 Q. BY MR. RENZULLI: Are you aware -- maybe 3 this is outside your scope. Are you aware of the 4 different ways that a firearm ammunition and a 5 firearm can sustain a catastrophic failure? Are you 6 aware of the different reasons that could occur? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: I'm not sure I know of every 9 way, but, obviously, there are -- there is more than 10 one way. 11 Q. BY MR. RENZULLI: Okay. What are those 12 ways? 13 A. Well, certainly, you've got the situation 14 that we have in this case where Glock has failed to 15 provide support for the cases, in our experience, 16 even a relatively high number of failures. You 17 could also have, you know, material issues 18 associated with various parts of the firearm, 19 particularly the chamber area, the barrel. You 20 could have a combination of overload -- overloaded 21 cases along with problems like Glock has or 22 materials issues. 23 You know -- you said catastrophic kind of 24 failures, right? I'm not sure exactly how to define 25 that. I mean, there are a lot of ways that a
Page 135 1 talking about. 2 Q. BY MR. RENZULLI: And what is that 3 variation? What is that geometric variation? 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: Gosh, to the best of my 6 knowledge, no one has ever characterized that. They 7 know from decades of experience that if you support 8 the case, more often than not, you're not -- well, 9 certainly going to have a lower probability of 10 failures than you do if you fail to support the 11 case. 12 Q. BY MR. RENZULLI: And I think it's -- maybe 13 it's self-evident, like you say. You have no idea 14 the percentage of factory ammunition that have flow 15 folds with this certain geometry and orientation you 16 say needs to be there in order to fail in a Glock 17 pistol; is that correct? 18 MR. LEWIS: Form and foundation. 19 THE WITNESS: Yeah. Glock's failed to 20 provide that information for us. 21 Q. BY MR. RENZULLI: Let's move a little here. 22 Let me just hit a couple of things. You haven't 23 discussed with any ammunition manufacturers how they 24 manufacture cases, right? 25 MR. LEWIS: Form and foundation.	Page 137 1 firearm can fail to fire. I'm not sure where or if 2 you even want me to limit that. 3 Q. Oh, you said it's your opinion that Glocks 4 fail. They fail because of the safety valve, and 5 they load downward. And I'm asking you, how many 6 different ways or how many -- what are the different 7 reasons that that could occur in a Glock pistol? 8 MR. LEWIS: Form and foundation. 9 THE WITNESS: Oh, I thought we discussed 10 that several times, but we can hit her again. So, 11 again, it's going to be through a variation in 12 ammunition, in a general sense. And we've talked 13 about what I mean by that a number of times. 14 Am I capturing what you're driving at? 15 Q. BY MR. RENZULLI: Could bullet setback cause 16 an ammunition to fail -- 17 A. Yes, sir. 18 Q. -- and suffer a catastrophic failure? 19 A. Yes, that's my understanding. 20 Q. Could an overpressured round cause a 21 catastrophic failure? 22 A. Yes. 23 Q. Could lead buildup in the barrel cause a 24 catastrophic failure? 25 A. Yes.

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Page 138 1 Q. Could blockage in barrel cause a 2 catastrophic failure? 3 MR. LEWIS: Form. 4 THE WITNESS: Yep. 5 Q. BY MR. RENZULLI: Could a compressed load of 6 ammunition cause a catastrophic failure? 7 A. A what? 8 Q. Compressed load. 9 A. Impressed? 10 Q. Compressed, C-O-M. 11 A. Compressed. Compressed, yes, I assume so. 12 MR. LEWIS: Form. 13 Q. BY MR. RENZULLI: Okay. 14 A. Again, you're getting more into Mr. -- or -- 15 yeah, Mr. Nixon's world, but, yeah, I'm familiar 16 with those possibilities. Obviously, you would have 17 a higher probability of failure in a Glock in all 18 cases due to the unsupported case area. 19 Q. Right. Have you -- and you've never seen a 20 catastrophic failure of a Glock pistol with factory 21 ammunition, correct? 22 MR. LEWIS: Form and foundation. 23 THE WITNESS: Never seen one, yeah. We 24 attempted to get access to returns that Glock had 25 and they refused to let us do that.	Page 140 1 spreadsheet. Remember that? This was just provided 2 to us by the plaintiffs. 3 A. Yes, a couple weeks ago. Yeah, about three 4 weeks ago, I believe. 5 Q. Not quite. Let's put it up on the screen. 6 And we're going to mark this as the next exhibit. 7 MR. SCHILSKY: 6. 8 MR. RENZULLI: I believe it's 6, right, 9 Shelley? 10 THE REPORTER: I can check. 11 MR. SCHILSKY: Can you all see that? 12 THE REPORTER: Hang on. Yes, 6 is right. 13 MR. RENZULLI: Why don't we have a quick 14 break while Howard's got it up there. 15 Rob, you're good for just making Exhibit 7 16 the -- Mr. Bosch's complete file here that you -- 17 everything you provided to me? How's that? 18 MR. LEWIS: For the -- in the -- I'm sorry, 19 I'm just confused, so -- 20 MR. RENZULLI: Yeah. No worries. We 21 have -- 22 MR. LEWIS: You're talking about the link 23 that we sent, you know, in response to your 24 Appendix A? 25 MR. RENZULLI: Correct, anything in his
Page 139 1 Q. BY MR. RENZULLI: Have you seen any returns 2 from Glock? 3 A. No. 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: My understanding is, is that 6 Glock is not willing to allow that. 7 Q. BY MR. RENZULLI: Okay. So you've seen no 8 returns, no warranty records, nothing like that from 9 Glock, correct? 10 MR. LEWIS: Form and foundation. 11 THE WITNESS: Well, I may have a 12 misconception about what are warranty records, but I 13 have a number of records that address situations 14 where the pistol has exploded where -- in a number 15 of those cases, it's as certain as we can be based 16 on what we were provided by Glock was using factory 17 ammunition. Yeah, I think you call them shop orders 18 or something, but I'm not sure. 19 Q. BY MR. RENZULLI: Call them what? 20 A. I think you all call them shop orders or 21 something. I can't remember. I don't think you 22 referred to them as warranty docs. 23 Q. Okay. 24 A. But I would call that warranty docs. 25 Q. No worries. You did a stress calculation	Page 141 1 file. Right, everything that you produced in 2 response to our notice. To the extent we haven't 3 hit it, I want to make sure that we have a catchall 4 as Exhibit 7 that that would include the rest of the 5 files that you sent to us. 6 MR. LEWIS: Well, I mean, the thing about it 7 is, I mean, if that's -- we're not -- we're not -- 8 you can reference it. I mean, to mark it as an 9 exhibit -- I mean, you're talking about probably 60 10 gigabytes of information. I don't know -- I mean -- 11 MR. RENZULLI: That's fine. 12 MR. LEWIS: That would make an expensive 13 deposition -- I'm cheap. That would make an 14 expensive exhibit. 15 MS. LEWIS: That would be a world record. 16 MR. LEWIS: That would be a world record 17 for -- 18 THE REPORTER: Hold on. 19 MR. RENZULLI: Just stop -- slow down, Rob. 20 Slow down, Rob. 21 MR. LEWIS: Yeah. 22 MR. RENZULLI: I'm not attaching it to a 23 file and it's not going to be a world record. I 24 just want to make sure that we have an understanding 25 that Exhibit 7 is the remainder of his file that you

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Page 142 1 provided to me. It's not getting attached. It's 2 not going to be a world record. It will probably 3 stay in as an electronic, but I want to make sure 4 that everything he provided and he said he provided 5 in response to our notice is attached as part of the 6 record. 7 MR. LEWIS: Sure. That's fine. 8 MR. RENZULLI: All right. 9 MR. LEWIS: That's fine. I have no 10 objection to that. 11 (Exhibit No. 7 was entered for 12 identification.) 13 Q. BY MR. RENZULLI: So let's look at this 14 stress calculation, which I think we marked as 15 Exhibit 6. 16 (Exhibit No. 6 was entered for 17 identification.) 18 MR. RENZULLI: Let's get rid of that off -- 19 there's something on it. There you go. There you 20 go. 21 MR. SCHILSKY: I see that. 22 Q. BY MR. RENZULLI: What kind of an analysis 23 is this, sir? 24 MR. LEWIS: Form, foundation. 25 THE WITNESS: I would refer to it as a	Page 144 1 varying the case support and in this case comparing 2 Glock pistols to competitors' pistols, specifically 3 looking at how the material stress, whether it be 4 the case or the barrel, varies under a fixed 5 pressure, chamber pressure, or case pressure, if you 6 will. 7 Q. And when you say competitors, I think you're 8 talking about a Smith & Wesson. 9 A. Well, in the case of a 45 ACP on the page 10 that we're looking at now, we're talking about a 11 Smith & Wesson. And then we're also looking at a 12 couple of the KKM barrels and just -- well, go 13 ahead. 14 Q. Well, yeah, because when you say 15 competitors, you're talking about an aftermarket 16 barrel that I think we spoke about earlier, correct? 17 Same barrel? 18 A. Yeah, a couple -- 19 MR. LEWIS: Form and foundation. 20 Q. BY MR. RENZULLI: Gotcha. And then you're 21 looking -- 22 A. A couple different barrels, yes. 23 Q. I'm sorry, I'm speaking over you. Can you 24 say that again. 25 A. Yes, a couple different KKM barrels.
Page 143 1 mathematical analysis based on the mechanics of 2 materials. 3 Q. BY MR. RENZULLI: Is this a linear test? 4 A. Linear test? I'm not sure -- 5 MR. LEWIS: Foundation. 6 THE WITNESS: -- what you mean by that. 7 Q. BY MR. RENZULLI: Do you know the difference 8 between a linear test and a nonlinear test? 9 A. Yes. 10 Q. What is the difference between a linear test 11 and a nonlinear test? 12 A. Linear would imply that there is some -- 13 well, basically, if you plot it, you get a straight 14 line versus a curved line, but I'm not sure what 15 you're asking. 16 Q. So the difference between a linear test and 17 a nonlinear test is a curved line as opposed to a 18 straight line? 19 A. From a graphical perspective, yes. But what 20 parameter are you referring to here as possibly 21 being linear or nonlinear? 22 Q. Can you explain what you're doing here, what 23 your purpose is and what methods you used? 24 A. Sure. Absolutely. So what the purpose was 25 is to look at the effects and consequences of	Page 145 1 Q. Okay. With different calibers? 2 A. No. Same caliber in this case. So you want 3 me to give you just a quick overview of how the 4 spreadsheet is constructed? 5 Q. Well, let me just finish this line, though, 6 and you can do that. 7 A. Okay. 8 Q. So when you say competitors, you're talking 9 about aftermarket barrels from one company and then 10 a Smith & Wesson. You don't do this with any other 11 what you call competitors, correct? 12 MR. LEWIS: Form and foundation. 13 THE WITNESS: Not in 45 ACP. 14 Q. BY MR. RENZULLI: Gotcha. 15 A. But I do in other calibers, obviously. 16 Q. Gotcha. Once again, you go back to the H&K 17 VP40. What do you mean about the H&K VP40? Do you 18 know anything about that? 19 MR. LEWIS: Foundation. 20 THE WITNESS: I'm not -- about -- what about 21 it? I mean -- 22 Q. BY MR. RENZULLI: Is it a popular -- is it a 23 popular firearm? Is it used by law enforcement? 24 A. I've done no investigation of that. 25 Q. Gotcha. So I cut you off. You can continue

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Page 146 1 about the spreadsheet. 2 A. You're talking about when I volunteered to 3 explained the structure? 4 Q. Correct. 5 A. Okay. So what we've got is -- and I used 6 a -- I'll call it a wide line, if you will, to 7 create four boxes, one box around each of the 8 calibers that we've been discussing today. That is 9 45 -- starting on the left, 45 ACP and going to the 10 right with the 40 Smith & Wesson, the 11 nine-millimeter and the 10-millimeter. 12 At the top, the top table in each caliber 13 lists the pistols that we characterized along with 14 the caliber for each pistol, of course, and then the 15 results from characterizing the various parameters 16 that we were interested in in order to look and -- 17 look at and quantify how the material stresses 18 varied as a function of both the material that was 19 used to provide support as well as the un -- the -- 20 the amount, I'll say, of unsupported area. 21 Q. Does this analysis account for changes in 22 the material properties as the material yields? 23 Does it account for that? 24 A. No. 25 Q. Okay.	Page 148 1 were you looking at there? 2 A. You know, I don't recall. I looked at 3 multiple cases, but you have to put the relevance of 4 variations in case thickness into perspective of the 5 analysis, in context of the analysis. It's -- for 6 starters, that's a, you know, a good number based on 7 actual measurements for the cases. And in order to 8 do this analysis, it wasn't my intent to try to 9 capture the variation and results as a function of 10 case thickness. That would have just muddled the 11 water. What we're after specifically is how the 12 stresses on the case and ultimately the barrel vary 13 as a function of unsupported area. That's it. We 14 don't want to -- all these other variables involved 15 because they're not relevant to the point of the 16 analysis. 17 Q. Right. Because the thickness of the case 18 varies within the case itself, right? 19 MR. LEWIS: Form, foundation. 20 THE WITNESS: Yes. It's tapered -- the 21 thickness you can think of as being tapered, but 22 what we're interested in first and foremost is case 23 thickness in the area that Glock fails to support. 24 And we also want to choose a reasonable number, 25 which -- or I wanted to choose a reasonable number,
Page 147 1 A. So that's another one of the fixed 2 variables. If you want to get into the kind of 3 analysis you're talking about, that would entail 4 doing FEA analysis, which is, relatively speaking, a 5 huge undertaking. 6 Q. You did not do that, correct? 7 A. No. 8 Q. And I see here it says case wall thickness, 9 and I'm just staying with the first one, which is -- 10 I think is an 45 ACP. You have a case wall 11 thickness and you have a measurement there. Where 12 is that taken from? 13 A. That's taken at the base of the case in the 14 area where the Glocks don't provide support. In 15 other words, if you're thinking about the case 16 sitting on its base vertically, it's above the 17 radius between the base and the wall of the case. 18 Q. Did you take pictures of this, or do you 19 have any notes, or is this it? This is what we 20 have? 21 A. This is what you have. 22 Q. Gotcha. And you -- you had those cases that 23 you measured in with all your file, right? 24 A. Yes. 25 Q. What were the cases? What manufacturers	Page 149 1 which I've done, but I also don't want it to vary in 2 this particular analysis. 3 If we chose to, say, base the analysis on 4 part of the wall that's above the unsupported area, 5 first off, we could do that. Second, it wouldn't 6 make much sense because that's not where -- the area 7 where we're talking about. So we want to look at 8 the -- we want to use a reasonable representation 9 for that area. But the fact is, is if we chose to 10 use -- instead of 10-thousandths, we choose to use 11 five-thousandths or 20-thousandths, the relative 12 comparisons that we would make that drop out to the 13 bottom of this spreadsheet would be the same. 14 Q. BY MR. RENZULLI: So the comparisons with 15 the 45 ACP would be with the Smith & Wesson pistol 16 and the aftermarket barrel for the 45 ACP? 17 A. Correct. 18 Q. You said that the numbers would just skew 19 one way or the other. So you're comparing -- 20 A. Sure. 21 Q. -- the Smith -- hold on. You're comparing 22 those Glock pistols with that Smith & Wesson and 23 those aftermarket barrels, correct? 24 A. Correct. And, also, what you said about 25 just shifting the numbers one way or the other if

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Page 150 1 you went with a thinner or thicker case wall was 2 correct. 3 Q. Uh-huh. 4 A. I'm going to -- 5 Q. Where -- 6 A. I'm going to have to take another break here 7 pretty quick. 8 Q. Where does it say on here -- on this 9 spreadsheet, where is it that the Glock pistol would 10 fail under normal or increased pressures? Where is 11 that? 12 MR. LEWIS: Form and foundation. 13 THE WITNESS: Again, as it states in the 14 spreadsheet, the -- this is all relative analysis. 15 It's not absolute analysis. If you wanted to do 16 absolute analysis, you would have to get into the 17 so-called digital world and start looking at that. 18 But I don't know how valuable the results would be 19 because the number of variables is so huge. I'm not 20 sure how you would ever capture them in your 21 analysis. 22 This is a simple two-dimensional relative 23 analysis. I didn't calculate the exact pressure 24 that it would take for any of these pistols to fail 25 under the stated conditions or with the stated	Page 152 1 based on the accepted methodology to make such 2 analysis, specifically mechanical analysis of 3 materials. 4 Q. BY MR. RENZULLI: So this doesn't represent 5 a real-world situation. It's kind of like an 6 idealistic representation, right? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: Yes. I think I even state it 9 in there, it's an idealized situation. I'm not 10 sure, but that's essentially it, yes. We're fixing 11 a number of variables -- actually, we're fixing all 12 variables except for the material that provides the 13 support and the amount of case support provided. 14 Q. BY MR. RENZULLI: Have you told me and have 15 I asked you appropriate questions with regard to 16 this exhibit? Have you told me all your opinions 17 that you draw from this exhibit, the new one? 18 MR. LEWIS: Objection; form, foundation. 19 THE WITNESS: Generally speaking, yes. 20 Obviously, we haven't gone through a line-by-line 21 review of what it shows. But I've generalized the 22 results, and that is, as we, we meaning engineers, 23 know, if you provide less support, you get more 24 stress. That's it. 25 MR. RENZULLI: All right. I think you said
Page 151 1 geometry. That wasn't the intent. The intent was 2 to show that as the unsupported area increases, the 3 stresses in the material, and specifically the 4 brass, increase, which, by definition, means that 5 you have a higher probability of failure. 6 Q. BY MR. RENZULLI: Okay. I think what you 7 just -- your point is that with less support, 8 there's more stress? 9 A. Correct. 10 Q. Gotcha. And that's the purpose of this, and 11 you're comparing the stress from certain Glock 12 pistols to certain other pistols that you call 13 competitors and aftermarket barrels; fair to say? 14 A. Yes. 15 Q. Okay. 16 A. That's it in part and then, of course, 17 there's also some analysis to show how much more 18 effective providing full support in the case is. In 19 other words, essentially replacing the case material 20 with barrel material. 21 Q. Yeah, but you don't -- you're not 22 discharging any ammo in this spreadsheet. These are 23 just your calculations that you did? 24 MR. LEWIS: Form and foundation. 25 THE WITNESS: Yes. They're my calculations	Page 153 1 you needed to take a break? 2 THE WITNESS: Yes. That would be awesome. 3 MR. RENZULLI: We'll take a break. Let's do 4 10 minutes. 5 THE WITNESS: Okay. 6 THE VIDEOGRAPHER: We are off the record. 7 The time is 2:44 p.m. 8 (WHEREUPON, there was a recess taken.) 9 THE VIDEOGRAPHER: We are back on the 10 record. The time is 3:01 p.m. 11 Q. BY MR. RENZULLI: Okay. Mr. Bosch, is it 12 fair to say that you and your team fired about 200 13 rounds through Mr. Johnson's pistols? 14 A. Yes. 15 Q. Have you ever spoken to Mr. Johnson? 16 A. No. 17 Q. Is it fair to say that you and your team 18 have fired about 300 rounds through Glock 45 ACPs? 19 MR. LEWIS: Form, foundation. 20 THE WITNESS: That sounds about right, yes. 21 Q. BY MR. RENZULLI: Fair to say that you fired 22 about 225 rounds through Glock 40 Smith & Wesson? 23 A. Sounds about right, yeah. I haven't totaled 24 up the numbers, but -- 25 Q. Fair to say you fired around 225 rounds

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Page 154 1 through Glock 10-millimeters? 2 A. Sound about right, yep. 3 Q. And you may have fired some rounds through a 4 Glock 45 GAP and/or a nine-millimeter, but as you 5 sit here today, you're not sure if you did and how 6 many rounds there were, correct? 7 A. I'm quite certain that we fired it through 8 all the list of nines, but we didn't fire any 9 through the 45 GAP. 10 Q. Oh, okay. So is it fair to say at a very, 11 very low minimum, you fired at least 950 factory 12 rounds through Glock pistols and most likely more, 13 right? 14 A. Yes. Yep. 15 Q. None of these kabooms, as you talk about? 16 A. Correct. 17 Q. And you watched defense experts in this case 18 fire about 200 rounds as well, right? 19 A. Correct. 20 Q. And, again, no kabooms, no ammunition 21 failures, correct? 22 A. Correct. 23 Q. All right. And the only time you were able 24 to experience an ammunition failure is when you 25 peaked up the pressure, as shown in Mr. Nixon's	Page 156 1 valve, which we thought was kind of interesting. 2 Q. Right. Okay. There's no venting if the 3 cartridge case doesn't open up? 4 A. Correct. 5 Q. So then I'll go back to my same question. 6 Is it a fair statement that the only time that you 7 and your team were able to have what you call a 8 kaboom or a case failure was when you had an 9 extremely overpressured event? And that's with -- 10 MR. LEWIS: Form and foundation. 11 Q. BY MR. RENZULLI: That's with regard to the 12 testing that you did with Mr. Nixon, correct? 13 MR. LEWIS: Form and foundation. 14 THE WITNESS: Correct. We had catastrophic 15 firearm failures, but not a failure of the case at 16 the vent location or the so-called safety valve 17 location. 18 Q. BY MR. RENZULLI: Okay. Do you plan on 19 doing any more testing or evaluation in the future? 20 A. There is nothing in the works at this time. 21 I'm sure there will be a lot more testing at some 22 point. It just kind of depends on where we end up 23 with things. 24 Q. What's your hourly now, sir? 25 A. 400.
Page 155 1 chart, of the testing that you did on January 3rd of 2 2024, correct? 3 A. Well, what we discovered -- we discovered a 4 lot of things, but one of the things that we 5 discovered is that the pistol failures that we have, 6 the catastrophic failures certainly, were isolated 7 to the Glocks. But interestingly enough, the 8 overpressure rounds that we fired through the Glocks 9 to the point where we got enough overpressure to 10 actually blow the pistols to smithereens, if you 11 will, that there was no case failure suggesting that 12 the alleged function of the so-called safety valve 13 wasn't functioning as it was designed, which we 14 thought was kind of interesting. 15 Q. I'm -- you're going to have to say that 16 again, sir. 17 A. So what -- yeah, what we did is, as I 18 indicated earlier -- and I'm going to let Mr. Nixon 19 go into more detail on this. But just to give you a 20 snapshot of it, we -- or I shouldn't say we. 21 Mr. Nixon had ammunition loaded at 25, 50, 75 and 22 100 percent overloads. And until the Glocks 23 completely blew apart, we didn't have any case 24 failures. We had some case bulging, but the -- 25 there was no venting through the so-called safety	Page 157 1 Q. 400 an hour. 2 MR. RENZULLI: I appreciate your time. 3 Thank you. 4 THE WITNESS: You're welcome. 5 MR. LEWIS: You want to take a break or you 6 just want to get into it? Let me -- 7 MR. RENZULLI: You can go. 8 MR. LEWIS: I just have some cleanup. 9 MR. RENZULLI: You can go. 10 THE WITNESS: I'm ready. 11 MR. LEWIS: Okay. Can you give me the 12 control of the screen, please? 13 THE VIDEOGRAPHER: You should have it. 14 * * * 15 EXAMINATION 16 BY MR. LEWIS: 17 Q. David, I want to show you Page 10 of your 18 report here. And this is -- I'm going to draw your 19 attention to Figure 2.1. 20 What do you understand a special safety 21 valve to be, David? 22 A. Well, bottom line, a compromise in the 23 design of the firearm. 24 Q. What do you mean by that? 25 A. Well, they sacrifice safety for, they claim,

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Page 158 1 reliability. They haven't provided -- substantiated 2 that it's actually more reliable than other 3 firearms, or at least I haven't seen any data that 4 indicates as such. But to me, from an engineering 5 perspective, it looks more like a compromise. 6 Q. Okay. And what do you understand the 7 function of the safety valve to be, David? 8 A. It's function -- 9 MR. RENZULLI: Objection to form. 10 THE REPORTER: I'm sorry? 11 MR. LEWIS: Yeah, David, just like with 12 before, just take a break after Mr. Lewis asks his 13 questions. Okay? 14 THE WITNESS: Yep. 15 MR. RENZULLI: Thank you, sir. 16 THE WITNESS: Have to retrain him again. 17 Q. BY MR. LEWIS: So let me back up since we're 18 getting a muddled mess here. It says here: 19 Depending on the cartridge material, the cartridge 20 will burst at a gas pressure of 200 percent. 21 So what does that -- can you describe or 22 explain what that means and how that would work? 23 MR. RENZULLI: Objection. 24 THE WITNESS: Well, essentially, what it 25 states is that if you have a case that -- or not a	Page 160 1 Q. BY MR. LEWIS: Go ahead. 2 MR. RENZULLI: It's okay. 3 THE WITNESS: My understanding is, is all 4 the Glock pistols except for the -- I forget what 5 model it is, but it's their 22 long rifle pistol 6 include this features. 7 Q. BY MR. LEWIS: Okay. Is it your 8 understanding it's an intentional design feature of 9 the gun? 10 A. Yes. 11 MR. RENZULLI: Objection; form. 12 Mr. Bosch, let's see if we can do this the 13 right way. Just give me a minute. Let me put in my 14 objection. 15 THE WITNESS: Gotcha. 16 MR. RENZULLI: Try again. 17 Q. BY MR. LEWIS: Dr. Bosch, is it your 18 understanding that this is an intentional design 19 feature? 20 MR. RENZULLI: Objection to form. 21 THE WITNESS: Yes. 22 Q. BY MR. LEWIS: And what's that based upon? 23 A. The testimony of the Glock representative, 24 Mr. Kroyer. 25 Q. And did you review the deposition testimony
Page 159 1 case, but you have a round which upon being fired 2 the internal pressure within the case is 200 percent 3 or greater, that the gases will escape through this 4 so-called special safety valve. 5 Q. BY MR. LEWIS: Okay. And they qualify this 6 with depending on the cartridge material, is that -- 7 could that be a reference to a fissure or a flow 8 fold or mechanical twin or dezincification or 9 anything like that? 10 A. No. It's not the -- 11 MR. RENZULLI: Objection to form. Wait. 12 Hold on. 13 THE WITNESS: Yep. 14 MR. RENZULLI: Objection to form. 15 Q. BY MR. LEWIS: Go ahead. Go ahead, David. 16 A. Yes. You know, there's -- there's some 17 assumption here about what exactly that they're 18 talking about there. But it seems to recognize that 19 there are cartridge variations and specifically case 20 variations that will have some level of influence on 21 exactly what pressure the venting will occur. 22 Q. Okay. And what Glock guns have the special 23 safety valve, based on your understanding? 24 MR. RENZULLI: Objection to form. 25 THE WITNESS: My understanding -- damn it.	Page 161 1 of Dr. Kroyer -- or Mr. Kroyer in both the Grosso 2 case and this case, the Johnson case? 3 A. Yes. 4 Q. And in both cases, did he testify that there 5 is an intentional design feature? 6 MR. RENZULLI: Objection to form. 7 THE WITNESS: I don't recall it in the 8 Grosso case, but I know he did in the Johnson case. 9 Q. BY MR. LEWIS: But you understand that this 10 design feature or this design concept exists in all 11 Glocks except the 22 long rifle, the G44, right? 12 MR. RENZULLI: Objection to form. 13 THE WITNESS: Correct. 14 Q. BY MR. LEWIS: As a design concept, this 15 design concept of a special safety valve is 16 identical among all calibers and all generations of 17 the Glock handguns; true? 18 MR. RENZULLI: Objection to form. 19 THE WITNESS: Correct. 20 Q. BY MR. LEWIS: And do you understand -- do 21 you know where this came from, the special safety 22 valve slide that's in your report? 23 A. My recollection is, is that it's out of the 24 Glock Armorer's Manual or documentation. 25 Q. Okay. So this is a Glock document that

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Page 162 1 describes its special safety valve; is that correct? 2 A. Correct. 3 Q. So you don't dispute Glock's testimony or 4 Mr. Kroyer's testimony that the special safety valve 5 exists in all guns except the 22 long rifle, do you? 6 MR. RENZULLI: Objection to form. 7 THE WITNESS: No. 8 Q. BY MR. LEWIS: How many Glock handguns did 9 you look at, Dr. Bosch? 10 A. Somewhere between 15 and 20. 11 Q. Okay. And what calibers did you look at? 12 A. 45 ACP, 40 Smith & Wesson, 10-millimeter and 13 nine-millimeter, also looked at the 45 GAP. 14 Q. Okay. And did all of them appear to have 15 the special safety valve that is described here in 16 this Glock armorer training slide? 17 A. Yes. 18 Q. Now, Mr. Renzulli asked you some questions 19 about the dimensions of the safety valve differ 20 based upon the different -- based upon the different 21 dimensions of the different caliber handguns, 22 correct? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: Correct. 25 Q. BY MR. LEWIS: But as a concept and a design	Page 164 1 MR. RENZULLI: Objection to form. 2 THE WITNESS: Yes. 3 Q. BY MR. LEWIS: Did you look at multiple 4 calibers? 5 A. Yes. 6 Q. Are those noted in your report? 7 A. Yes. 8 Q. Have you -- did you look at -- I'm sorry. 9 Did you look at ones that weren't noted in your 10 report that were examined afterwards? 11 MR. RENZULLI: Objection to form. 12 THE WITNESS: Yes. 13 Q. BY MR. LEWIS: A minute ago, Mr. Renzulli 14 asked you some questions about competitors' 15 handguns. What do you -- and asked you about 16 handgun use. What do you understand to be one of 17 the uses of the Glock handguns? 18 MR. RENZULLI: I'm sorry, one of the uses? 19 MR. LEWIS: Sure. Okay. Fair enough. 20 Q. BY MR. LEWIS: What do you understand -- the 21 Glock handguns, who are their -- who is their target 22 consumers, if you know? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: My understanding is military 25 and law enforcement.
Page 163 1 concept, they're virtually identical across all 2 calibers and across all generations, correct? 3 MR. RENZULLI: Objection to form. 4 THE WITNESS: Correct. The -- my 5 understanding is the design intent was identical 6 across all platforms. 7 Q. BY MR. LEWIS: Okay. And the design intent 8 was that at -- assuming that there is a static or a 9 static yield strength of the brass, that at 200 10 percent, it's going to burst, correct? 11 MR. RENZULLI: Objection to form. 12 THE WITNESS: That's my understanding, yes. 13 Q. BY MR. LEWIS: Now, did you look at the 14 Glock testing documents when they tested their 15 special safety valve on the 45 ACP? 16 A. I'm trying to remember. I don't recall off 17 the top of my head. I remember looking at some for 18 the nine-millimeter. 19 Q. Okay. Do you know if Glock tested its 20 special safety valve? 21 A. Yes. 22 Q. Now, at one point did you look at other 23 manufacturers' handguns to see if they had the same 24 degree of unsupported area at the 6:00 o'clock 25 position?	Page 165 1 Q. BY MR. LEWIS: Right. Military and police, 2 correct? 3 A. Correct. 4 Q. And so one of the Glock -- one of the 5 guns that you tested as a competitor was the 6 Smith & Wesson M&P, or military police, correct? 7 A. Correct. 8 Q. Now, the guns that you looked at, were they 9 all -- were they all polymer striker-fire guns? 10 A. Yes. 11 Q. Both the Glocks and the non-Glocks? 12 A. That's my recollection, yes. 13 Q. Some were bigger and some were smaller; is 14 that right? 15 A. Physically, yes. 16 Q. And it was for -- and that's true of both 17 the Glock and the non-Glock handguns, correct? 18 A. Correct. 19 Q. So, for example, in the nine-millimeter 20 handguns, there were a SIG Sauer SAS, correct? 21 A. Correct. Oops. 22 Q. Is that correct? 23 A. Correct. 24 Q. And that's -- and then you looked at a Glock 25 43X, right?

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Page 166 1 A. Correct. 2 Q. So when you examined these guns, to the 3 naked eye, did it appear that the safety valve or 4 unsupported area was similar or different than the 5 other non-Glock handguns? 6 MR. RENZULLI: Objection to form. 7 THE WITNESS: I'm not sure I understand your 8 question. I mean, certainly, in all non-Glock 9 cases, if there was any intrusion into the chamber 10 area by the feed ramp, it was significantly smaller 11 than that in the Glocks. 12 Q. BY MR. LEWIS: Okay. And so what did you do 13 to take -- to preserve the difference in the size of 14 the feed ramp and the unsupported area? 15 MR. RENZULLI: Objection to form. 16 THE WITNESS: So what was done is we used 17 molding material to create casts of each of the 18 chamber and feed ramp areas for each of the firearms 19 that we've been talking about today. Each of those 20 molds was scanned using a laser scanner, which is 21 the tool that we use to create what's called a point 22 cloud that represents the geometry of whatever it is 23 we're scanning, and in this case, the molds. And 24 then we import that point cloud into -- generally, 25 we usually use Rhino or SolidWorks. We import the	Page 168 1 Q. Okay. And then I understand you did some 2 calculations to determine -- to evaluate the effect 3 of the unsupported area and the likelihood that 4 there would be a rupture, correct? 5 MR. RENZULLI: Objection to form. 6 THE WITNESS: Correct. 7 Q. BY MR. LEWIS: All right. And what you 8 determined is that the bigger the unsupported area, 9 the more likely there is a rupture? 10 MR. RENZULLI: Objection to form. 11 THE WITNESS: There's a step in between. 12 What the calculations show is that as the 13 unsupported area increases, the case is subjected to 14 increasing stress. And it's an engineering fact 15 that increased or higher stresses lead to a higher 16 probability of material failure. 17 Q. BY MR. LEWIS: Okay. And you say this is an 18 engineering fact. You mean, this is something that 19 is ubiquitously known among engineers, correct? 20 A. Correct. 21 MR. RENZULLI: Objection to form. 22 Q. BY MR. LEWIS: Right? 23 A. Correct. 24 Q. Okay. I think you used the word it's 25 self-evident before; is that right?
Page 167 1 point cloud into one of those applications. 2 And then within that point -- or within 3 that application, we can clean up the scan, which I 4 can get into more detail about that, but it's really 5 kind of irrelevant. We clean up the scan, as we 6 say. And then from that, we can make measurements 7 of various features of the chamber and feed ramp 8 area for each of the handguns. 9 Q. BY MR. LEWIS: Is that -- is the -- in some 10 of the cases -- say, for example, in the 45 ACP, can 11 you tell the difference between a Glock unsupported 12 area or -- at the 6:00 o'clock position, the feed 13 ramp, and, say, for example, a Smith & Wesson? 14 A. Yes. 15 MR. RENZULLI: Objection -- 16 Q. BY MR. LEWIS: And that's what you noted in 17 your report -- 18 MR. RENZULLI: Wait. Hold on. You've got 19 to slow down. 20 Objection to form on the last question. 21 Q. BY MR. LEWIS: And that's what you noted in 22 your report? 23 A. That's what I what? 24 Q. You noted in your report? 25 A. Yes.	Page 169 1 MR. RENZULLI: Form. 2 THE WITNESS: To an engineer, definitely. 3 And, you know, that would -- you know, one of my 4 jobs is to teach others about those facts. 5 Q. BY MR. LEWIS: Okay. Do you see what is on 6 the screen, Dr. Bosch? 7 A. Yes. 8 Q. So this is a book called The Textbook of 9 Pistol Technology and Design. 10 Have you seen -- this is part of your job 11 file. Have you seen this before? 12 A. Oh, yeah. Correct. 13 Q. And this is written by a gentleman named 14 Peter Dallhammer. Do you see that? 15 A. Yes. 16 Q. And have you -- did you review this textbook 17 in your inquiry and your investigation into these 18 Glock pistols? 19 A. Yes, sir. 20 Q. And you understand that Glock's design of 21 its handguns is something that is unique to Glock, 22 correct, with the safety valve? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: Correct. 25 Q. BY MR. LEWIS: That's why it's special,

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Page 170 1 right? 2 MR. RENZULLI: Objection to form. 3 THE WITNESS: Correct. 4 Q. BY MR. LEWIS: Okay. And so I want to draw 5 your attention to Mr. Dallhammer's textbook on 6 Page 60 where it says: The chamber is concentric to 7 the bore and its diameter must be within strict 8 tolerances. In the design of any chamber and mouth, 9 great care must be exercised to ensure that the thin 10 and soft material of the cartridge case is 11 adequately supported as the propellant pressures act 12 upon the wall of the case to expand it against the 13 chamber. Ideally, the forces on the case should be 14 below the ultimate strength limit of the brass to 15 avoid any danger of the case failing by rupture. 16 Do you see where I read that? 17 A. Yes. 18 Q. Is that a basic ballistic -- interior 19 ballistic engineering principle, that there should 20 be adequate support to prevent the rupture of the 21 case of the cartridge case? 22 MR. RENZULLI: Objection to form. 23 THE WITNESS: Yes, absolutely. And I would 24 take it a step beyond that. That's just an 25 engineering principle in general.	Page 172 1 a little technical difficulty here, folks. 2 Do you see what's on the screen now, 3 Dr. Bosch? 4 A. Yeah, ballistics textbook. 5 Q. Are you familiar with this book? 6 A. Yes. 7 Q. And this is part of your job file; is that 8 right? 9 A. Correct. 10 Q. All right. So -- and did you review this in 11 connection with your opinions in this case? 12 A. Yes. 13 Q. So I want to draw your attention here where 14 it says: The case by itself -- and it's under the 15 heading Cartridge Case Design. The case by itself 16 cannot sustain the gun pressures and is intended to 17 be supported by the chamber walls. 18 Do you understand that to be a basic 19 ballistic engineering principle, Dr. Bosch? 20 MR. RENZULLI: Objection to form. 21 THE WITNESS: Yes. 22 Q. BY MR. LEWIS: All right. And the -- here, 23 if I -- and correct me if I'm wrong, but the Glock 24 safety valve, special safety valve, does just the 25 opposite as the intent of the designer in Glock to
Page 171 1 Q. BY MR. LEWIS: Right. And so you found -- 2 and so did -- and Glock's special safety valve is 3 just the opposite, right, Dr. Bosch? In Glock's 4 special safety valve they put inadequate support to 5 induce a rupture, right? 6 MR. RENZULLI: Objection to form. 7 THE WITNESS: Correct. 8 Q. BY MR. LEWIS: Would you agree with me that 9 the Glock safety valve doesn't comply with this 10 basic engineering principle of interior ballistic 11 engineering that's announced in this textbook? 12 MR. RENZULLI: Objection to form. 13 THE WITNESS: Yes. 14 Q. BY MR. LEWIS: Are there other textbooks 15 that you reviewed as part of your inquiry into the 16 dangerous nature of the Glock safety valve? 17 MR. RENZULLI: Objection to form. 18 THE WITNESS: Yes. 19 Q. BY MR. LEWIS: Was the Dallhammer -- was 20 that Dallhammer text something that you considered 21 and relied upon in reaching your opinions regarding 22 the Glock safety valves? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: Yes. 25 Q. BY MR. LEWIS: All right. Sorry, I'm having	Page 173 1 rely upon the chamber walls to support all of the 2 pressures in normal operation, correct? 3 MR. RENZULLI: Objection to form. 4 THE WITNESS: You're going to have to run 5 that one by me again. 6 Q. BY MR. LEWIS: Sure. It's -- I'm trying to 7 rush it along here. I'm trying to hurry up. We've 8 been all here all day, so I'm trying to just push it 9 a little quicker than I probably should have. 10 The -- it's a basic engineering principle of 11 ballistic engineering that the cartridge case design 12 is such that it cannot sustain or should not be 13 designed to sustain the pressures -- the internal 14 pressures of the cartridge case, correct? 15 A. Correct. 16 MR. RENZULLI: Objection to form. 17 THE WITNESS: Oops. Right. 18 Q. BY MR. LEWIS: And so -- and yet the Glock 19 special safety valve does just exactly that, right? 20 It relies upon the case wall as an integral part of 21 the -- to contain the pressures; is that correct? 22 MR. RENZULLI: Objection to form. 23 THE WITNESS: Correct. 24 Q. BY MR. LEWIS: So would you agree with me, 25 Dr. Bosch, that the special safety valve doesn't

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Page 174 1 comply with basic engineering principles of interior 2 ballistic engineering that's found in textbooks? 3 MR. RENZULLI: Objection to form. 4 THE WITNESS: Absolutely. 5 Q. BY MR. LEWIS: A moment ago, Mr. Renzulli 6 asked you a number of questions about variations in 7 case support, and he asked you if you had spoken 8 with any manufacturers of ammunition. 9 Do you recall that line of questioning? 10 A. Yes. 11 Q. Did you review any textbooks on ammunition 12 itself? 13 A. Yes. 14 Q. Tell us about that. 15 A. Well, in a nutshell, what I reviewed 16 indicated what I've always understood to be the 17 case. And that is that there are normal, if you 18 will, variations in both case -- the case material, 19 the case manufacturing, the loading of those cases, 20 the crimping of the bullets, many different 21 variables. 22 Q. And have you -- you reviewed textbooks on 23 that subject, Dr. Bosch? 24 A. Correct. 25 Q. Okay. And so is that a part of the basis	Page 176 1 that the cartridge case could play a role -- or the 2 cartridge case strength could play a role, you did 3 an examination of failure analysis research; is that 4 correct? 5 MR. RENZULLI: Objection to form. 6 THE WITNESS: I don't understand the 7 question. 8 Q. BY MR. LEWIS: Yeah. Fair enough. A moment 9 ago -- and none of us could spell the guy's name, 10 but it was Yaqoob, the Yaqoob article, correct? 11 A. Yes. 12 Q. Okay. And, you know, Mr. Renzulli asked you 13 some questions about the Yaqoob article or the 14 article in Engineering Failure Analysis -- let me 15 back up and ask this. 16 Is Engineering Failure Analysis a 17 peer-reviewed publication? 18 A. Yes. 19 MR. RENZULLI: Objection -- 20 Q. BY MR. LEWIS: Is it -- 21 MR. RENZULLI: Wait. Hold on. Please, Rob, 22 please, please, please just slow down. 23 Shelley, can you read back that question and 24 answer, please. 25 (The last question and answer were read
Page 175 1 for your opinion that based upon case wall strength, 2 you could have a rupture at different pressures, 3 correct? 4 MR. RENZULLI: Objection to form. 5 THE WITNESS: Yes, absolutely. 6 Q. BY MR. LEWIS: And you saw Dr. Kroyer's -- 7 or Mr. Kroyer's deposition when he testified 8 regarding his knowledge and testing of the Glock 9 handguns, correct? 10 MR. RENZULLI: Objection to form. 11 THE WITNESS: Correct. 12 Q. BY MR. LEWIS: What's your understanding 13 about Dr. -- or Mr. Kroyer's findings regarding 14 ruptures at various pressures? 15 A. That he understood that it could happen at 16 elevated pressures or even normal pressures. 17 Q. So a rupture could occur because of a 18 high-pressure round, a weakness in the cartridge 19 case or some combination of those? 20 MR. RENZULLI: Objection; form. 21 Rob, you've just been -- you've been 22 testifying the whole day, but objection to form. 23 THE WITNESS: Correct. 24 Q. BY MR. LEWIS: Did you, as part of your -- 25 as part of your investigation into the hypothesis	Page 177 1 back.) 2 MR. RENZULLI: And I had an objection in 3 there. 4 Q. BY MR. LEWIS: Tell me about the reliability 5 of Engineering Failure Analysis as a publication. 6 MR. RENZULLI: Objection; form. 7 THE WITNESS: To me and a lot of the failure 8 analysis world, it's considered to be -- you know, 9 you could call it the bible periodical publication 10 regarding activities in the failure analysis world. 11 The organization that puts it out also puts out many 12 other references that are widely used around the 13 world, as a matter of fact, by people that practice 14 in the field of failure analysis, and even wider, 15 just materials in general. 16 Q. BY MR. LEWIS: What is the -- what was the 17 importance of this article to your opinions, 18 Dr. Bosch? 19 MR. RENZULLI: Objection to form. 20 THE WITNESS: It essentially reinforced my 21 understanding of the manufacturing variations that 22 occur that can have an effect on the performance of 23 cartridge brass. 24 Q. BY MR. LEWIS: And it's not just cartridge 25 brass for a large cannon. It's any cartridge brass,

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Page 178 1 correct? 2 MR. RENZULLI: Objection to form. 3 THE WITNESS: Correct. 4 Q. BY MR. LEWIS: Mr. Renzulli asked you some 5 kind of snarky questions about it being cannon 6 brass. Is there any difference -- 7 MR. RENZULLI: Rob, come on. 8 Q. BY MR. LEWIS: Is there any difference 9 between brass for a cannon and brass for a handgun? 10 MR. RENZULLI: Rob -- Rob, just don't do 11 that. It's going to get stricken. You may want to 12 reask it. 13 Q. BY MR. LEWIS: Okay. Go ahead and answer 14 the question. 15 A. The singular difference that I'm aware of 16 between the two is scale, geometry. 17 Q. Does cartridge brass for handguns have 18 dezincification as a potential cause of weakness? 19 MR. RENZULLI: Objection to form. 20 THE WITNESS: Absolutely. 21 Q. BY MR. LEWIS: Does it have flow folds or 22 fissures as a potential cause of weakness? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: Given my understanding of how 25 it's formed, yes, it would have to.	Page 180 1 A. My understanding is, is that document 2 reflected that formal inspection and testing and 3 certification organization's work with Glock -- or 4 at least some of the Glock pistols. 5 Q. Let me see if I can find a copy of that 6 report in your file here. Bear with me, folks. 7 Let me read a section of this report to you. 8 I can't find the actual report. And I don't want to 9 hold everybody up. It says: Damage on the grip 10 occurring in the course of tests, as described in 11 Section 4, is due to the fact that the loading ramp 12 has been designed in such a way that together with 13 the case it forms a kind of safety valve. 14 MR. RENZULLI: Rob, I don't know where 15 you're reading from. 16 MR. LEWIS: I'm reading from Exhibit -- I'm 17 reading from the Vienna Proof-House. 18 MR. RENZULLI: I'm not going to take your 19 word for it. But, with all due respect, produce it. 20 What are you reading from? 21 MR. LEWIS: I just told you. You asked me. 22 I told you what it is. Okay. Fine. I'll find it. 23 MR. RENZULLI: I appreciate that. Thank 24 you. 25 MR. LEWIS: All right. Let's get the
Page 179 1 Q. BY MR. LEWIS: Well, did you section some -- 2 either in this case or the other case, did you 3 section some cartridge cases to see if there was 4 cracks that were formed as a part of the 5 manufacturing process? 6 A. Yes. I thought your question was in regard 7 to the brass that Mr. Yaqoob was working with. 8 Q. Okay. In your investigation -- your 9 investigation, although it was on a different scale, 10 was similar to the findings of Yaqoob, correct? 11 MR. RENZULLI: Objection to form. 12 THE WITNESS: In part. 13 Q. BY MR. LEWIS: Were your findings similar to 14 the findings of Mr. Yaqoob? 15 MR. RENZULLI: Objection to form. 16 THE WITNESS: In part, yes. 17 Q. BY MR. LEWIS: Explain that to us. 18 A. Specifically regarding the cracks or flow 19 folds or the features that were light cracks, yes. 20 I mean, it was essentially identical. 21 Q. Do you remember looking at a document 22 called -- a report that was created by the Vienna 23 Proof-House? 24 A. Yes. 25 Q. What do you understand that document to be?	Page 181 1 Vienna -- can you help me find the Vienna 2 Proof-House report? 3 Yeah, so -- and you might want to just say 4 that Exhibit 7 was supposed be the complete 5 electronic file. So all of these things are in 6 there, so however we plan to attach it later. So, I 7 mean, there's a copy in -- you know, in the -- 8 THE REPORTER: I can't hear you if you're on 9 the record. 10 MR. LEWIS: Chris, I thought you would have 11 that memorized by now. 12 Q. BY MR. LEWIS: Okay. Here we go. 13 All right. Alex's popped up, but here we 14 go. 15 Okay. Can you see this, Dr. Bosch? 16 A. Exhibit J? 17 Q. Yeah. So I'm going to draw your attention 18 to the summary here where it says -- and now this is 19 what we were talking about earlier with the Vienna 20 Proof-House testing, correct? 21 A. Correct. 22 Q. And you reviewed this document in forming -- 23 and in connection with formulating your opinions? 24 MR. RENZULLI: Objection to form. 25 THE WITNESS: Correct.

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Page 182 1 Q. BY MR. LEWIS: Well, let me ask you this. 2 Was this document important for formulating your 3 opinions? 4 A. Yes. 5 Q. Okay. And this shows that a number of -- 6 what does this show, Dr. Bosch? 7 A. It shows the fairly typical report test 8 format specifically having to do with the Glock 9 Model 17 nine-millimeter and outlines the testing 10 protocol and -- I'm just looking here -- results. 11 Q. Okay. And this is as it relates to -- and 12 you're looking at Page -- and it's -- Page 145 is 13 the Bates label, correct? But it's Page 2 of the 14 report, right? 15 MR. RENZULLI: The Bates label is actually 16 GGES 000145. 17 MR. LEWIS: Okay. Thanks for the 18 correction. 19 MR. RENZULLI: You're welcome. 20 THE WITNESS: Correct. 21 Q. BY MR. LEWIS: All right. And they also -- 22 do they test other models, Dr. Bosch? 23 A. Yes, 10-millimeter, 45 auto. 24 Q. And the 40 Smith & Wesson -- 25 A. Yep.	Page 184 1 of those calibers, correct? 2 A. That's my understanding. 3 Q. And the Glock 45 auto, right? 4 A. Correct. 5 Q. So, I mean, Dr. Bosch, was this -- were 6 these findings consistent with your findings about 7 venting of the safety valve? 8 MR. RENZULLI: Objection to form. 9 THE WITNESS: Yes. 10 Q. BY MR. LEWIS: And it's consistent with 11 Glock's armorer slide describing the safety valve, 12 right? 13 A. Correct. 14 Q. And it's consistent with Glock's internal 15 testing regarding its safety valve, right? 16 MR. RENZULLI: Objection to form. 17 THE WITNESS: Correct. 18 Q. BY MR. LEWIS: Now, Mr. Renzulli asked you a 19 number of questions about you testing the safety 20 valve. Did you feel that it was necessary to 21 replicate all of the other testing from the other 22 entities of the safety valve? 23 A. Well, no. That didn't seem to be a wheel 24 that needed to be reinvented. 25 Q. I mean, the Vienna Proof-House tested it.
Page 183 1 Q. -- is that right? 2 A. Yeah, yeah. 3 Q. And it goes through the analysis of their 4 testing, correct? 5 A. Yes. 6 Q. All right. I want to now -- I want to get 7 back to where we were a little bit ago. It says 8 here under the summary on Page GES 000150: Damage 9 on the grip occurring in the course of the test, as 10 described in Section 4, is due to the fact that the 11 loading ramp has been designed in such a way that 12 together with the case it forms a kind of safety 13 valve. Depending on the quality of materials used 14 for the cases, these will crack in this area under 15 double gas pressures due to the lack of support. 16 The powder cases escaping downward under high 17 pressure may occasionally cause damage on the grip, 18 as described in Section 4. 19 Is it your understanding that this is 20 describing the venting of the safety valve? 21 MR. RENZULLI: Objection to form. 22 THE WITNESS: Yes. 23 Q. BY MR. LEWIS: And this venting of the 24 safety valve is in the Glock 40 Smith & Wesson, the 25 Glock 10-millimeter, the Glock nine-millimeter, all	Page 185 1 Glock internally tested it. Glock admits that it 2 exists. Did you feel that you needed to prove the 3 existence of it? 4 MR. RENZULLI: Objection to form. 5 THE WITNESS: No. 6 Q. BY MR. LEWIS: Now, do you believe that the 7 Glock safety valve impacts the safety of the 8 product? 9 MR. RENZULLI: Objection to form. 10 THE WITNESS: Yes. 11 Q. BY MR. LEWIS: Explain what you mean by 12 that. 13 A. Well, as we've discussed most of today, when 14 you have a design compromise like that used by 15 Glock, you, by definition, are increasing the 16 probability of having a catastrophic failure. 17 Q. Did you -- and Mr. Renzulli asked you some 18 questions about the warranty documents. We call 19 them warranty documents, but they're the documents 20 produced by Glock that involves their customer 21 failures. 22 Do you recall that? 23 MR. RENZULLI: Objection to form. 24 THE WITNESS: Yes. 25 Q. BY MR. LEWIS: And then you reviewed -- did

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Page 186 1 you review Mr. Guevara's deposition as well? 2 A. Yes. 3 Q. And in this case -- I'm sorry, the 4 deposition in this case? 5 A. Yes. 6 Q. As opposed to the Grosso case? 7 A. Correct. 8 Q. Now, in looking at those warranty documents, 9 Exhibit W, did you find that some of them were 10 caused by the safety valve venting? 11 MR. RENZULLI: Objection to form. 12 THE WITNESS: That was one -- that was what 13 I understood them to be talking about. 14 Q. BY MR. LEWIS: Because they say things like, 15 failed at the 6:00 o'clock position? 16 A. Correct. 17 Q. Have you ever -- 18 MR. RENZULLI: Objection -- 19 Q. BY MR. LEWIS: Have you ever heard of that 20 term, failing at the 6:00 o'clock position? 21 A. Yes. I've been familiar with that since 22 Grosso. 23 Q. And is that -- is that what we're talking 24 about with the safety valve? 25 A. Yes. They're one and the same.	Page 188 1 MR. RENZULLI: Thank you for asking. 2 THE WITNESS: I thought maybe you were muted 3 or something. 4 Okay. The answer is yes. 5 Q. BY MR. LEWIS: From that, were you able to 6 reach an opinion on whether or not some of those 7 safety valve or those failures -- catastrophic 8 failures related to the safety valve? 9 MR. RENZULLI: Objection to the form. 10 THE WITNESS: Yes. 11 Q. BY MR. LEWIS: You know, I have a note here. 12 Mr. Renzulli asked you some questions about -- and I 13 want to make sure we're absolutely clear because it 14 was unclear to me. Mr. Renzulli asked you some 15 questions about how the -- when the size of the 16 unsupported area changes, the degree of risk of a 17 rupture increases or diminishes, correct? 18 MR. RENZULLI: Objection to form. 19 THE WITNESS: Well -- 20 Q. BY MR. LEWIS: Do you recall him asking that 21 question? 22 A. Yeah, but I don't think your question was 23 quite what you meant. 24 Q. Okay. Well, let me ask it this way, then, 25 because you both didn't seem to get it and maybe
Page 187 1 MR. RENZULLI: Objection -- 2 Q. BY MR. LEWIS: So you know that there -- 3 MR. RENZULLI: Rob, you have to slow down. 4 MR. LEWIS: Okay. Did you have an 5 objection? I'm sorry, I didn't hear -- 6 MR. RENZULLI: I had an objection to two 7 questions ago. 8 Shelley, can you lodge my objection, 9 please. 10 Just -- I know -- slow down. Slow down, 11 please. Thank you. 12 MR. LEWIS: Are you done? 13 MR. RENZULLI: I am. If you're going to 14 slow down, I'm done. 15 Q. BY MR. LEWIS: Okay. Dr. Bosch, you saw 16 the -- you saw these warranty documents that was 17 Exhibit W, correct, summarized in Exhibit W? 18 THE WITNESS: Mr. Renzulli, I saw your lips 19 moving, but I don't hear anything. Did -- 20 MR. RENZULLI: I didn't say anything. 21 THE WITNESS: Did you say something? 22 Okay. 23 MR. RENZULLI: Oh, no. You're good, but 24 thank you for asking. 25 THE WITNESS: Yep. It might be my hearing.	Page 189 1 it's a bad question. 2 Mr. Renzulli asked you some questions 3 about -- that the size of the unsupported area 4 either increases or decreases the risk of failure of 5 the rupture, correct? 6 A. Correct. 7 Q. Okay. And that's kind of the point of the 8 whole calculations and the mathematical calculations 9 on the amount of unsupported area versus the stress 10 on the cartridge wall, correct? 11 MR. RENZULLI: Objection to form. 12 THE WITNESS: Correct. 13 Q. BY MR. LEWIS: All right. So, now, some 14 Glock models have different size dimensions of 15 unsupported area because they have different 16 dimensions of ammunition, right? 17 A. In part, yes. 18 Q. So a 45 ACP has a bigger circumference than 19 a nine-millimeter, right? 20 A. Correct. 21 Q. So just by, you know, the laws of nature, 22 you have a different size, you know, chamber for a 23 45 ACP than you do a nine-millimeter; is that 24 correct? 25 MR. RENZULLI: Objection to form.

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Page 190 1 THE WITNESS: Correct. 2 Q. BY MR. LEWIS: So -- but even though the 3 size of the ammunition is different, the design 4 concept of special safety valve is the same in all 5 calibers, right? 6 MR. RENZULLI: Objection to form. 7 THE WITNESS: Correct. 8 Q. BY MR. LEWIS: And the idea there is that at 9 a certain pressure, the Glock intends for the case 10 wall to rupture and vent the pressures down into the 11 magazine and the handle on the gun, right? 12 MR. RENZULLI: I'm sorry, Shelley, can you 13 repeat that. 14 (The last question was read back.) 15 MR. RENZULLI: Can you just say that one 16 more time. 17 (The last question was read back.) 18 MR. RENZULLI: Perfect. I don't know why I 19 couldn't get you. 20 THE REPORTER: Sorry. 21 THE WITNESS: Correct. 22 Q. BY MR. LEWIS: And that's the same for all 23 Glock guns that have the special safety valve? 24 MR. RENZULLI: Objection; form. 25 Q. BY MR. LEWIS: True?	Page 192 1 have you seen pictures of other casings that have 2 suffered a rupture? 3 A. Yes. 4 Q. How many? Do you know? 5 A. Oh, boy, I don't recall. 6 MR. RENZULLI: Objection to form. 7 Q. BY MR. LEWIS: Do they look similar? 8 MR. RENZULLI: Objection to form. 9 THE WITNESS: Yes. 10 Q. BY MR. LEWIS: Can you describe for our 11 audience how they look similar and what are the 12 characteristics of a 6:00 o'clock rupture of a 13 casing that's fired through a Glock? 14 MR. RENZULLI: Objection; form. 15 THE WITNESS: Well, we see -- I'll call it 16 two different -- there are two different 17 characteristics in the progression from a case bulge 18 and an actual case failure. The case bulge is 19 typically referred to as the Glock smile. It's -- 20 the edges of the smile are created by the edge of 21 the interface between the chamber and the feed ramp. 22 Of course, the next level in that 23 progression of case deformation is actual rupture of 24 the case, which creates what I would refer to almost 25 as a cookie-cutter type or looking opening in the
Page 191 1 A. Correct. 2 I thought I was going to make it, but I'm 3 going to have to take another break. 4 Q. Okay. 5 A. Be right back. 6 THE VIDEOGRAPHER: We are off the record. 7 The time is 3:56 p.m. 8 (WHEREUPON, there was a recess taken.) 9 THE VIDEOGRAPHER: We are back on the 10 record. The time is 4:11 p.m. 11 Q. BY MR. LEWIS: Mr. Bosch, Mr. Renzulli asked 12 you a number of questions about the number of 13 customer guns that you've seen that were -- suffered 14 a catastrophic failure. Do you recall that 15 question? 16 A. Yes. 17 Q. You saw Mr. Grosso's gun, right? 18 A. Yes. 19 Q. And you inspected it, yeah, correct? 20 A. Yes. 21 Q. And you saw the casings involved in that -- 22 with that rupture, the casing involved in that 23 rupture and the other casings? 24 A. Correct. 25 Q. All right. And you also saw pictures --	Page 193 1 case. That's consistent with the area that's not 2 supported by the Glock barrel. 3 Q. BY MR. LEWIS: Okay. Have you seen customer 4 descriptions of case failures that are similar to 5 what you've just described? 6 A. Yes. 7 Q. And those are in the Glock warranty 8 documents? 9 A. Yes. 10 MR. RENZULLI: Objection to form? 11 THE WITNESS: Yes. 12 Q. BY MR. LEWIS: How many of those have you 13 looked at, roughly? 14 A. The -- my recollection, there were about 40 15 of those customer return documents. 16 Q. Okay. Have you seen -- have you seen 17 customer return documents saying that they had a 18 rupture when using factory ammunition? 19 A. Yes. 20 Q. And would you describe using factory 21 ammunition in a Glock as being ordinary use? 22 MR. RENZULLI: Objection to form. 23 THE WITNESS: Yes. 24 Q. BY MR. LEWIS: So you've seen many 25 documents -- documentation of Glock customers who

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Page 194 1 experienced a rupture or a kaboom when using the gun 2 in an ordinary manner? 3 MR. RENZULLI: Objection to form. 4 Q. BY MR. LEWIS: True? 5 A. Correct. 6 Q. Early on Mr. Renzulli asked you some 7 questions about a guy named Dennis Crabill, a lady 8 names Julie Hoffstetler (sic), a Tom Hanley, and a 9 fellow with the last name of Searles. Do you 10 remember him asking you about that? 11 A. Yes. 12 Q. Okay. And, you know, and that was listed in 13 your report, correct? 14 A. Correct. 15 Q. All right. Let me see if I can find it 16 here. And they're deposition transcripts in the 17 Grosso case; is that your understanding? 18 A. Correct. 19 Q. All right. But you've reviewed those and 20 those were part of your formulating your opinions in 21 this case, right? 22 MR. RENZULLI: Objection to form. 23 THE WITNESS: Correct. 24 Q. BY MR. LEWIS: And they were part of your 25 opinions in the Grosso case, right?	Page 196 1 Q. Did you see any -- in the Glock owner's 2 manual or user's manual, did you see a reference to 3 the safety valve? 4 MR. RENZULLI: Objection to form. 5 THE WITNESS: No. 6 Q. BY MR. LEWIS: I knew there was something 7 else. So a moment ago, Mr. Renzulli asked you some 8 questions about your research on the Internet as he 9 described it. You review -- did you review 10 information from a company called Lee Reloading? 11 A. Yes. 12 Q. All right. And, now, Lee Reloading had a 13 manual, as I understand it, that described the 14 unsupported chamber as a cause for ruptures. Are 15 you aware of that? 16 MR. RENZULLI: Objection to form. 17 THE WITNESS: Yes. 18 Q. BY MR. LEWIS: Okay. And that was in a 19 published reloading manual. Did you see -- is that 20 correct? 21 MR. RENZULLI: Objection. 22 THE WITNESS: I'm not certain where it came 23 from. I know it was a Lee Precision document. 24 Q. BY MR. LEWIS: Okay. We saw a number of 25 Lee Precision documents, correct?
Page 195 1 MR. RENZULLI: Objection to form. 2 THE WITNESS: Yeah, you know, I do not 3 remember reading those in Grosso, so -- 4 Q. BY MR. LEWIS: Okay. 5 A. -- I can't say for sure whether -- well, I 6 don't remember that, no. 7 Q. Okay. But you noted in your report that you 8 reviewed them as part of your work in this case? 9 MR. RENZULLI: Objection to form. Three 10 times. 11 THE WITNESS: Correct. 12 Q. BY MR. LEWIS: All right. Give me a second 13 and then -- 14 Dr. Bosch, do you feel that the safety valve 15 has an impact on safety of the user of a Glock 16 handgun that has a safety valve? 17 MR. RENZULLI: Objection to form. 18 THE WITNESS: Yes. 19 Q. BY MR. LEWIS: In looking at any of those -- 20 in looking at the materials that came with the Glock 21 handguns, did you see any reference in any of the 22 materials to the safety valve? 23 A. Outside that which we discussed earlier, 24 specifically the slide that was part of the 25 armorer's documentation, no.	Page 197 1 A. Yes. Pretty much -- 2 MR. RENZULLI: Rob, you're testifying. 3 Objection to form. 4 MR. LEWIS: No. I'm just trying to jump 5 around here to get to -- 6 MR. RENZULLI: No. You're just testifying. 7 Q. BY MR. LEWIS: Okay. Well, tell me about 8 the Lee Reloading documents, Dr. Bosch. 9 A. Well, the -- what I've read in multiple 10 locations is that they -- essentially what they're 11 saying is that using ammunition in a Glock destroys 12 the cases and that they don't recommend reloading 13 cases that have come out of a Glock and using them 14 in any gun, much less the Glock. 15 MR. RENZULLI: Objection to form. 16 Q. BY MR. LEWIS: Do you agree with their 17 conclusions, Dr. Bosch? 18 MR. RENZULLI: Objection to form. 19 THE WITNESS: Yes. 20 Q. BY MR. LEWIS: Okay. One more area, 21 Dr. Bosch. Well, actually two more areas. 22 So, Mr. Renzulli, asked you if you had any 23 specific firearm training. Describe for our 24 audience, the Court and the jury, what your degrees 25 are in.

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Page 198 1 A. My degrees -- my bachelor's degree is in 2 mechanical engineering with a focus on essentially 3 mechanisms. My master's degree is in mechanical 4 engineering with a focus on refractory materials and 5 alloys. My Ph.D. is material science and 6 engineering and deals primarily with a continuation 7 of the research work that I did on refractory metals 8 and alloys. 9 Q. Okay. So evaluating metal failures and 10 alloy failures is something that your education, you 11 know, that you had as part of your education; is 12 that correct? 13 MR. RENZULLI: Objection to form. 14 THE WITNESS: Yes, and beyond, actually. I 15 mean, materials characterization of both mechanical 16 and physical characterization and analysis of all 17 kinds. 18 Q. BY MR. LEWIS: Okay. And in connection with 19 the cases that you've had -- and you described them 20 for Mr. Renzulli at length earlier this morning. 21 The cases that you've had involving firearm or 22 ammunition failures, have you reviewed other 23 sources, engineering sources, to familiarize 24 yourself with the principles of interior ballistic 25 engineering?	Page 200 1 FURTHER EXAMINATION 2 BY MR. RENZULLI: 3 Q. Thank you, Mr. Bosch. I appreciate your 4 time. I believe you said earlier you read the 5 testimony of Josef Kroyer, correct? 6 A. Correct. 7 Q. And you read his testimony where he spoke 8 about the safety valve, correct? 9 A. Correct. 10 Q. Do you have your notes from your review of 11 that transcript? 12 A. I don't really take notes. I generally 13 highlight the transcript. 14 Q. So do you have those highlights here with 15 you? Did you produce them in this case? 16 A. They should have been produced, yes. 17 MR. RENZULLI: I don't have any -- I don't 18 have anything with highlights on it, Rob. 19 THE WITNESS: Probably because the materials 20 that were provided to me -- trying to think of 21 exactly why they wouldn't be there. There is some 22 version of them there, I'm sure. Whether they're 23 the ones I highlighted, I can't say. 24 Q. BY MR. RENZULLI: So when Mr. Lewis was 25 asking you about what Mr. Kroyer may or may not have
Page 199 1 A. No. My focus has been, in those cases, more 2 on the metallurgy or chemistry aspects of the case. 3 Q. But you've reviewed the textbooks that are 4 in your file on ballistic engineering; is that 5 correct? 6 MR. RENZULLI: Rob, objection to form. 7 THE WITNESS: Correct. 8 Q. BY MR. LEWIS: Did you review the textbooks 9 that are referenced in your report, Dr. Bosch? 10 A. Yes. 11 Q. Okay. The one thing -- and the other thing 12 I didn't ask you about, Dr. Bosch, was the -- did 13 you review the Portland police records and the 14 records from some of the police departments that 15 have had experiences with Glock handguns? 16 A. Yes, in this case and Grosso. 17 Q. Okay. And those were important in 18 evaluating your opinions in the case? 19 A. Correct. 20 MR. RENZULLI: Objection to form. 21 MR. LEWIS: All right. Okay. There we go. 22 Anything else? 23 That's all I have. Go ahead, Chris. 24 MR. RENZULLI: Just a couple. 25 * * *	Page 201 1 said, you were basically going on your memory? 2 A. Correct. 3 Q. Would you agree with me that there was no 4 testimony from Mr. Kroyer about the safety valve or 5 about flow folds having any effect on the safety 6 valve, correct? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: Can you ask that one more 9 time, please. 10 Q. BY MR. RENZULLI: In fact, didn't Mr. Kroyer 11 say that flow folds have no effect on the safety 12 valve? 13 A. I don't recall -- 14 MR. LEWIS: Form and foundation. 15 THE WITNESS: I'm sorry. I don't recall 16 that. 17 Q. BY MR. RENZULLI: You certainly don't recall 18 him saying that fissures or flow folds, as you call 19 them, have any effect on a cartridge case failure, 20 correct? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: I don't recall him explicitly 23 saying anything about those features. They're 24 certainly some of the features I would assume he 25 would know something about that could contribute to

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Page 202 1 case failure. 2 Q. BY MR. RENZULLI: And I'm talking about what 3 was testified to because Mr. Lewis asked you a 4 couple of questions about what Mr. Kroyer testified 5 to. And I just -- I just confirmed, number one, 6 you're going by memory, correct? 7 MR. LEWIS: Form and foundation. 8 THE WITNESS: Correct. 9 Q. BY MR. RENZULLI: You have all the design 10 drawings for the different caliber barrels, right? 11 MR. LEWIS: Form and foundation. 12 THE WITNESS: Correct. 13 Q. BY MR. RENZULLI: Okay. You talked about 14 military and law enforcement using Glock guns. Do 15 you remember saying that? 16 A. Yes. 17 Q. And you would agree with me that that's a 18 major purchaser of Glock pistols, military, law 19 enforcements -- law enforcement agencies, not only 20 yours, but around the world? 21 A. That's my understanding. 22 Q. And it's also your understanding that they 23 all do -- many, most -- withdrawn. 24 It is also your understanding that many do 25 their own testing and evaluation before they	Page 204 1 proofload is? 2 A. Yes. 3 Q. What's a proofload? 4 A. It's essentially a load and a cartridge that 5 has been overloaded and used to do a level of 6 testing of a firearm. 7 Q. Are Glock pistols subject to proofloads? 8 A. My understanding is, is that they are, yes. 9 Q. Were Mr. Johnson's pistols subject to proof 10 loads? 11 A. I assume so. 12 Q. Do you know the history of Mr. Johnson's 13 pistols? 14 A. No. 15 Q. You talked about this stress testing that 16 you did. Is it fair to say you were never able to 17 get the stresses on a cartridge case to the level of 18 an ammunition failure until you increased the powder 19 charge exponentially, correct? 20 MR. LEWIS: Form, foundation. 21 THE WITNESS: You know, there may be an 22 exponential relationship between charge and 23 pressure, but the increase in charge is linear. 24 Q. BY MR. RENZULLI: Let me ask the question 25 again. You were never able to get the stresses to
Page 203 1 purchase a Glock pistol, right? 2 MR. LEWIS: Form and foundation. 3 THE WITNESS: I would assume that's the 4 case. 5 Q. BY MR. RENZULLI: Okay. They put rounds 6 through it, see how it operates, see if there's 7 failures, right? 8 A. I'm not real familiar with the process, but 9 I would assume there's something that happens along 10 those lines, at least in some cases. 11 Q. And they probably have some of their own 12 processes for doing that? 13 A. Well, I would assume that there are -- you 14 know, depending on the organization, there are 15 different protocols that are followed. 16 Q. Right. Like even the State of California, 17 which is what you are attempting to -- you're 18 striving to testify in a court in California. Even 19 they have certain requirements for handguns to be 20 sold in the state of California, right? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: I assume so. Again, I 23 don't -- I'm not familiar with the rules and 24 regulations part of the world. 25 Q. BY MR. RENZULLI: Do you know what a	Page 205 1 the level of an ammunition failure unless you 2 increased that powder charge? And that's in your 3 testing that I just received within the last couple 4 of weeks, correct? 5 A. Correct. 6 MR. LEWIS: Form and foundation. 7 Q. BY MR. RENZULLI: You talked about some 8 books. One was by Dallhammer and then you spoke 9 about another one. And in none of these books did 10 you see a reference to Glock pistols or a safety 11 valve, right? 12 MR. LEWIS: Form and foundation. 13 THE WITNESS: Correct. 14 Q. BY MR. RENZULLI: And there were -- would 15 you agree with me there's like over 20 million of 16 these firearms out there used by law enforcement and 17 consumers all over the world? 18 A. I have no idea how many are out there. 19 Q. All right. And you're aware that they've 20 been around for over three decades? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: Yes. They've been propagating 23 this problem for at least that long. 24 Q. BY MR. RENZULLI: Yet it's nowhere in any of 25 these books that you're relying upon, correct?

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Page 206 1 A. Correct. 2 Q. And this problem, that you call it, that's 3 well known, right? It's well known by consumers? 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: I don't think that the 6 consumer understands that it was an intentional 7 device to -- 8 Q. BY MR. RENZULLI: But you said that's a 9 problem -- you said it was a problem and it's a 10 well-known problem, right? 11 MR. LEWIS: Form and foundation. 12 THE WITNESS: A well-known problem for those 13 people that study the issue, yes. 14 Q. BY MR. RENZULLI: Okay. What about the 15 people that go on the Internet like you do? Is it 16 well known to them? 17 MR. LEWIS: Form and foundation. 18 THE WITNESS: I don't know anyone that has 19 done that or would do that unless they had a reason 20 to. 21 Q. BY MR. RENZULLI: Gotcha. Your testing that 22 you've done, to the extent that you did testing, 23 that wasn't subject to any peer review, right? 24 A. Not at this time, no. 25 Q. And in these reference books that you spent	Page 208 1 periodical. 2 Q. BY MR. RENZULLI: So tell me what the 3 failure analysis periodical is, then. 4 A. It's literally what it says it is. It's a 5 periodical that ASM publishes, and you might think 6 of it as a review of select failure analysis 7 studies. 8 Q. Does it explain how to do a failure 9 analysis? 10 A. No. It assumes you have some knowledge 11 about failure analysis. I mean, it isn't a 12 fundamental publication. I mean, it's aimed at 13 practicing professionals in the area of failure 14 analysis. 15 Q. Now, you never did a failure analysis of 16 Glock pistols, though. Am I right? 17 MR. LEWIS: Objection. 18 THE WITNESS: Not of the pistols themselves. 19 Certainly, there's been analysis done on its design. 20 One of the things that I would like to see happen in 21 the future is a more thorough analysis of Glock 22 barrels, i.e., chambers and, you know, their 23 relationship to standard barrel materials, 24 manufacturing techniques, those sorts of things in 25 comparison with other manufacturers.
Page 207 1 some time talking about, you don't see any reference 2 to flow folds in there, do you? 3 MR. LEWIS: Form, foundation. 4 THE WITNESS: I don't recall off the top of 5 my head that they talked about that specifically 6 using that nomenclature. 7 Q. BY MR. RENZULLI: Or fissures, as you called 8 them? 9 A. Correct. 10 Q. All right. So although this is a big issue 11 for you, you don't see any reference to it in any of 12 those books that you rely so heavily upon, correct? 13 MR. LEWIS: Form and foundation. 14 THE WITNESS: My recollection is they refer 15 to cracks, which are in the mechanical sense 16 equivalent. 17 Q. BY MR. RENZULLI: You talked about FEA, I 18 think, right, finite element analysis? 19 A. Touched on it, yes. 20 Q. You touched on it, and I think you said 21 something like it's the bible, something like that. 22 What did you mean by the bible? 23 MR. LEWIS: Form and foundation. 24 THE WITNESS: The only time I mentioned the 25 world bible was in reference to the failure analysis	Page 209 1 A good place to start that, of course, would 2 be with the H&K. It's developed -- you know, 3 demonstrated in our testing, you know, that it's 4 much more capable of under -- of withstanding 5 overpressures than the Glock is. Certainly, it 6 stays in one piece and is still operable. 7 Q. BY MR. RENZULLI: At what pressures does it 8 stay in one piece? 9 A. We haven't measured pressures. We only have 10 the charge to reference. Pressure-wise that may be 11 something, and it's something that we've talked 12 about doing in the future, but I don't know how 13 relevant that would be given the fact that the 14 results we've already done speak for themselves. 15 Q. What were the pressures that were generated 16 in the Glock pistol that you say failed? 17 A. I'm sorry? 18 THE REPORTER: I'm sorry? 19 THE WITNESS: I thought I heard somebody say 20 something. 21 I've already answered that. We don't know. 22 We know how much charge we had, but the pressures, 23 we made no attempt to characterize that at this 24 point. 25 Q. BY MR. RENZULLI: So let me get back to my

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Page 210 1 question that I didn't get an answer for. 2 Is it fair to say, then, sir, you have done 3 no failure analysis of Glock pistols? 4 MR. LEWIS: Form and foundation. 5 THE WITNESS: That's true. 6 Q. BY MR. RENZULLI: And you don't see any 7 failure analysis of Glock pistols in any books, 8 articles, periodicals, et cetera, right? 9 MR. LEWIS: Form and foundation. 10 THE WITNESS: No. That's something that I 11 hope to change. 12 Q. BY MR. RENZULLI: Okay. None that affect -- 13 that discuss the effect of flow folds on cartridge 14 failures in Glock guns? 15 MR. LEWIS: Form and foundation. 16 THE WITNESS: None of what? 17 Q. BY MR. RENZULLI: None that address flow 18 folds and the effect of flow folds on cartridge 19 cases in Glock pistols? 20 A. No. 21 Q. What types of pressures are generated in a 22 130-millimeter shell? 23 THE REPORTER: I'm sorry, could you start 24 that over? 25 Q. BY MR. RENZULLI: What types of pressures	Page 212 1 the top of my head. 2 Q. You talked a little -- and I think Mr. Lewis 3 called them warranty documents, so I'll call them 4 that. You never saw any of those guns, right? 5 A. Correct. My understanding is, is that Glock 6 refused to allow us access. 7 Q. You never saw any of the ammunition, 8 correct? 9 A. Again, it's -- my understanding is, is that 10 we were refused access. 11 Q. You don't know if any were overpressured, 12 right? 13 MR. LEWIS: Form, foundation. 14 THE WITNESS: From what I know at this point 15 in time, there's no way for me to know that. 16 Q. BY MR. RENZULLI: You don't know if any of 17 them had any bullet setback? 18 A. Right. 19 MR. LEWIS: Objection. 20 Q. BY MR. RENZULLI: I'm sorry? 21 A. Correct. 22 Q. You don't know if any of them were 23 compressed loads, right? 24 A. Correct. 25 MR. LEWIS: Objection.
Page 211 1 are generated in a 130-millimeter shell? 2 A. I have no idea. 3 Q. With regard to the Vienna Proof-House report 4 that you spoke about for some time with your 5 attorney, I guess it would be that all of the rounds 6 of ammunition fired at the proof-house didn't have 7 these ammunition conditions that you've been talking 8 about today, right? 9 MR. LEWIS: Form, foundation. 10 THE WITNESS: Correct. 11 Q. BY MR. RENZULLI: In the rounds fired by the 12 Vienna proof-house, the cases never cracked under 13 double gas pressures, correct? 14 MR. LEWIS: Form, foundation. 15 THE WITNESS: I don't know exact -- I don't 16 recall off the top of my head exactly where the trip 17 point was, if you will. My understanding is, is 18 that they stated -- or my recollection is that they 19 stated that up until around 200 or 200 percent of 20 pressure that they fail. 21 Q. BY MR. RENZULLI: At 200 percent? 22 A. Correct. 23 Q. Okay. What -- 200 percent is what? What 24 are the pressures? 25 A. I don't recall what the pressures are off	Page 213 1 Q. BY MR. RENZULLI: You don't know if any of 2 them had lead buildup in them, right? 3 A. Correct. 4 Q. And you don't know if there were any 5 blockages in there, right? 6 A. Correct. 7 MR. LEWIS: Objection. 8 Q. BY MR. RENZULLI: The way to determine that 9 is to look at them, look at each individual gun, 10 right? 11 A. Yes. 12 Q. Now, you said that at certain pressures, the 13 Glock -- I'm trying to go by my notes here, so let 14 me step back. You were talking about the 15 proof-house -- withdrawn. 16 Do you remember talking about the proof 17 house report, and then you said at certain 18 pressures, the Glock case wall will rupture and go 19 down? Do you remember saying that? 20 A. And go where? 21 Q. Go down. The pressures will be forced down. 22 A. Yeah, I think Rob said that and I responded 23 to it. But, yes, my understanding is, is that Glock 24 believes that the expression of the pressure into 25 the mag well is superior to other mechanisms of

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Page 214 1 failure. 2 Q. It's probably better to go down than in your 3 face, right? 4 MR. LEWIS: Form, foundation. 5 THE WITNESS: I would agree with that. 6 Q. BY MR. RENZULLI: So -- but when you said to 7 Mr. Lewis that at certain pressures -- and I think 8 you agreed with that, at certain pressures the Glock 9 ammunition case wall will rupture and force the 10 pressures downward. Now, you agreed with him on 11 that principle, right? 12 A. Yes. That's the way they designed it and 13 that's the way that it functions. 14 Q. And what is the pressures that are necessary 15 for that to happen? 16 A. I don't know the pressures off the top of my 17 head. 18 Q. Now, you said you didn't look at the 19 warranty guns, but you did look at Mr. Grosso's 20 pistol, right? 21 A. Correct. 22 Q. You inspected it? 23 A. Yes. 24 Q. You needed to look at the ammunition casing, 25 right?	Page 216 1 right? 2 MR. LEWIS: Form and foundation. 3 THE WITNESS: I assume so. 4 Q. BY MR. RENZULLI: You assume that they don't 5 have the same quality condition, right? 6 MR. LEWIS: Foundation -- form and 7 foundation. 8 THE WITNESS: Right. 9 Q. BY MR. RENZULLI: But you wanted to test 10 that and you wanted to look at how he built his 11 ammo, so you looked at his reloading machine, right? 12 A. Correct. 13 Q. And you read his testimony, right, to 14 develop facts about, you know, how he reloaded his 15 ammo, things like that, right? 16 A. Correct. 17 Q. And you wanted to know about, you know, how 18 often did he fire the gun, how many rounds were in 19 it? You wanted to develop facts to determine the 20 cause, right? 21 MR. LEWIS: Form and foundation. 22 THE WITNESS: Correct. 23 Q. BY MR. RENZULLI: And then you took all of 24 that and you drew your conclusions as to what caused 25 the failure?
Page 215 1 A. I didn't catch all that. 2 Q. You needed to look at the ammunition case, 3 right, the casing? 4 A. I did look at that, yes. 5 Q. And you needed to look at the recipe that he 6 was using, right? Because he was a reloader, right? 7 A. I assume so. I don't remember those details 8 at this point. But, yes, there was discussion about 9 loading and testing the loading equipment and that 10 sort of thing. 11 Q. And then that's -- you did -- I don't know 12 if you remember. You did some testing of the 13 reloading equipment, right? 14 A. That's correct. 15 Q. Because you wanted to see whether his recipe 16 was a good recipe or bad recipe, right? 17 A. No. All I wanted to do is characterize the 18 performance of the powder drop mechanism on the 19 reloader. 20 Q. And that's for that -- because that's the 21 one that Mr. Grosso used when he built his 22 ammunition, right? 23 A. Yes. 24 Q. Because reloaders generally don't have the 25 quality controls maybe of a factory-loaded round,	Page 217 1 MR. LEWIS: Form and foundation. 2 THE WITNESS: Correct. 3 Q. BY MR. RENZULLI: Now, you talked earlier 4 about -- you called it a -- Mr. Lewis perhaps called 5 it a Glock smile or a bulge. Do you remember that? 6 A. Yes. I called it a bulge or a smile. 7 Q. And over the over thousand rounds of 8 ammunition that just for this case you and your team 9 fired through all these different Glock pistols, did 10 you ever see a smile or a bulge that you were 11 talking about? 12 A. Not in the distinct sense that you can 13 clearly identify the bulge or specifically a smile. 14 A smile occurs -- you know, from the way I look at 15 it, the smile occurs once the bulge gets severe 16 enough. What we did observe, and, again, it was 17 very subtle, was that there seemed to be -- well, 18 didn't seem to be. There was in some cases -- ah, 19 let me rephrase that. 20 In some instances, there were cases that 21 showed that was localized case deformation that was 22 consistent with the lack of support on the Glocks 23 that wasn't present in the non-Glock handguns. 24 Q. And I think we talked about this, and I 25 don't think you took pictures of that. Did you

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Page 218 1 separate those cartridge cases? 2 A. No, not at this point because we need to 3 come up with a way to better quantify what it was 4 that I was seeing. Because it takes, you know, a 5 little bit of technique and the right circumstances, 6 if you will, to identify what it is I'm talking 7 about. I can't imagine it being something that 8 would be a useful exercise in front of a jury simply 9 because they don't work in the same world that I do, 10 where looking at things visually, there are various 11 techniques that you can gain insight -- use to gain 12 insight about what it is that you're looking at. 13 Ultimately, we will likely move towards laser-scan 14 base characterization to quantify that. 15 Q. So you just took these that you haven't 16 documented, you haven't taken any pictures of, you 17 don't even have any notes on it, and you just took 18 them and put them back with the other thousand 19 bulges cases? 20 MR. LEWIS: Foundation. 21 THE WITNESS: Well, they're segregated -- 22 they're heavily segregated. I mean, there isn't one 23 great big bag of cases. There are many little bags 24 of cases. So the cases that I looked at would have 25 gone back to the bags they came out of, and the bags	Page 220 1 nine-millimeter as opposed to the 40 Smith & Wesson 2 as opposed to the 45 ACP? Did you see more on one, 3 less on the other, or you just don't know? 4 A. I made no effort to whittle it down to that 5 point. 6 Q. Now -- 7 A. Without being able to quantity that, as you 8 know, there was really no particular value because 9 you would have pooh-poohed it the way you are now. 10 Q. Okay. So if you saw bulging or Glock 11 smiles, that wouldn't have been important to you? 12 A. Well, if I -- 13 MR. LEWIS: Form, foundation. 14 THE WITNESS: Well, if I saw distinct bulges 15 and Glock smiles, you'd know about it. 16 Q. BY MR. RENZULLI: I'd agree. You're 17 testing primarily in the area -- 18 A. I'm sorry, just a quick -- 19 Q. Sorry. Wait, wait, wait. Sorry. Wait. 20 Stop. Now go. 21 A. Okay. Just a quick note, Mr. Renzulli. The 22 cases that we've been talking about, or at least 23 that I've been referring to are those that were 24 fired before we did the intentional overpressure 25 round testing. In those particular cases, we had
Page 219 1 are tied back to which firearm they came from. 2 Q. BY MR. RENZULLI: How much were 45 ACP? 3 A. Oh, jeeper, I don't -- I didn't total that. 4 Q. You didn't total. You didn't make a note, 5 right? 6 THE REPORTER: I'm sorry? 7 Q. BY MR. RENZULLI: You didn't -- it's not 8 that you didn't total it, you didn't make any notes. 9 You're going from memory again. 10 A. Well, the notes are all -- 11 MR. LEWIS: Foundation. 12 THE WITNESS: -- in my report. If you look 13 in there, you can see how many cases were recovered. 14 In some cases we didn't recover them all because 15 they got lost. But, yeah, they're all there and 16 available for you to have a look at any time. 17 Q. BY MR. RENZULLI: Yeah, I understand what 18 you're trying to do, but let me step back a second. 19 You have no notes about this shining of the light 20 that you talked about earlier on any of these 21 cartridge cases, correct? 22 MR. LEWIS: Foundation. 23 THE WITNESS: Correct. It had no value. 24 Q. BY MR. RENZULLI: Agreed. And you have 25 no -- you can't tell me how many had this in the	Page 221 1 instances of distinct bulges, but I'm going to pass 2 it to Mr. Nixon from here because I wasn't the one 3 that was looking more closely, and I don't believe 4 we made any attempt to characterize those yet. 5 Q. You test -- you're testing primarily in the 6 area of automotive design, right, dealing with cars? 7 I think we established that previously. 8 MR. LEWIS: Form and foundation. 9 THE WITNESS: A lot of my background is in 10 cars, but with -- I will call it pre-education and, 11 to some degree, post-education work had to do with 12 cars. But primarily it has to do with products of 13 all kinds with a focus more in the failure analysis 14 part of the world, whether it's a line that supplies 15 water to your toilet. It might be a wheel off a car 16 that flew off a car. It might be a firearm that has 17 failed somehow. 18 Failure analysis doesn't differentiate on 19 product, per se. It's the focus on determining how 20 and why products fail and how to prevent that from 21 happening in the future. It's really not any 22 industry- or product-specific exercise. 23 Q. BY MR. RENZULLI: So let me see if I get the 24 answer to my question now. Are you saying that you 25 don't do most of your work and testing primarily in

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Page 222 1 the area of automotives? 2 A. Correct. 3 MR. LEWIS: Foundation. 4 THE WITNESS: Correct. 5 Q. BY MR. RENZULLI: Well, then can you tell 6 me, why, sir, on your invoice that you gave to 7 Mr. Lewis and your multiple invoices it comes from 8 Bosch Automotive Consulting, Inc.? 9 A. That's the easiest question you've asked me 10 all day. 11 Q. There you go. 12 A. It's simply because of my last name. When I 13 first got into this business, it seemed to make 14 every bit of sense that I would leverage my last 15 name and my -- certainly my pre-education, if you 16 will, or postsecondary education as much as 17 possible. So I chose to name the company Bosch 18 Automotive Consulting. However -- 19 Q. Uh-huh. Go ahead. 20 A. I'm sorry, go ahead. 21 Q. No. Please, finish. 22 A. So that's why it's Bosch Automotive 23 Consulting. It really is not in -- well, it was an 24 intended -- when I first got into the business, 25 Dr. Dean Jacobson, who's the owner and founder of	Page 224 1 don't know what the answer is. 2 Q. BY MR. RENZULLI: So you don't know the 3 answer as to whether or not every safety feature of 4 a car is in the car's user's manual; is that fair to 5 say? 6 MR. LEWIS: Form and foundation. 7 THE WITNESS: That I don't know whether 8 it is or not? 9 Q. BY MR. RENZULLI: Correct. 10 A. Correct. 11 Q. Are you aware of how many users of Glock 12 pistols successfully reload their ammunition? 13 A. No. 14 Q. What's your position on that? You think 15 it's a good policy or a bad policy to reload 16 ammunition? 17 MR. LEWIS: Form, foundation. 18 THE WITNESS: I think it's a good policy as 19 long as you monitor the history of that -- of those 20 cases specifically and don't shoot them in a Glock. 21 Q. BY MR. RENZULLI: And you talked about the 22 Portland Police Bureau, right? 23 A. Correct. 24 Q. What type of firearm does the Portland 25 Police Bureau carry?
Page 223 1 Forensic Engineering -- 2 Q. Yeah. 3 A. -- did primarily failure analysis and 4 crashworthiness work in automotive. So it appeared 5 that naming my company that made perfect sense. The 6 problem -- or not problem, but what occurred after 7 that is, is that as Dr. Jacobson ramped down in the 8 work and I ramped up, the type of work, if you will, 9 or -- that we were doing changed. And right now 10 there is -- certainly automotive-related stuff is 11 not the focus anymore. 12 Q. Uh-huh. You're still doing 13 automotive-related work, though, aren't you? 14 A. Oh, yeah. Oh, yeah. Hopefully will be the 15 rest of my career. 16 Q. Would you agree with me that not every 17 safety feature of a car is listed in the user's 18 manual for the car? 19 MR. LEWIS: Form, foundation. 20 THE WITNESS: You know, based on my limited 21 experience working with manuals and cars, they've 22 almost become -- jeepers, just, for instance, my 23 car, it's got a manual that's like 800 pages, and it 24 goes into great detail about safety systems. In a 25 general sense, I can't answer that question. I just	Page 225 1 A. Now? 2 Q. Correct. 3 A. I have no idea. 4 Q. And would you be critical of them if they 5 were carrying your -- what you call a defective 6 Glock nine-millimeter? 7 A. Yes. I don't think that anybody should use 8 a Glock firearm. 9 MR. RENZULLI: I appreciate your time today. 10 Thank you. 11 THE WITNESS: You're welcome. 12 MR. RENZULLI: I'm sorry. Hold on. I'm 13 sorry. Withdrawn. We're not done yet. A couple of 14 follow-ups. 15 Q. BY MR. RENZULLI: You, sir, stated earlier 16 that the design intent was identical, but you would 17 agree that the length and the degree of the safety 18 valve varies amongst different calibers and model, 19 right? 20 A. Correct. 21 MR. LEWIS: Form, foundation. 22 THE WITNESS: Correct. 23 Q. BY MR. RENZULLI: Right. And yet you 24 testified previously that the potential for failure, 25 it's a matter of degree, right?

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Page 226 1 A. Correct. 2 MR. LEWIS: Form, foundation. 3 Q. BY MR. RENZULLI: I think you said, the more 4 unsupported area, the more stress, right? 5 A. Correct. 6 Q. And the more stress, the higher probability 7 of failure, right? 8 A. Correct. 9 MR. LEWIS: Foundation. 10 Q. BY MR. RENZULLI: So although the intent may 11 have been the same, the design geometry is 12 necessarily different, right? 13 MR. LEWIS: Form, foundation. 14 THE WITNESS: Correct. 15 MR. RENZULLI: Thank you for your time. 16 THE WITNESS: You're welcome. 17 * * * 18 FURTHER EXAMINATION 19 BY MR. LEWIS: 20 Q. All right. Mr. Renzulli asked you a couple 21 of questions about owner's manuals of automobiles, 22 and this is a case about firearms. 23 Do you think, Dr. Bosch, that if a design 24 concept of a firearm was such that it would cause it 25 to sporadically explode into the handle of the gun,	Page 228 1 Q. BY MR. LEWIS: That's true of the -- 2 MR. RENZULLI: Robert -- 3 Q. BY MR. LEWIS: That's true of the Glock 45 4 ACP, right? 5 MR. RENZULLI: Robert -- Robert -- 6 Q. BY MR. LEWIS: Right? 7 MR. RENZULLI: I'm trying to object here, 8 Robert. 9 MR. LEWIS: Well, make your objection. 10 MR. RENZULLI: I'm trying to, but if you see 11 Shelley's face, you'd understand what the problem 12 is. 13 MR. LEWIS: Okay. Go ahead. 14 MR. RENZULLI: So I'm joking about it, but 15 please don't shut me down. 16 Shelley, can ask you read what the -- 17 MR. LEWIS: What's your objection? What's 18 your objection? 19 MR. RENZULLI: My objection is that you keep 20 speaking, and I'm trying to speak. 21 MR. LEWIS: Okay. 22 MR. RENZULLI: Shelley, could you tell us 23 what the record looks like? And we'll try to clean 24 it up. 25 MR. LEWIS: Are you done with the objection?
Page 227 1 that that is a feature that ought to be disclosed to 2 a reasonable consumer? 3 MR. RENZULLI: Objection to form. 4 THE WITNESS: Yes, definitely. 5 Q. BY MR. LEWIS: In the warranty documents and 6 in the lawsuits and the other documents in your 7 file, did you see any evidence that people were 8 injured by the safety valve? 9 MR. RENZULLI: Objection to form. 10 THE WITNESS: Yes. 11 Q. BY MR. LEWIS: And Mr. Renzulli just asked 12 you some additional questions about, you know, the 13 dimensions of the different handguns with different 14 calibers. 15 So that we're clear, the slide that we 16 talked about earlier in the deposition was that the 17 intent is that at 200 percent pressures, the safety 18 valve is to rupture and vent the gases into the 19 handle of the gun, correct? 20 A. Yes, that's my under -- 21 MR. RENZULLI: Form -- 22 THE WITNESS: Yes, that's my understanding. 23 Q. BY MR. LEWIS: And that's true -- 24 MR. RENZULLI: Robert, slow -- Robert, slow 25 down.	Page 229 1 MR. RENZULLI: Shelley is going to tell us 2 what the record looks like so we can figure out what 3 we need to -- 4 MR. LEWIS: No. Just place your objection, 5 form, foundation -- 6 THE REPORTER: Wait. Are we -- I'm off the 7 record right now. 8 MR. RENZULLI: Rob, stop. Let her -- 9 MR. LEWIS: We're not going to do that. 10 We're not going to have her -- we're not going to do 11 the same thing that we've done 100 times where you 12 have them read the record back and disrupt my 13 deposition by having the record read back as an 14 intentional effort to disrupt my questioning of the 15 witness. You've done -- you did it in Kroyer. You 16 did it in Guevara. And, you know, we're not going 17 to do that. So just place your objection. All 18 right? 19 MR. RENZULLI: My objection is I didn't hear 20 the question or the answer -- that's my objection -- 21 because you were talking. So I need to have the 22 question and the answer to understand what it looks 23 like rather than -- 24 THE REPORTER: He froze. 25 THE WITNESS: Yeah, he did. Ut-oh.

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Page 230 1 THE VIDEOGRAPHER: Would you like to go off 2 the record until he's back? 3 MR. LEWIS: You back yet? Can you hear me? 4 Hello? 5 THE VIDEOGRAPHER: Okay. You're back. 6 MR. LEWIS: Looks like he's back. 7 Okay. Can you hear me? 8 MR. RENZULLI: Did anybody -- did people get 9 kicked off? 10 THE WITNESS: You did. 11 MR. RENZULLI: I did. Okay. Hold on. 12 All right. I'm going now. Hold on a 13 minute. Oh, let's see. 14 MR. SCHILSKY: Yeah, mine went out, too. 15 MR. RENZULLI: Yours went out, too. 16 His went out, too. We don't have Rob, do 17 we? Oh, there he is. 18 MR. LEWIS: I'm here. I just thought -- I 19 thought that we were -- the bandwidth was such that 20 the video was interrupting the audio. So I turned 21 off the thing to see if you could hear me. 22 MR. RENZULLI: Okay. Now I can hear and 23 see. 24 THE WITNESS: I can see and hear, too. 25 MR. RENZULLI: What do we have, Shelley?	Page 232 1 THE WITNESS: That's my understanding. 2 Q. BY MR. LEWIS: The safety valve in the 3 10-millimeter is designed to blow at 200 percent 4 pressures, right? 5 A. Yes. 6 MR. RENZULLI: Objection to form. 7 Q. BY MR. LEWIS: The pressure valve in the 8 nine-millimeter is intended to blow at 200 percent; 9 is that correct? 10 MR. RENZULLI: Objection to form. 11 THE WITNESS: That's my understanding, yes. 12 Q. BY MR. LEWIS: The pressures to blow a 380 13 is -- the intended pressure to blow a 380 or cause a 14 case rupture is 200 percent? 15 MR. RENZULLI: Objection to form. 16 THE WITNESS: Yes. 17 Q. BY MR. LEWIS: The design intent or the 18 design concept of the safety valve in .357 SIG is 19 that it will blow at 200 percent, right? 20 MR. RENZULLI: Objection to form. 21 THE WITNESS: Correct. 22 Q. BY MR. LEWIS: The intent of the safety 23 valve design in a gun that shoots a 45 GAP is 200 24 percent, right? 25 MR. RENZULLI: Objection to form.
Page 231 1 THE WITNESS: Ut-oh. 2 THE REPORTER: What would you like to hear? 3 MR. RENZULLI: The last question and the 4 last -- the last full question and last full answer. 5 (Part of the prior record was read back.) 6 MR. RENZULLI: All right. So the 7 question -- so we don't have a question there. But, 8 Rob, it's about the 45 ACP. 9 Can you read the question before that that I 10 was trying to object to? 11 (Part of the prior record was read back.) 12 MR. RENZULLI: So the objection was before 13 the answer, so -- and then we can start -- I think 14 that's when Rob tried to get out a question about 45 15 ACP, and then we were all talking over each other. 16 So I have an objection to that question. He 17 answered. Rob is up. 18 Q. BY MR. LEWIS: The safety valve in the 45 19 ACP is designed to blow at 200 percent, correct? 20 MR. RENZULLI: Objection to form. 21 THE WITNESS: Yes, that's my understanding. 22 Q. BY MR. LEWIS: The safety valve in the 40 23 Smith & Wesson is designed to blow at 200 percent, 24 correct? 25 MR. RENZULLI: Objection to form.	Page 233 1 THE WITNESS: That's my understanding. 2 Q. BY MR. LEWIS: So all of the Glock guns 3 that -- except the 44 -- I'm sorry -- the Glock 44, 4 the 22 long rifle, is that the gun is intended -- is 5 designed in such a way that at 200 percent 6 pressures, the safety valve is supposed to rupture 7 and vent the gases downward in the hand, correct? 8 MR. RENZULLI: Objection to form. 9 THE WITNESS: Correct. 10 Q. BY MR. LEWIS: So the design concept among 11 all models of the Glock except the 22 long rifle 12 model is the same, that it has -- it's the -- the 13 case is to rupture at 200 percent pressures? 14 MR. RENZULLI: Objection to form. 15 THE WITNESS: Correct. 16 Q. BY MR. LEWIS: Now, Mr. Renzulli asked you a 17 question a moment ago and said it's better for the 18 Glock to blow up into the magazine well than to blow 19 up in your face. Do you remember that question? 20 MR. RENZULLI: Objection to form. 21 THE WITNESS: Yes. 22 Q. BY MR. LEWIS: It's better if the gun 23 doesn't blow up at all, right? 24 A. Yes. 25 Q. Right. So -- and if you have a barrel

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Page 234 1 that's sturdy enough and robust enough, that reduces 2 the risk of the gun exploding, correct? 3 MR. RENZULLI: Objection to form. 4 THE WITNESS: Correct. 5 Q. BY MR. LEWIS: The HK VP40 had multiple 6 rounds of overcharged ammunition run through it. 7 Did the gun explode? 8 MR. RENZULLI: Objection to form. 9 THE WITNESS: No. 10 Q. BY MR. LEWIS: Was the gun damaged in any 11 meaningful way? 12 A. No. 13 MR. RENZULLI: Objection to form. 14 THE WITNESS: No. 15 Q. BY MR. LEWIS: The Glocks that you tested 16 with Mr. Nixon, those guns exploded well before they 17 got to 200 percent charge or 100 percent overcharge, 18 correct? 19 MR. RENZULLI: I'm sorry, can you repeat 20 that? 21 Q. BY MR. LEWIS: Sure. The guns -- the Glock 22 guns that you tested exploded before they got to a 23 double charge, correct? 24 MR. RENZULLI: Objection to form, use of the 25 term double charge. I don't know what that means,	Page 236 1 Q. Okay. And charge -- you had a progressive 2 charge going up on the military and police model of 3 the Smith & Wesson product? 4 MR. RENZULLI: Objection to form. 5 THE WITNESS: Correct. 6 Q. BY MR. LEWIS: Okay. And it didn't explode 7 until it got to the heaviest of the double charges, 8 and then it didn't -- the barrel didn't explode, 9 correct? 10 MR. RENZULLI: Objection to form. 11 THE WITNESS: That's my recollection, yes. 12 Q. BY MR. LEWIS: Okay. Better to talk to 13 Mr. Nixon about that tomorrow? 14 A. He's likely to have more details about that, 15 yes. 16 MR. LEWIS: That's all I have. 17 * * * 18 FURTHER EXAMINATION 19 BY MR. RENZULLI: 20 Q. Let's make sure, and I'm sure Mr. Lewis 21 didn't do this on purpose. But, sir, when you 22 answered questions about whether or not these 23 various different models are designed to what 24 Mr. Lewis called blow out at 200 percent, 200 25 percent, what does that mean?
Page 235 1 but okay. 2 Q. BY MR. LEWIS: Okay. Go ahead and answer 3 the question. 4 A. Correct. 5 Q. All right. In your spreadsheet, Dr. Bosch, 6 you indicated that some of the Glock handguns had 7 four to six times the amount of unsupported area; is 8 that correct? 9 MR. RENZULLI: Objection to form. 10 Q. BY MR. LEWIS: As some of the competitors, 11 right? 12 MR. RENZULLI: Objection to form. 13 THE WITNESS: Correct. 14 Q. BY MR. LEWIS: All right. So -- and one of 15 the guns was the military and police model put out 16 by the Smith & Wesson company, correct? 17 MR. RENZULLI: Objection to form. 18 THE WITNESS: Correct. 19 Q. BY MR. LEWIS: Did you test one of those 20 with double-charged ammunition? 21 MR. RENZULLI: Objection to form. 22 THE WITNESS: Yes. 23 Q. BY MR. LEWIS: All right. Well, you and 24 Mr. Nixon? 25 A. Yes.	Page 237 1 A. Pressure. He's referring to pressure. 2 Q. He's referring to pressures at 200 percent. 3 Gotcha. 4 And when Mr. Lewis was asking you questions 5 about double charge, right, he wasn't talking about 6 double pressure, in your mind, was he? 7 A. Correct. 8 Q. All right. Maybe he was. Maybe he wasn't. 9 But that's not how you were understanding the 10 question, right? 11 A. That's for sure. I understand how I 12 understood it. 13 Q. There you go. 14 A. That's a hell of a thing to say, but anyway. 15 Q. There you go. So it was a double charge of 16 powder, correct? 17 A. Correct. 18 Q. How does that correlate to pressures? 19 A. I do not know. 20 MR. RENZULLI: All right. All right. I 21 appreciate your time here today, sir. Yeah, we'll 22 go off the record. I appreciate your time. Thank 23 you. 24 THE WITNESS: All right. You're welcome. 25 THE VIDEOGRAPHER: Mr. Lewis, anything?

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1 MR. LEWIS: No. That's it.	1 COURT REPORTER AND
2 THE VIDEOGRAPHER: We are off the record.	2 REGISTERED REPORTING FIRM DISCLOSURE
3 The time is 5:10 p.m. This concludes today's	3
4 deposition of David Bosch.	4
5 (WHEREUPON, the deposition was concluded at	5
6 5:10 p.m.)	6
7	7 The foregoing deposition was taken in
8	8 compliance with the Arizona code of Judicial
9	9 Administration, Section 7-206(F)(3) and (J)(1)(G)(1)
10	10 and (2).
11	11
12	12
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21	21
22	22 SHELLEY HAVERMANN BARTELT NIX REPORTING
23	23 Court Reporter Registered Reporting Firm
24	24 CR No. 50432 RRF No. R1028
25	25
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1 STATE OF ARIZONA)	1 ERRATA SHEET
2) ss	2 VERITEXT/NEW YORK REPORTING, LLC
3 COUNTY OF MARICOPA)	3 CASE NAME: Johnson, Steven C., Et Al. v. Glock, Inc.
4	4 DATE OF DEPOSITION: 1/30/2024
5 BE IT KNOWN that the foregoing deposition	5 WITNESSES' NAME: David Bosch
6 was taken by me, SHELLEY HAVERMANN, CR No. 50432, a	6 PAGE LINE (S) CHANGE REASON
7 Certified Reporter for the State of Arizona; that	7
8 prior to being examined, the witness named was duly	8
9 sworn to testify to the whole truth; that the	9
10 questions propounded and the answers of the witness	10
11 thereto were taken down by me and thereafter reduced	11
12 to computerized transcription under my direction and	12
13 supervision; that the foregoing is a true and	13
14 correct transcript of all proceedings had upon the	14
15 taking of said deposition, all done to the best of	15
16 my skill and ability. I further certify that I am	16
17 in no way related to any party to said action nor in	17
18 any way interested in the outcome thereof.	18
19 DATED at Phoenix, Arizona, this 5th day of	19
20 February, 2024.	20
21	21
22	22 David Bosch
23	23 SUBSCRIBED AND SWORN TO BEFORE ME
24	24 THIS ____ DAY OF _____, 20__.
25	25 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

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[answer - assume]

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[yeah - york]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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EXHIBIT N

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

MICHAEL GROSSO,)
)
Plaintiff,)
)
vs.)
) CV2016-005086
GLOCK, INC., et al.,)
)
Defendants.)
-----)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

BEFORE THE HONORABLE SHERRY K. STEPHENS

Phoenix, Arizona
July 11, 2019

Reported by:
Crystal Hereford, RPR
Certified Court Reporter No. 50893

(CERTIFIED COPY)

1 Q. Have you referred to any learned treatises at
2 all in your report or in your deposition or today?

3 A. Is there a question there?

4 Q. Question withdrawn.

5 Have you referred to any peer-reviewed
6 literature at all in your report, at your deposition, or
7 today?

8 A. Well, certainly, the documents that we've
9 already discussed have been peer-reviewed.

10 Q. Which documents?

11 A. A SAAMI spec is peer-reviewed. It's generated
12 by peers and reviewed by peers, so are the references
13 regarding material -- mechanics and materials.

14 Q. So you're saying the SAAMI specifications
15 themselves are peer-reviewed.

16 A. Yes.

17 Q. Right. And you've already testified to me at
18 deposition that SAAMI is the bible, right?

19 A. Yep.

20 Q. That's the bible for the industry, the firearms
21 and ammunition industry, right?

22 A. It's the -- one of the bibles, I'll say. It's
23 the bible that's relevant to this case.

24 Q. And you also testified to me that you saw --
25 with a Glock pistol -- there was nothing in the Glock

1 pistol that didn't comply with the SAAMI standards,
2 correct?

3 A. Yeah. As we discussed earlier, that's true.

4 Q. Any other peer-reviewed literature that you're
5 relying upon either in your deposition or in your report
6 or here today?

7 A. No.

8 Q. All right. And I think you said earlier you
9 didn't fire any rounds of ammunition through any firearms
10 to support your opinions, right? I mean, we can agree to
11 that?

12 A. Yes.

13 Q. Okay. And if I can sum up the reason why, it's
14 because you can't test your theory that way.

15 A. No. It wouldn't result in information that
16 would give us insight about the theory. Correct.

17 Q. So let me make sure we're on the same page.
18 There's no way to test your theory, correct?

19 A. That's another way to say it. Yes.

20 Q. Well, your theory, your opinions here today, I
21 can't go out and test it.

22 A. No.

23 Q. All right.

24 A. If you could, you would.

25 MR. RENZULLI: Okay. Move just strike as

1 nonresponsive.

2 THE COURT: Sustained.

3 MR. RENZULLI: Thank you.

4 Your Honor, as far as the testimony about
5 SAAMI and SAAMI specifications, I think that's an
6 important factor for the Court to consider, because
7 reliance upon independent standards organizations,
8 compliance with them, it undermines an expert's testimony
9 alleging a design defect. And the support for that,
10 Your Honor, is on pages 19 and 20 of our brief. I
11 specifically refer to Stanczyk, S-t-a-n-c-z-y-k, versus
12 Black and Decker at 836 F. Supp. 565. The bottom line is
13 the Court relied upon compliance with industry standards.
14 It's a factor that the Courts look at. And Mr. Bosch has
15 indicated that Glock did comply with industry standards.
16 BY MR. RENZULLI:

17 Q. Isn't it also true, sir, that your opinions
18 here today were developed exclusively for this
19 litigation?

20 A. Yes.

21 MR. RENZULLI: Your Honor, that's another
22 thing that the Court should understand, that opinions
23 developed for litigation is given less credibility than
24 those results that come from academic research or from an
25 expert's line of technical work. And that's on page 26

1 BY MR. RENZULLI:

2 Q. You certainly didn't fire any rounds of SAAMI-
3 compliant rounds using the Winchester brass and then
4 examine those shells for flow folds afterwards, correct?

5 MR. LEWIS: Objection, asked and answered.

6 THE COURT: Well, I'm not sure that that
7 specific question was asked and answered, so he can
8 answer it.

9 THE WITNESS: No.

10 BY MR. RENZULLI:

11 Q. What's a CT scan?

12 A. A CT scan?

13 Q. Yeah.

14 A. It's a -- essentially, it's computer-aided
15 tomography is what it is.

16 Q. Okay. And how about this test? Why not have
17 factory ammunition CT scanned and then discharge the ones
18 with flow folds that have the crack geometry, whatever it
19 is, that will cause this type of a failure and put it in
20 a Glock pistol at the 6 o'clock position and test your
21 theory that way?

22 A. I don't believe you'd be able to see the
23 details of that fold in a CT scan. CT scan uses x-rays,
24 and in order for x-rays to differentiate between one part
25 or one -- how shall I say this? -- one part of a volume

1 of a material and another part of a volume of material,
2 there has to be a distinct density difference between
3 those two areas, I'll say, or two volumes.

4 Q. Have you ever looked? Did you ever put a round
5 of ammunition inside a CT scan and see what you see?

6 A. No, I haven't.

7 Q. All right.

8 A. But I wouldn't, because I know from experience
9 in trying to use a CT scan in similar instances that's
10 just a waste of my time.

11 Q. A waste of your time. Just to be clear, you've
12 never put a round of ammunition inside a CT scan to see
13 if you can see these flow folds that you're testifying
14 about, correct?

15 MR. LEWIS: Objection, asked and answered,
16 Your Honor.

17 THE COURT: Sustained.

18 BY MR. RENZULLI:

19 Q. Let's be clear on another issue, sir. You
20 testified under oath that none of the testing performed
21 by Glock Austria, or Glock Ges.m.b.H, including the
22 testing of the feed ramp were relevant to your opinions,
23 correct? You testified to that.

24 MR. LEWIS: Objection, misstates his
25 testimony, Your Honor.

1 THE COURT: Overruled.

2 You may answer the question.

3 THE WITNESS: I don't recall what I said
4 about that.

5 BY MR. RENZULLI:

6 Q. All right.

7 A. Okay. Starting on page 107, No. 5, "Okay. You
8 looked at all the design, the testing, the analysis that
9 was done in the pistol before it went to market?

10 "Answer: Yes.

11 "Question: So --

12 "Answer: Yeah.

13 "Question: Okay.

14 "Answer: Or at least I'll call it a snapshot
15 of it.

16 "Uh-huh.

17 "Answer: As he alluded to, there was other
18 work done. And I'm sure there was, but he couldn't find
19 the paperwork for it.

20 "Question: Right. But you read his testimony
21 about how it was designed and developed.

22 "Yes.

23 "The testing that they did, the feed ramp and
24 all that?

25 "Answer: Yes.

EXHIBIT O

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Case Number 3:20-CV-08807-WHO

5 STEVEN C. JOHNSON, an individual,)
6 on behalf of himself and all)
7 others similarly situated,)
8)
9 Plaintiff,)

10 -vs-)

11 GLOCK, INC., a Georgia)
12 Corporation; GLOCK Ges.m.b.H, an)
13 Austrian entity; JOHN and JANE)
14 DOES I through V; ABC CORPORATIONS)
15 I-X, XYZ PARTNERSHIPS, SOLE)
16 PROPRIETORSHIPS and/or JOINT)
17 VENTURES I-X, GUN COMPONENT)
18 MANUFACTURERS I-V,)
19)

20 Defendants.

21 REMOTE VIDEO-RECORDED DEPOSITION OF JOHN NIXON

22 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

23 The remote video-recorded deposition upon
24 oral examination of JOHN NIXON, a witness remotely
25 sworn by me, Tara Gandel Hudson, RPR, CRR, a Notary
Public in and for the County of Hancock, State of
Indiana, taken on behalf of the Defendants, with
the witness located in Bippus, Huntington County,
Indiana, on the 31st day of January, 2024,
scheduled to commence at 12:00 p.m., pursuant to
the Federal Rules of Civil Procedure with written
notice as to the time and place thereof.

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Page 2	Page 4
1 APPEARANCES (All appearing remotely.) 2 FOR THE PLAINTIFF: 3 Steven C. Johnson 4 Robert K. Lewis Amy M. Lewis LEWIS & LEWIS TRIAL LAWYERS 28150 North Alma School Road Suite 103-637 Scottsdale, AZ 85262 rob@lewislawfirm.com 8 Stephanie M. Taft KIESEL LAW LLP 8648 Wilshire Boulevard Beverly Hills, CA 90211-2910 taft@kiesel.law 11 Alexander Heydemann WEINBERG WHEELER HUDGINS GUNN & DIAL 3344 Peachtree Road NE Atlanta, GA 30326 aheydemann@whhgd.com 14 FOR THE DEFENDANTS: Glock, Inc. and Glock Ges.m.b.H. 16 Christopher Renzulli Howard Schilsky RENZULLI LAW FIRM LLP One North Broadway Suite 1005 White Plains, NY 10601 914.285.0700 crenzulli@renzullilaw.com 21 THE VIDEOGRAPHER: Peter Hudson CLVS 23 ALSO PRESENT: David Bosch	1 (12:15 p.m. EST) 2 THE VIDEOGRAPHER: We are on the record at 3 12:15 p.m. Eastern Standard Time on January 31, 4 2024, beginning the remote video-recorded 5 deposition of John Nixon taken by counsel for 6 defendants in the matter of Steven C. Johnson, 7 et al. V. Glock, Inc. et al., filed in the 8 United States District Court for the Northern 9 District of California, San Francisco Division. 10 Case Number 3:20-CV-08807. 11 My name is Peter Hudson, the videographer, 12 and the court reporter is Tara Hudson, both 13 representing Veritext New Jersey. 14 Counsel, will you please state your 15 appearances. 16 MR. RENZULLI: Robert Lewis for the 17 plaintiff Steven Johnson. 18 MS. LEWIS: Amy Lewis for plaintiff 19 Steven Johnson. 20 MR. HEYDEMANN: Alex Heydemann for the 21 plaintiff Steven Johnson. 22 MS. TAFT: Stephanie Taft for plaintiff. 23 MR. RENZULLI: Christopher Renzulli on 24 behalf of the defendants. 25 MR. SCHILSKY: Howard Schilsky on behalf of
Page 3	Page 5
1 INDEX OF EXAMINATION 2 PAGE 3 DIRECT EXAMINATION 5 4 Questions by Christopher Renzulli 5 CROSS-EXAMINATION 267 6 Questions by Robert K. Lewis 7 REDIRECT EXAMINATION 287 8 Questions by Christopher Renzulli 9 10 INDEX OF EXHIBITS 11 PAGE 12 Deposition Exhibit: 13 Exhibit 1 - (Null) Dropbox folder for 53 14 counsel 15 Exhibit 2 - Load Protocol Sheets 81 16 Exhibit 3 - Test Fire Sequence 101 17 Exhibit 4 - Test Fire Safety 127 18 Exhibit 5 - Report & Declaration of John 133 19 Nixon 20 Exhibit 6 - Amended Notice of Deposition- 243 21 John Nixon 22 Exhibit 7 - Nixon Testimony List 246 23 24 25	1 the defendants. 2 THE VIDEOGRAPHER: Thank you. 3 The court reporter will swear the witness 4 and you may then proceed. 5 MR. RENZULLI: With that, for the record, I 6 think it should be noted that David Bosch, 7 Plaintiff's other consultant, is also appearing 8 here today. 9 MR. LEWIS: Thank you, Chris. 10 (Reporter requested stipulation of counsel 11 to administer the oath remotely.) 12 MR. LEWIS: Plaintiffs stipulated. 13 MR. RENZULLI: Stipulated. 14 JOHN NIXON, 15 having been first remotely sworn to tell the truth, 16 the whole truth and nothing but the truth relating 17 to said matter, was examined and testified as 18 follows: 19 DIRECT EXAMINATION, 20 QUESTIONS BY CHRISTOPHER RENZULLI: 21 Q Mr. Nixon, fair to say you've had your 22 deposition taken many times before? 23 A Yes. 24 Q Approximately how many? 25 A I don't keep a count, but I would say at least

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Page 6 1 50. 2 Q So you probably heard the ground rules many, 3 many times before, huh? 4 A Yes. 5 Q I'm not going to waste your time going through 6 them again. The only one that I want to pay 7 close attention to is if there's any doubt in 8 your mind about a question that I'm asking you, 9 I need you to stop me. I need you to say, "I 10 don't understand your question; please rephrase 11 it." 12 Then I will do my best to make sure that 13 you and I are on the same page with regard to 14 our questions. Okay? 15 A Okay. 16 Q If you answer it, obviously I'm going to assume 17 you understood the question and you answered it 18 truthfully and honestly. 19 A I wouldn't agree to that because I might not 20 know that I didn't understand it. 21 Q Well, you're going to have to do your best to 22 see. If there's any question in your mind as to 23 whether or not you understand, you have to stop 24 me. 25 A I may not realize until later. I may not	Page 8 1 think a Glock 27, and a Glock 30 as well. 2 Q Any others? 3 A I may have had a Glock 22 at one point. 4 Q Any others? 5 A That's all I can think of as I sit here. 6 Q Okay. You said you had about a dozen, and I'm 7 counting six, maybe seven? 8 A Right. There would have been multiple models of 9 some of those. 10 Q Which ones would you have multiple models of? 11 A Glock 23 -- I've had several of those. 12 Q Any others that you've had multiples of? 13 A I probably had more than one 19 over the years. 14 Q I apologize. Maybe more than one 19? 15 A Yes. 16 Q Okay. Any others that you may have had 17 multiples of? 18 A Not that I can think of. 19 Q Any other models as you sit here today that you 20 think you may have owned? 21 A No. I can't think of any. 22 Q Other than the model -- withdrawn. 23 Other than ownership of those pistols, have 24 you ever shot other pistols, other Glock pistols 25 that you didn't own?
Page 7 1 realize at all. 2 Q Okay. Well, if you realize later, then you're 3 just going to tell me. If you don't realize it 4 at all -- 5 A Yes. I will. 6 Q Well, that's one of the things you also have to 7 remember is that you and I can't speak at the 8 same time. As you've been told before, if you 9 and the lawyers speak at the same time, then 10 Tara can't take down what we say and the 11 transcript is a mess. 12 So let's you and I both try to make sure we 13 don't speak over each other. Okay, sir? 14 A That's fine. 15 Q How many Glock pistols do you own? 16 A I've got a Glock 19 and a Glock 26. 17 Q Glock 19 you said? 18 A Yes. 19 Q And a Glock 26. 20 How many Glock pistols have you owned over 21 your lifetime? 22 A Quite a few. They come and go. I probably had 23 at least a dozen. 24 Q And tell me about the dozen that you've owned. 25 A I've had what Glock 23 and a Glock 17. And I	Page 9 1 A Yes, I have. Quite a few. 2 Q Tell me about those. 3 A It would just be what I've borrowed, other 4 people's guns at the range. Probably covered 5 most of the model range over the years. 6 Q I want to understand what you just said. You 7 probably shot most of the models at a range? 8 A At some point over the years. Yes. 9 Q And what is the first Glock that you purchased 10 or shot? 11 A I think the first one would have been a 12 Glock 19. 13 Q What was the circumstances behind that? 14 A It was just one that I purchased. 15 Q When did you purchase it? 16 A It was probably maybe 2001. 17 Q Did you -- 18 Why did you purchase it? 19 A Just for something to shoot 9-millimeter 20 ammunition. 21 Q Where did you purchase it from? 22 A I don't even remember. 23 Yeah, I can't remember where I purchased 24 it. 25 Q Do you have any documentation in your office

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Page 10 1 there which would show when you purchased the 2 dozen or so Glock pistols that you've had? 3 A No, I didn't keep any record. 4 Q You have no record of any of the Glock pistols 5 that you've purchased? 6 A No. 7 Q So you throw away receipts, you throw away all 8 documentation? 9 A Yeah, you probably got a sales receipt with it, 10 but it's not something that I would keep. 11 Q Do you have a federal firearms license? 12 A No, I don't. 13 Q So for the dozen or so, is it fair to say, sir, 14 that you wouldn't have one piece of paper at 15 home which references that? 16 A No. 17 Q What about -- 18 A The only thing I think of is when you buy a gun 19 you get a sales receipt. It's not something I 20 would hold onto. 21 Q And how many rounds did you put through that 22 Glock 19? 23 A I'd estimate 10- to 12,000 rounds through it. 24 Q Under what circumstances were you putting the 25 10- to 12,000 rounds through it?	Page 12 1 purpose or for pleasure? 2 A I don't shoot for pleasure, so it would have 3 been for business purposes. 4 Q So the 10- to 12,000 rounds was for business 5 purposes? 6 A That would have been practicing and just to see 7 how the gun performed over a long time. 8 I know I didn't clean it in all that time. 9 I wanted to see how it performed when you didn't 10 clean it. I didn't clean it for 10,000 rounds. 11 Q How did it perform? 12 A It still worked reliably. 13 Q Did you ever have any kind of a ammunition 14 failure? 15 A No, I didn't. 16 Q So you used the word "kaboom" in your 17 declaration. Did you have any kabooms? 18 A No, I didn't. 19 Q Did you see any cartridge cases that had the 20 Glock smile on it, as you call it? 21 A I don't recall looking. 22 Q Did you see any cases that had any bulging on 23 it? 24 A Again, you know, I didn't recall looking at 25 them. I wasn't really looking for case bulges.
Page 11 1 A Just ranges. Just regular shooting. 2 Q Do you still own that Glock 19? 3 A Yes, I do. 4 Q When's the last time you fired it? 5 A It's been a while. Probably over a year. I 6 don't recall exactly. 7 Q Maybe within the last year or so? 8 A Probably over a year, I think, since I fired it. 9 Q Okay. Since you fired it. Okay. Gotcha. 10 Tell me about the circumstances of the last 11 time you fired it? Where did you fire it? 12 A I would have fired it just out the back of the 13 house. I don't recall the circumstances. I 14 don't even remember firing it. But my 15 guesstimation is that it's probably over a year 16 since I used it. 17 Q When you say when you fired it outside the back 18 of the house, that would be -- what? To put 19 holes in paper? What would be the reason? 20 A I can't remember. But typically I would use it 21 if somebody would call me and say what damage 22 would a 9-millimeter bullet do to whatever, I 23 would shoot it and photograph it and then tell 24 them. 25 Q So are you saying you fired it for business	Page 13 1 Q What type of ammunition did you put through your 2 Glock 19? 3 A I suppose it's what people would call range or 4 practice ammunition. So it would have been a 5 combination of Winchester White Box, CCI Blazer 6 Brass, some -- (indiscernible) 7 (Reporter request for clarification.) 8 A That would be the typical kinds of the 9 9-millimeter ammunition. 10 MR. RENZULLI: Hold up. A recommendation, 11 maybe, Tara. There could be things like that 12 along this deposition. He was naming particular 13 manufacturers of ammunition. Do you think it's 14 better to just make a note of it and at a break 15 we can have -- we can have Mr. Nixon do it for 16 you so we don't keep stopping? 17 Are you good with that, Mr. Nixon. 18 THE WITNESS: Yes, that's fine. 19 MR. RENZULLI: Super. 20 BY MR. RENZULLI: 21 Q Tell me why you chose those particular brands. 22 A It really comes down to availability. And I 23 considered those to be reasonable quality. 24 Q Reasonable quality, you say? 25 A Yes. I haven't had any malfunctions with those

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Page 14 1 brands of ammunition. 2 Q Is that commercially manufactured ammunition you 3 were putting through it? 4 A Yes, it is. 5 Q Would you call it reasonable quality or high 6 quality? Both? Somewhere in the middle? 7 A I'm not sure how you would define high quality 8 or reasonable quality. But when I say 9 reasonable quality, it looks to be well 10 manufactured, and I haven't had any squib loads 11 or anything like that. So it works. 12 Q So you understand what the term "reasonable 13 quality" means, then? 14 A To me, yes, that would be my definition. If it 15 looks to be well manufactured, it's not corroded 16 when you take it out of the box and it functions 17 reasonably in the gun, then I consider that to 18 be reasonable quality. 19 Q Understood. 20 Tell me about the next Glock pistol that 21 you purchased and fired. 22 A That would have been the Glock 26. 23 Q When did you purchase or fire that? 24 A Again, you know, I can't really remember. But 25 it would have been the early 2000s.	Page 16 1 just went in there to buy one? 2 A Yeah. I just knew that Glocks existed, and they 3 were a common gun. 4 Q Tell me about the G36. Why did you purchase it? 5 A The 26. I just wanted to see how a smaller 6 Glock handled in comparison to the larger model. 7 Q Why did you want to do that? 8 A Some people said the recoil was unmanageable. 9 Q Did you find that to be true? 10 A No, I found it okay to use. 11 Q Did you still own that Glock 26? 12 A Yes, I do. 13 Q And how many rounds have you put through that? 14 A Again, I don't keep a count, but probably a 15 couple thousand. 16 Q What types of ammunition have you put through 17 the Glock 26? 18 A Just the same as I would in the 19. 19 Q So the Winchester, the CCI, the Fiocchi and the 20 Sellier & Bellot? 21 A Yes. 22 Q Any others? 23 A There's probably been some others, but I don't 24 recall what they would be. Those brands are the 25 typical brands that are used. I tend not to use
Page 15 1 Q Why did you -- 2 Is this one that you purchased or just one 3 that you fired? 4 A I purchased it. 5 Q Why did you purchase the Glock 26? 6 A I wanted to see how a smaller version of the 7 Glock handled. 8 Q Before you bought your Glock 19, did you do any 9 research on it? 10 A No. I didn't. 11 Q What made you choose the Glock 19? Someone told 12 you about it? 13 A Yeah. It was just availability, really. Every 14 gun store you go into, they always have -- 15 probably 50 percent of the guns in the cabinet 16 are Glocks. 17 Q Pretty popular, huh? 18 A Yes. Very popular. 19 Q Did you talk to the person behind the counter 20 about Glock pistols? 21 A No. My recollection is I just bought it. I 22 can't remember where I got it or how much it 23 was. It served me -- anything like that. I 24 would have just gone in and just bought it. 25 Q You didn't rely upon anyone or anything; you	Page 17 1 so much of the Winchester, but the other brands 2 I use a lot of. 3 Q What's wrong with the Winchester? 4 A I've had some Winchester ammunition in the past 5 which hasn't been a hundred percent. 6 Q What was wrong with it? 7 A I bought a box of 50 rounds at one time which -- 8 I think it was either 380 or 25 caliber -- but 9 the box said it was round-nose bullets. When I 10 opened it up, there was a mixture of flat-nose 11 and round-nose. A couple of the bullets were in 12 backwards. 13 Q Any other issues that you've seen Winchester 14 ammunition? 15 A It just doesn't seem as good as the other brands 16 that I mentioned, but it's okay. 17 Q And Winchester comes from a factory; right? 18 A Yes, it does. 19 Q So the factory made some mistakes in their 20 products when they sold it to you; right? 21 A Yes. I assume that it came from the factory 22 with a mixture of bullets and a couple of them 23 in backwards. 24 Q So I guess even factories can make mistakes; 25 right?

5 (Pages 14 - 17)

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Page 18 1 A Oh, yes. Nothing is hundred percent perfect. 2 Q Like you've heard of ammunition recalls before, 3 obviously? 4 A Yes. 5 Q And you've heard from many of the upper end 6 companies that manufacture ammunition of 7 reasonable quality; right? 8 A Yes. 9 Q That's because factory-made commercial 10 ammunition can have problems? 11 MR. LEWIS: Form. 12 A Yes. I assume so. Any manufacturing process 13 you can have problems in the -- 14 Q You've certainly seen commercially available 15 factory ammunition that's been recalled for 16 overpressure issues; correct? 17 A I don't recall what all the issues are. I know 18 there's been recalls. When I hear about a 19 recall, I usually look to see if there's a lot 20 number cited. And then I look on the ammunition 21 I've got to make sure it isn't in that lot 22 number. 23 Q You've seen problems with brass in factory 24 ammunition being recalled because of the brass; 25 right?	Page 20 1 I've had some steel-jacketed bullets as 2 well. I tend not to use those. 3 Q You don't use? 4 A There's also some -- 5 Q Sorry. 6 A Sorry. 7 Q My fault. Please continue. 8 A There's also some ammunition manufactured which 9 has aluminum cases. And I have used some of 10 that, but I generally shy away from it. 11 Q So you try to shy away from or use European 12 steel-jacketed ammunition and then ammunition 13 with aluminum cases? 14 A Yes. 15 Q What's the reason for that? 16 A I think that the steel-jacketed projectiles are 17 probably going to be a little hard on the 18 barrel. And with the aluminum-cased ammunition, 19 it tends to cause a lot of feeding problems so 20 you get malfunctions. 21 Q But you wouldn't use them in any of your guns? 22 A I wouldn't say I wouldn't use them, but I'm 23 cognizant of the fact that you might have more 24 malfunctions than you would otherwise. 25 Q Understood.
Page 19 1 A I don't recall specifically, but it's certainly 2 a possibility. 3 Q And you've seen factory ammunition recalled 4 because of the powder charge and how much powder 5 charge there was inside the case; right? 6 A Again, I haven't -- I can't recall as I sit here 7 what the issues were on the recalls. But that's 8 certainly a possibility, too. 9 Q Any other reasonable quality ammunition that you 10 likely fired through your Glock pistols that you 11 can recall? 12 A Yeah. One I can think of is Federal American 13 Eagle brand. 14 Q Any others? 15 A As I sit here, I may have had an occasional box 16 of Remington UMC. 17 Q Any others? 18 A That's all I can think of as I sit here. But 19 there could have been others. 20 Q Is there any other ammo other than maybe 21 Winchester that you believe is kind of 22 problematic and shouldn't be fired through guns? 23 A I know there's some steel-cased ammunition from 24 Eastern Europe and what used to be the Soviet 25 Union. I don't like the idea of steel cases.	Page 21 1 The few thousand rounds through the 2 Glock 26, did you have any problems? 3 A No. It's always functioned reasonably. 4 Q Any ammunition failures in it? 5 A No. 6 Q Any what you call kabooms in it? 7 A No. 8 Q Any bulging of the case? 9 A I haven't looked for it, so I couldn't say. 10 Q Any what you call Glock smiles that you had? 11 A Yeah, again, I haven't looked. I've seen it on 12 ammunition that's came from other people's 13 Glockes, but I haven't looked at the ammunition 14 from mine. 15 Q Okay. 16 A I don't reload, so generally I don't bother 17 picking up the empty cases. 18 Q Have you ever reloaded? 19 A Yes. I have the equipment; I can reload. It's 20 just I choose not to. 21 Q Why do you choose not to? 22 A If you look at the cost of reloading ammunition 23 and the cost of just buying it, you save very 24 little money by reloading. 25 Q Other than cost issues, any other reasons why

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Page 22 1 you don't reload? 2 A It takes time as well, so generally I don't have 3 time to do it. 4 Q Any other reasons? 5 A No. That's it, really. You know, I don't have 6 a problem reloading ammunition. I don't like 7 rumbling around on the ground to pick up the 8 empties, so I suppose that would be another 9 reason. 10 Q How many times would you reload one case? 11 A I think you got to keep an eye on it. Every 12 time you reload it, it gets work-hardened a 13 little. 14 There's different ways of reloading. If 15 you're going to use the ammunition in the same 16 gun, you can just do a neck size on it. 17 So in general, I would say typically four 18 to five reloads, and then you reaching the point 19 where the brass is maybe getting a little too 20 work-hardened. 21 Q So you're comfortable reloading cartridge case 22 four or five times? 23 A Yes. 24 Q How about ten? 25 A I think after the four or five times you could	Page 24 1 A Well, that's obvious when you look at it. 2 When you say research, I suppose you could 3 count looking at Glock's website and looking at 4 the barrel length was probably the only research 5 I would do. I don't know exactly how long it 6 is, but I know it's longer than the 19, and the 7 19 is longer than the 26. 8 Q Probably did some type of a Google search I 9 would assume; right? 10 A I just looked on the Glock's website. It would 11 tell me. 12 I don't recall what the barrel lengths are 13 sitting here today, but I know which one is 14 longest and which one is shortest. 15 Q And how many rounds did you put through this 16 Glock 17? 17 A Not very many. Probably just a couple of 18 hundred. 19 Q 200. Any ammunition failures user during those 20 few-hundred rounds? 21 A No. 22 Q Any kabooms, as you call it, during those few 23 hundred rounds? 24 A No. 25 Q Any bulging of the cases in those few hundred
Page 23 1 probably anneal it. If you examine it closely 2 and there's no cracks or obvious problems with 3 it, if you anneal it, then you can maybe get a 4 couple more reloads out of it. Personally, I 5 wouldn't go to ten. 6 Q Would you expect the firearm to be able to 7 handle a round of brass that has been reloaded 8 ten times, or would you be a little concerned 9 there? 10 A I might be concerned that you might get a 11 failure of the case. 12 Q Gotcha. 13 The next Glock that you owned. 14 A I can't even remember now. I got a 17. Again, 15 I don't recall when that was. 16 Q Best approximation. 17 A Maybe about 2005 or '6. 18 Q And why did you purchase the Glock G17? 19 A It had a longer barrel, and I wanted to see what 20 the difference in velocity was between the three 21 barrel lengths of the Glock. 22 Q Did you do any research on the Glock 17 before 23 you purchased it? 24 A No, I didn't. 25 Q How did you know it had a longer barrel?	Page 25 1 rounds? 2 A Again, I didn't check for bulges. 3 Q Any Glock smiles, that you call them, in the few 4 hundred rounds? 5 A Yeah, I didn't check for those either. 6 Q Fair to say that with the G17, the few hundred 7 rounds that you shot you had no ammunition 8 failures; correct? 9 A That's correct. 10 Q What type of ammunition did you put through the 11 Glock 17? 12 A It would have been similar to what I used in the 13 19 and the 26. 14 Q Anything different from the -- let's see, one, 15 two, three, four, five, six different 16 manufacturers of ammunition? Any different ones 17 that you maybe put through the G17? 18 A Not that I recall. The ammunition I tend to use 19 the most of is the Sellier & Bellot and Fiocchi. 20 Q Do you still have the Glock 17? 21 A Yes, I do. 22 Q You still have the Glock 26; correct? 23 A Yes, I do. 24 Q What is the next firearm that you -- temporally 25 that you purchased and/or fired?

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Page 26 1 A The next Glock? 2 Q Yes, sir. 3 A I really don't recall. I think all the Glocks 4 that I've had purchased between maybe 2000 and 5 2006, maybe 2008 at the outside. I don't really 6 recall the order I got them in. I'm pretty sure 7 the first one as Glock 19. They just come and 8 go, so I don't really -- I don't really remember 9 much about it. 10 Q Well, you mentioned a bunch of different models 11 early on. 12 Do you still own all of those models? 13 A No. 14 Q Okay. Can you tell me -- 15 A The 19, the 26, and the 17. 16 Q So the three pistols that we spoke about in 17 depth here you still own? 18 A Yes, I do. 19 Q Correct? You do. 20 Do you own any other Glock pistols other 21 than those three right now? 22 A No. 23 Q Okay. So you purchased other Glock pistols, and 24 then what? Sold them at some point? 25 A Yes.	Page 28 1 Q Who are these people? 2 A Just anyone. In Indiana it's legal to sell a 3 gun to anyone as long as they are an Indiana 4 resident and they don't have any convictions. 5 Q Can you name these people? 6 A I can't think of anyone as I sit here. 7 Q You can't think of the name of one person that 8 you sold your Glock pistol to? 9 A No. 10 Q Huh. Okay. 11 You have a lot of different models here 12 that we haven't spoken about, a G22, a G30, G27. 13 You have a couple of G23s. Additional Glock 19. 14 How many rounds have you put through all those 15 pistols? 16 MR. LEWIS: Form. 17 A A lot of those I probably had for a short 18 duration. I would say between 200 and 500 19 through most of them. 20 BY MR. RENZULLI: 21 Q So this is a little bit of a guess, huh? 22 A It is. 23 Q But your guess, little bit of a guess, is 24 between 200 and 500 rounds through each of those 25 remaining Glock pistols that you don't really
Page 27 1 Q Understood. 2 So let's try to go through some of those. 3 You spoke about a 19. You said maybe you 4 had more than one. Tell me about the other one. 5 A These were a long time ago, but I'm pretty sure 6 I've had another 19, 23. I could have had 7 several of each of those. But as I sit here 8 today, I can't really remember. They have just 9 been and gone. 10 Q Who would you sell the Glock pistols to? 11 A Just people at the range or anybody that wants 12 it, really. 13 Q So people would come to you and say, "Can you 14 sell me a Glock," and you would sell them to 15 them? 16 A Yes. I mean, if anybody wants a gun, I check 17 that they are an Indiana resident and that they 18 haven't got any convictions. 19 Q How do you check that? 20 A I ask to see their driver's license. Very often 21 people will have a concealed carry permit, so I 22 will ask to see that as well. 23 Q Do you have any paperwork from any of all these 24 purchases of Glock firearms from you? 25 A No.	Page 29 1 remember; right? 2 A Yes. 3 Q What type of ammunition would you put through 4 those various Glock pistols that you don't have 5 a specific recollection of? 6 A That would have been similar brands to what I 7 put through the 19. 8 Q Any additional -- 9 A I don't recall any other brands. I may have had 10 an occasional box of something else, but I don't 11 recall what it would be. 12 You go into most stores, and they usually 13 have S&B or Fiocchi, Winchester, Remington UMC. 14 The popular ones. 15 Q You named a bunch of ammunition manufacturers 16 that you believe are of reasonable quality. Do 17 you remember? 18 A Yes. 19 Q Are there any other firearm manufacturer brands 20 that you believe are of reasonably quality? 21 A There probably are. I can't think of them as I 22 sit here. 23 Q Can't think of one? 24 A If you suggest them, I'll let you know what I 25 think of them, or if I've even evaluated them.

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Page 30 1 Q I'm sorry. I didn't hear the first part of 2 that. 3 A If you could suggest some brands, and I'll tell 4 you if I've tried them and what I think of them. 5 Q Okay. Are there any others -- 6 You told us about the Soviet Union, 7 European ones. You don't like the steel 8 jackets, and you told us about the aluminum 9 cases you don't like. 10 Are there any others as you sit here that 11 you don't like either? 12 A Not that I can think. 13 Q Would you fire anyone's reloaded ammunition? 14 A No. I wouldn't trust anyone to make good 15 reloads. I've seen some bad ones. 16 Q Would you fire anyone's remanufactured rounds? 17 A No. I don't buy those either. 18 Q Why don't you? 19 A I just think it's suspect. By definition, the 20 case has already been used at least once. 21 Q You're concerned with the quality? 22 A It's unknown quality really. It's a jump into 23 the unknown. I'd just rather stick with the 24 factory new ammunition. 25 Q You're concerned with the quality of reloaded or	Page 32 1 A I didn't check for that either. 2 Q I think -- correct me if I'm wrong -- we have 3 gone through all the pistols -- Glock pistols 4 that you've owned; correct? 5 A Yes, that I can remember. 6 Q Now you said there's also a number -- I forget 7 the word you used -- you said there were many 8 Glock pistols that you discharged that you 9 didn't own; correct? 10 A That's correct. Yes. 11 Q I think you said it was probably every model 12 that Glock has made; correct? 13 A Yes. I know there's a lot of different models, 14 and I've tried a lot of different Glocks. So if 15 I haven't tried every one, I've tried almost 16 every one. 17 Q How many rounds do you think you put through all 18 these different models that you tried from 19 others? 20 A Not very many. Typically just a couple of 21 magazines through each one. 22 Q So a few magazines through each model of gun? 23 A Yes. 24 Q How many different models of Glocks are there? 25 A There's quite a few. In recent years they seem
Page 31 1 remanufactured ammunition? 2 A Yes. Potentially it's not going to be as good 3 as factory new ammunition. 4 Q It's not going to have the quality controls; 5 right? 6 A Possibly. I've looked in boxes of 7 remanufactured ammunition, and the headstamps, 8 you know, there's probably six or eight 9 different headstamps in one box of 50. 10 Q So I guess there's one, two -- you told me what 11 you recall about the three Glock pistols: 12 Glock 19, Glock 26, and Glock 17. I think you 13 said you had about a dozen. So we're talking 14 about approximately nine other pistols that 15 you've owned. I think you said, bit of a guess, 16 but you put between 200 and 500 rounds through 17 that. With regard to those, have you had any 18 ammunition failures? 19 A No, I haven't. 20 Q Have you had any what you call a kaboom? 21 A No. 22 Q Have you had any what you call Glock smiles? 23 A Again, I haven't checked. At least I don't 24 recall checking on my own pistols. 25 Q Do you recall having any bulging?	Page 33 1 to have introduced quite a lot of the new 2 models. I don't recall trying the 22 rimfire. 3 I think it's the 44. But I've tried most of the 4 others. 5 Q Gotcha. 6 With all of those rounds that you put 7 through all those different models, have you 8 ever had any failures? 9 A No. 10 Q Have you ever had any what you call kabooms? 11 A No. 12 Q Have you had any Glock smiles, as you call them? 13 A Again, I haven't checked. 14 Q And have you had any bulging of the cases that 15 you saw? 16 A I didn't check for that either. 17 Q What types of ammunition did you put through all 18 these different models of Glocks? 19 A Well, it would have been whatever was -- 20 whatever the person who owned the gun was using. 21 Or if I had my own ammunition, it would have 22 been the same brands I mentioned earlier. 23 Q See if I understand it. If it was your 24 ammunition, it's the same list, potentially, 25 that you gave us. But if it was someone else's

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Page 34 1 ammunition because it was their gun and their 2 magazine and they loaded the magazine, you used 3 whatever ammunition they had? 4 A Yes. 5 Q I assume you can't tell me all the different 6 brands of ammunition that these folks on the 7 range had that you used? 8 A That's correct. I typically wouldn't -- as long 9 as they are not using reloads, I'm okay. 10 Q Gotcha. 11 Have we -- 12 Other than what you may have done in this 13 case, have you told me all about the Glock 14 pistols that you have purchased? 15 A Yes. 16 Q Have you told me about all the Glock pistols 17 that you sold to others? 18 A Yes. At least the ones that I can remember. 19 It's not really a big deal to me. I don't 20 write down what I've had. I'm not really a gun 21 collector, so I'm not that interested. They 22 just come and go. 23 Q How many guns do you own? 24 A I've got a couple of other pistols. A CZ75. A 25 Sig 226, a couple of shotguns, some 22 rifles.	Page 36 1 Q So couple times a week? 2 A Less than that. 3 Q Less than. 4 What do you carry now concealed? What's 5 your firearm of choice? 6 A Rueger revolver. 7 Q Revolver. 8 And tell me over the years what you used 9 for concealed carry? 10 A A CZ75, a Sig 226. I carried the Glock 19 11 occasionally. 12 Oh, a Smith and Wesson revolver as well. 13 Q Did you carry the Glock 17 concealed? 14 A No, I haven't. 15 Q Why not? 16 A It's a little on the large side. 17 Q So if you were looking for a handgun and you 18 want to carry concealed, you probably wouldn't 19 go near a Glock 17; right? 20 A I wouldn't say you couldn't use it, but you 21 know, I felt I had better options. 22 Q As a matter of fact, there's better options that 23 Glock has for concealed carry; right? 24 MR. LEWIS: Form. 25 A Yes. The 26 and the 19 are both smaller.
Page 35 1 Q These are all the firearms you own now? 2 A Yes. 3 Q Any other -- any other handguns? 4 A I have got a Rueger revolver. A Smith and 5 Wesson revolver too. 6 Q Any others? 7 A I think I've got a Browning 22, semi-auto 8 pistol. 9 Q Any others? 10 A Trying to think. I have a Smith and Wesson AR15 11 rifle too. 12 Q Any others? 13 A That's all I can think of as I sit here. There 14 may be some others. I'm not really a hobby 15 shooter, so I don't keep much of a track on it. 16 Q Do you use firearms for self-defense purposes? 17 A Yes. I have a concealed carry permit, and I've 18 got a holster. 19 Q How often do you carry concealed? 20 A Not as often as some people. I quite often 21 leave home without it. If I'm traveling, it's 22 usually a lot of trouble if you're traveling 23 with an airline to take a gun with you. So if I 24 go into the city, I try and remember to take 25 one.	Page 37 1 BY MR. RENZULLI: 2 Q That's the reason you chose to carry the 19 3 concealed because you thought, perhaps, that the 4 Glock 17 was too large? 5 A Yes. I didn't have a holster for it. You need 6 a holster for the gun you're going to carry. So 7 I never purchased a holster for the Glock 17. 8 Q What about the Glock 26? Why wouldn't you carry 9 that concealed? 10 A Yes. I probably didn't mention it, but I have a 11 couple of times carried that too. 12 Q Gotcha. 13 Why would you carry the Glock 26 concealed? 14 A It's smaller. But I find the Glock 19 is more 15 comfortable. The grip is bigger. 16 Q So you're looking for certain qualities of the 17 firearm which would comport with what you need; 18 right? 19 A Yes. It's a personal choice and different 20 people feel more comfortable with one grip than 21 in other different guns. For me, the Glock 19 22 grip size is good and the CZ75 grip is good. 23 Q When's the last time you carried your Glock 19 24 or Glock 26 concealed? 25 A It would have been earlier this year.

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Page 38 1 Q Earlier this year? 2 Earlier this year when you were carrying 3 your Glock 19 and Glock 26, what ammunition were 4 you using? 5 A I think it was Winchester, just a metal jacket. 6 Q And I thought you didn't like Winchester. 7 A Well, I didn't, but it was all I had handy at 8 the time. 9 Q Okay. So you don't like Winchester, you're 10 concerned with it, but you used it anyway? 11 A Yes, I wouldn't say I dislike it. It's just I 12 think there are better options. 13 Q And when's the last time you sold a Glock 14 pistol? 15 A Yeah, I can't even remember. It would have been 16 a long time ago. 17 Q Five years ago? 18 A Probably longer than that. Yeah, I really can't 19 remember. That's not something that really 20 sticks in my mind. 21 Q What's your best recollection of the model of 22 the Glock pistol that you sold last? 23 A Yeah, I really don't know. I just don't recall. 24 It's not really important to me, so I don't 25 memorize it.	Page 40 1 the guns are. Let me be clear. It's no one's 2 business. 3 But which guns do you have, perhaps 4 throughout the house, which you use to protect 5 the home? 6 A I haven't actually had to use any of them. But 7 I have a shotgun which is in the house. And 8 there's usually a handgun around. But that 9 might vary. It could be the Rueger revolver. 10 Sometimes a CZ75. 11 Q What are the characteristics of the CZ75? 12 A It's a double-action, single-action, 13 semiautomatic. 14 Q Any others that you have maybe around the home? 15 A It will vary from time to time, but it's really 16 whatever is out of the safe. So it could be a 17 Glock, maybe the Glock 19. The Sig 226. So it 18 could be any of those. 19 Q Whether it's the Glock 19 or the Sig 226, you 20 would put them somewhere that you knew of that 21 was within reach or close by should you need it 22 in an emergency; right? 23 A Yes. 24 MR. RENZULLI: We've been going close to an 25 hour. Let's take a five-minute break.
Page 39 1 Q Within the last ten years? 2 MR. LEWIS: Form. 3 A It may be longer than ten years. I think the 4 last one I bought was probably 2006 to 2008, and 5 probably sold most of the others before that. 6 BY MR. RENZULLI: 7 Q So best -- I don't know if you answered the 8 question. Best approximation of when you sold 9 the last one? 10 MR. LEWIS: Form. Asked and answered three 11 or four times now. 12 MR. RENZULLI: Yeah, I apologize, Robert. 13 I don't know that I got the answer. Maybe we 14 can try it again. 15 A You know, as I say, I really don't know. I 16 can't remember at all. It's been a while. 17 BY MR. RENZULLI: 18 Q I just want to make sure we have -- we 19 understand that. That's fine. 20 Other than self-protection, concealed 21 carry, do you use firearms in any other matter 22 for self-protection? Like do you use them in 23 the home for self-protection? 24 A Yes, I have guns in the home. 25 Q Okay. I don't want to know specifically where	Page 41 1 MR. LEWIS: Do you want to make it ten so I 2 can make more coffee. 3 THE VIDEOGRAPHER: We're off the record at 4 1:02 p.m. 5 (A recess was taken.) 6 THE VIDEOGRAPHER: We are back on the 7 record at 1:17 p.m. Eastern. 8 BY MR. RENZULLI: 9 Q Okay. I think last we took the break you were 10 talking about Glock pistols and ownership. 11 Okay. Did you purchase any of your 12 firearms in California? 13 A No, I didn't. 14 Q So not purchased from any dealers in California 15 who shipped it to Indiana? 16 A Not that I'm aware of, no. 17 Q Sometimes you do that; right? You purchase it 18 online and it comes to you local FFL? 19 A Yes, that's right. 20 Q Who is your local FFL? 21 A It's King and Country Armory. 22 Q Where is that located? 23 A North Manchester, Indiana. 24 Q Any other FFLs that you use, retailers, 25 et cetera?

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Page 42 1 A There are some in Fort Wayne. I don't recall 2 who they are, though. 3 Q Have you used them? 4 A I may have done over the years. I don't get 5 into the city very often. 6 Q Can you give me the names of these FFLs in 7 Fort Wayne? 8 A One of them is a big store. They keep changing 9 the names, so I have trouble keeping up. 10 Sportsman's Warehouse is one of them. 11 Q Okay. 12 A I don't recall what the others are. 13 Q Thank you. 14 Family members. Any family members own 15 Glock pistols? 16 A No. 17 Q How about your wife? 18 A She did own one many years ago. 19 Q What model? 20 A I think it was a Glock 27. 21 Q And what year did she own a Glock 27? 22 A It was a long time. Probably the late '90s. 23 Q Where is that pistol now? 24 A I don't know. 25 Q Is it -- was it sold? Does she still have it?	Page 44 1 reliable. And it was a small gun. 2 Q So reliability was important for your former 3 father-in-law? 4 A Yes. 5 Q Gotcha. 6 And was it reliable for your ex-wife and 7 you at the time? 8 A Yeah. I never had a malfunction. I don't know 9 whether she did or not. But it never 10 malfunctioned when I used it. 11 Q No kabooms as you called them? 12 A No. 13 Q No Glock smiles or bulging that you know of? 14 A I didn't look. 15 Q All right. Did your wife -- or ex-wife. 16 Apologies. 17 Did your ex-wife own any other Glock 18 firearms? 19 A Not that I'm aware of. 20 Q What about your ex-father-in-law? 21 A At one point he did have a Glock. I think it 22 was a 23. I don't know if he had any others. 23 We probably wouldn't discuss it if we had. I 24 know he had a Sig pistol as well. 25 Q Why wouldn't you discuss with your father-in-law
Page 43 1 A Yeah, I really don't know. We've been divorced 2 for quite a while. 3 Q Okay. At the time -- 4 When did you get divorced? 5 A 2007. 6 Q So in 2007 did she still have the Glock 27? 7 A I don't know. 8 Q Did you fire that Glock 27? 9 A Yes, I did. 10 Q Same questions. How many rounds did you put 11 through it? 12 A Probably a hundred, maybe 200. 13 Q And how many rounds did your wife at the time 14 put through it? 15 A Probably very few. Maybe 50. That's what I'm 16 aware of anyway. She may have practiced when I 17 wasn't around. But she wasn't really a shooter. 18 Q Why did she choose the Glock 27? 19 A Someone recommended it to her. 20 Q Who was it that recommended that? 21 A I think it may have been her father. 22 Q Her father. Do you know why he recommended the 23 Glock pistol, or in particular the Glock 27, to 24 her? 25 A My recollection is that he said they were	Page 45 1 the kind of firearms he had? 2 A We may have done, we may not. It's not really a 3 big deal. We probably had other things to 4 discuss. 5 Q Your resume shows you've done some work in the 6 firearms industry; right? 7 A Yes. 8 Q At least a lot over in England; right? 9 A Some here too. 10 Q And you guys didn't really talk about Glock 11 pistols? 12 A Only that he said that the Glock was the first 13 reliable semi-auto that he'd had. 14 Q Do you know if he still owns that Glock G23? 15 A He's deceased now, so I don't know what happened 16 to his gun. 17 Q Gotcha. 18 Have you ever made any modifications or 19 changes to Glock pistols? 20 A I changed the sights on them. 21 Q Any other changes? 22 A Yeah, I think the sight is probably all I did. 23 The plastic sights are quite fragile, so I tend 24 to change them for steel ones. 25 Q Okay. You sat through Mr. Bosch's deposition

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Page 46 1 for -- what? -- seven hours yesterday? 2 A Yes. I believe it was somewhere around that. 3 Q Right. Were you speaking or corresponding with 4 him by text or email at all during that 5 deposition? 6 A No, I wasn't. 7 Q Were you texting, emailing, or corresponding 8 with Mr. Lewis at all during that deposition? 9 A No, I wasn't. 10 Q Did you speak with Mr. Bosch after the 11 deposition? 12 A No. 13 Q Did you speak with Mr. Bosch this morning? 14 A No. 15 Q Is there anything that Mr. Bosch testified to 16 that you didn't agree with? 17 MR. LEWIS: Form. Foundation. 18 A There probably is, but I don't recall 19 specifically as I sit here. I may recall it if 20 you ask me a more specific question. 21 BY MR. RENZULLI: 22 Q So let me see if I understand your question 23 [sic]. 24 You sat through Mr. Bosch's deposition for 25 about seven hours; right?	Page 48 1 MR. LEWIS: Form. 2 A I couldn't really say. If you ask me something 3 more specific as we go through things, I may 4 say -- well, I may give you a different answer 5 than what he did. 6 There was one issue with -- I think you 7 asked him about note-taking when we did our test 8 firing a few weeks ago. And he thought that I 9 had photographed his notes. In actuality, I 10 took my own notes. 11 BY MR. RENZULLI: 12 Q So do I have those notes? 13 A Yes, you do. At least you should. 14 MR. RENZULLI: Do you have his notes? 15 MR. LEWIS: You have his notes there in the 16 folder. 17 BY MR. RENZULLI: 18 Q So you never saw any notes taken by Mr. Bosch? 19 A I seen him taking him at the time. We were 20 outdoors, we had a table. He was writing things 21 down, and I was writing things down. 22 Q Let me see if I understand. You saw him taking 23 notes, but you are not sure what the notes were 24 because you never looked? 25 A That's correct.
Page 47 1 A Yes. 2 Q And that was -- what? Twelve hours ago; right? 3 A Probably more than twelve hours. 4 Q Okay. Within the last 24 hours. How's that? 5 A That's correct. 6 Q Did you take any notes? 7 A No, I didn't. 8 Q And as you sit here today, you're not sure if 9 you disagreed with anything? 10 MR. LEWIS: Form and foundation, asked and 11 answered. 12 A I'm sure there were some things that I probably 13 disagree with. I don't recall what they are as 14 I sit there. 15 MR. LEWIS: Can everyone hear my 16 objections? It's not lighting up on my machine. 17 (A discussion was held off the record to 18 correct technical issues.) 19 MR. RENZULLI: I'm sorry, Rob. 20 What was the witness's last answer? 21 (The requested text was read by the 22 reporter.) 23 BY MR. RENZULLI: 24 Q So nothing so important that it stayed in your 25 memory within the last 24 hours; fair to say?	Page 49 1 Q So he didn't send you any pictures, any 2 photographs, nothing like that? 3 A Yes. He was doing video footage and 4 photographs. At some point I did get those. 5 Q But no pictures of photographs of any kind of 6 notes? 7 A Not that I can recall. 8 Q And for your notes, you took handwritten notes? 9 A Yes, I did. Transferred those to typed notes 10 when I got back to my office. 11 Q And the typed notes would be what? The testing 12 that you did in early January? Is that what the 13 notes would be from? 14 A Yes, they are. 15 Q Gotcha. 16 So you put together a test session sequence 17 on January 3 of 2024, and the same thing for 18 January 4 of 2024; correct? 19 A Yes. You should have that if it's been -- if 20 everything's been provided to you. 21 Q I have it, sir. Thank you. 22 I saw some notes about load protocols for 23 Winchester cases and Speer Reloading Manual 24 typed -- I'll call them notes. Is that also 25 part of your notes?

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Page 50 1 A Yes. I photocopied a page out of the Speer 2 Reloading Manual. You should have -- 3 MR. LEWIS: Chris, I hate to interrupt your 4 questioning. I'm not doing it to be ornery, I 5 promise you. 6 But David Bosch, after yesterday's 7 deposition, fished his notes out of the trash, 8 or whatever, found his notes. And I have them 9 here. Do you want me to email them to you? 10 MR. RENZULLI: Fished them out of the 11 trash? 12 MR. LEWIS: I don't know. He -- I don't 13 know what he did with them. But he's got his 14 notes. 15 MR. RENZULLI: Sure. But Mr. Bosch isn't 16 available to be deposed, I guess; right? To be 17 deposed? Send them to me. 18 MR. LEWIS: If you feel that you are 19 prejudiced by not looking at these notes, we'll 20 make David Bosch available for you to question 21 him about the notes. 22 MR. RENZULLI: Good. Send them. 23 MR. LEWIS: Okay. You got it. 24 BY MR. RENZULLI: 25 Q Anything else that you recall, Mr. Nixon, as far	Page 52 1 So there's a separate file for Mr. Nixon 2 and Mr. Bosch. That's what I just emailed to 3 you a second ago from David Bosch. 4 MR. RENZULLI: Why don't we do the same 5 thing. 6 Tara, Madam Court Reporter. We put in 7 basically a fictitious exhibit. And we're going 8 to do Exhibit 1 here today. And Exhibit 1 is 9 basically all the information that defense was 10 provided which is referable to the witness. So 11 the witness's file, his reliance materials, 12 et cetera. 13 Of course, we're not going to print that 14 all out or send that electronically. But for 15 the record, that's something that's jointly held 16 by the parties. 17 To the extent we go into other documents, 18 that will be separate. It will be a part of the 19 transcript. 20 And can you please mark for this transcript 21 "Confidential Subject to Protective Order" on 22 the first page and every subsequent page after 23 that pursuant to the protective order in the 24 case. 25 Is that okay, Tara?
Page 51 1 as notes other than what you and I just talked 2 about? 3 A You should have three pdf sheets which was the 4 loading data. 5 Q Loading data. Okay. Anything else? 6 A Not that I can recall as I'm sitting here now. 7 Q Gotcha. 8 A You should have everything that I have. I sent 9 everything to the attorneys. They were to 10 forward them to you. 11 Q You sent to your attorneys all of the materials 12 that you're relying upon to support your 13 declaration in this case; right? 14 MR. LEWIS: Form. Foundation. 15 A Yes. 16 BY MR. RENZULLI: 17 Q And just to confirm, all of the materials that 18 you're relying upon to form your declaration -- 19 MR. RENZULLI: I guess, Mr. Lewis, you sent 20 that all to us already; right? 21 MR. LEWIS: Yeah. There's a Dropbox that 22 you marked as Exhibit 7 to David Bosch's 23 deposition yesterday. A number of the materials 24 are a joint box. Then there's separate 25 materials just from each witness.	Page 53 1 You won't be get getting an Exhibit 1 from 2 Mr. Schilsky. 3 (Deposition Exhibit 1 was referenced.) 4 BY MR. RENZULLI: 5 Q Mr. Nixon, can you tell me -- 6 Withdrawn. 7 Mr. Nixon, you would agree with me that all 8 firearms can catastrophically fail in some way; 9 right? 10 MR. LEWIS: Form. And foundation. 11 A Potentially, yes. 12 BY MR. RENZULLI: 13 Q Can you go through me some of the different 14 potential causes for a catastrophic failure of a 15 firearm? 16 A You can have overloaded ammunition. Setback of 17 a bullet that would increase the pressure. 18 Blockage in the barrel or lead barrel. 19 Q Any others that you can think of? 20 A Sometimes if you have an underloaded round of 21 ammunition, that can cause problems too. 22 Q How about like an out-of-battery discharge? 23 A Yes. That's another one. 24 Q What about some type of lead buildup in a 25 barrel?

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Page 54 1 A Yes. I mentioned that a moment ago. That's 2 another potential problem. 3 Q Right. There's barrel obstructions, complete 4 full barrel obstructions, like could come from a 5 squib load; right? 6 A Yes, that's correct. 7 Q And then there's also just a buildup of lead; 8 right? 9 A You can have heavily leaded barrels. You can 10 also have snow or mud in the front of the gun if 11 someone has shoved it into the ground. So there 12 are potential -- you know, there's potential 13 there for a lot of different ways for something 14 to blow up. 15 Q Sure. And how about like a compressed load? 16 MR. LEWIS: Form. 17 A With a compressed load, I haven't really seen 18 any data to show that it's unusually dangerous. 19 I've heard other people cite it, but I don't 20 have any information on that personally. 21 BY MR. RENZULLI: 22 Q What is a compressed load in your mind? 23 A If you put a propellant charge into the 24 cartridge case, then when you seat the bullet, 25 if there's not enough room for the bullet to be	Page 56 1 because you saw it in some reloading manual; 2 correct? 3 A All I'm saying is that I've seen references to 4 it being a problem in some places, and then I've 5 seen reloading manuals where compressed charges 6 are actually the recommended load. So it would 7 seem a contradiction there. 8 Q But you haven't done any testing or analysis to 9 draw your own conclusions. Is that fair to say? 10 MR. LEWIS: Form and foundation. 11 A Correct. 12 BY MR. RENZULLI: 13 Q You're not going to draw a conclusion without 14 doing any testing or analysis; right? 15 MR. LEWIS: Form and foundation. 16 A Not necessarily. If I could review some testing 17 from other people, other sources, I may be 18 satisfied with what I read. But right now, I've 19 got conflicting information. 20 BY MR. RENZULLI: 21 Q Are there any other potential causes for a 22 catastrophic failure that you and I haven't 23 touched upon? I guess that was two or three 24 questions ago. 25 A Well, in the case of a Glock or any other gun
Page 55 1 fully seated, the propellant charge gets 2 compressed. 3 Q So you've seen references to that where? 4 A I've heard people say it. I think I've seen it 5 in some of the documentation in this case. But 6 I haven't seen it demonstrated to me. I haven't 7 seen any what I would call hard data on it. 8 Q So does that mean you don't -- since you haven't 9 seen hard data, does that mean you don't espouse 10 to it? 11 A If you look in some reloading manuals, they 12 have -- some of the loads have an asterisk next 13 to them and it shows compressed charge. So they 14 are actually recommended by some reloading 15 manuals. That indicates to me it may not be a 16 big or significant problem. 17 MR. RENZULLI: I'm sorry. Tara, can you 18 read back my question, please. 19 (The requested text was read by the 20 reporter.) 21 BY MR. RENZULLI: 22 Q Can you answer that question? 23 A Actually, that was correct. I'd need some 24 further proof before I'd run with that. 25 Q You just are not going to run with something	Page 57 1 that doesn't have a fully supported carriage 2 (phonetic) case at the 6:00 position or 3 thereabouts, you could have a failure due to a 4 defective carriage (phonetic) case or an 5 excessive overloaded round, which you could have 6 even if it was supported. 7 MR. RENZULLI: I'm sorry. Tara, can you 8 read that back, please. 9 (The requested text was read by the 10 reporter.) 11 MR. RENZULLI: And "carriage," Tara, I 12 think it's "cartridge." 13 (Reporter request for clarification.) 14 THE WITNESS: Yes, that's correct. 15 "Cartridge" is what I'm saying. 16 BY MR. RENZULLI: 17 Q So you said a Glock for the others that don't 18 have full supported 6:00 -- 19 Who are the others? 20 A I said any others. I haven't looked at every 21 gun on the planet. So if there are others, they 22 are going to have the same problem you have with 23 the Glock. 24 Q As you sit here today, do you know of any 25 others?

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Page 58 1 A No. I haven't seen any others. 2 Q Okay. And then you said even if there is enough 3 support, you can have a defective cartridge case 4 or an overloaded cartridge that could still 5 cause a failure; right? 6 MR. LEWIS: Form, foundation, misstates his 7 testimony. 8 A What I said was that if you have an overloaded 9 cartridge, you could have a failure even if it's 10 fully supported. 11 BY MR. RENZULLI: 12 Q If you have an -- gotcha. 13 And what would you need to do to 14 determine -- 15 If a firearm suffered a catastrophic 16 failure, what would you need to do to determine 17 if there was a barrel obstruction, or there was 18 a bullet setback, or it was out of battery, or 19 any of the multiple things we just talked about, 20 how would you determine that? 21 A If you can examine the barrel. If there were 22 bulges, that might indicate there was a blockage 23 at that location. 24 If you've got a blowout at the 6:00 25 position, you can look at the fired cartridge	Page 60 1 would have to look at the cartridge case? 2 A Yes. You can see it visually. Typically the 3 body of the cartridge case will still be in the 4 chamber. 5 Q Test the timing out of the pistol? 6 MR. LEWIS: Form. 7 A If it's being destroyed, you wouldn't be able to 8 do that. 9 BY MR. RENZULLI: 10 Q If it's destroyed. Understood. 11 But if it's not destroyed, you can test the 12 timing; right? You would fire some rounds 13 through it and see if it happens again? 14 MR. LEWIS: Form and foundation. 15 A You could possibly do that. It may have been 16 altered by the event that you're investigating. 17 BY MR. RENZULLI: 18 Q But you would want to determine that; right? 19 MR. LEWIS: Form and foundation. 20 A You could do an examination and say why you 21 think it was opening too soon. 22 BY MR. RENZULLI: 23 Q And you could inspect ammunition from the same 24 box as the subject cartridge to determine -- to 25 give you data to determine why the gun failed
Page 59 1 case, and it might have a hole in that location. 2 Q Mm-hmm. So you would -- I guess you looked -- 3 you would look -- inspect the pistol you would 4 have to do? Inspect the pistol? 5 MR. LEWIS: Form and foundation. 6 A You could do it by photographs, and there's 7 various ways to do it. 8 There's another mode of failure that we 9 didn't mention which is if the action of the 10 pistol opens too soon, when there's still 11 significant pressure, you can have a situation 12 where the head of the cartridge case either gets 13 ripped off or the extractor breaks. 14 BY MR. RENZULLI: 15 Q So if it opens too soon -- timing is off, I 16 guess what you're saying -- and the cartridge 17 case rips off? 18 A Yes. You can have a head separation on the 19 cartridge case. 20 Q Case head failure? 21 A Yes. 22 Q That's another potential of a catastrophic 23 failure? 24 A That's correct. 25 Q And how would you determine that? I guess you	Page 61 1 too; right? 2 MR. LEWIS: Form and foundation. 3 A You can remove the bullets and weigh the 4 propellant charge. 5 BY MR. RENZULLI: 6 Q And you can speak to the person involved, get 7 some facts from them; right? 8 MR. LEWIS: Form and foundation. 9 A I'm not sure the person involved is really a 10 good source of information. 11 BY MR. RENZULLI: 12 Q Why is that? 13 A Well, they are typically not an expert. And 14 these are events that happen rapidly, so they 15 may not have any observations that are of any 16 use. 17 Q Okay. What about if they are using reloaded 18 rounds instead of factory? Do you think that, 19 perhaps, they may fudge some of the facts? 20 MR. LEWIS: Form and foundation. 21 A Yeah, I don't know. I can't speak for anyone 22 else. But you can ask them if they are using 23 reloaded ammunition. And if so, who reloaded 24 it, and do they have any others that you can 25 examine.

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Page 62 1 BY MR. RENZULLI: 2 Q Do you think if they are talking -- and let's 3 say it's a Sig pistol that catastrophically 4 fails and they sent it into Sig and it's 5 reloaded ammunition, do you think that there's a 6 potential that they may not tell Sig that they 7 used reloaded ammunition because they don't want 8 Sig to know? 9 MR. LEWIS: Form and foundation. 10 A Well, there's always a potential for people to 11 not tell the truth. 12 BY MR. RENZULLI: 13 Q Especially when they may have made a mistake; 14 right? 15 MR. LEWIS: Form and foundation. 16 A Yeah. I can't speak for everyone but, you know, 17 that's something that is feasible. 18 BY MR. RENZULLI: 19 Q Sure. 20 Now you were assigned to investigate 21 catastrophic failures while working at the 22 Ministry of Defense; right? 23 A Yes. 24 Q And did you look for some of these -- some of 25 these elements that you and I just discussed	Page 64 1 A Yes. 2 Q Okay. We'll get to that in a minute. We will 3 get there. 4 But my question is, is it your opinion that 5 handguns, semiautomatic handguns, can be 6 designed that could withstand any amount of 7 pressures possible and not fail? 8 MR. LEWIS: Form and foundation. 9 A Yes, it is. 10 BY MR. RENZULLI: 11 Q Can you tell me the name of that firearm 12 manufacturer who manufactures that firearm that 13 could withstand any amount of pressures 14 possible? 15 A Heckler and Koch. 16 Q Is that a VP70? 17 A VP40, I believe it was called. 18 Q VP40. So your opinion here today is that VP40 19 will handle any amount of pressures possible and 20 not fail? 21 A It's handled everything that we put in it, and 22 they were maximum charges. There was no more 23 room in the cartridge case for additional 24 propellant. 25 Q How much pressures went through that VP40?
Page 63 1 when you were doing your investigations? 2 A Yes. 3 Q All right. So with all of those potential 4 causes for a catastrophic failure, will you 5 agree with me it's not possible to eliminate all 6 those possible causes of a catastrophic failure 7 when you're designing a firearm; correct? 8 MR. LEWIS: Form and foundation. 9 A I'm not really sure what you're asking me there. 10 I think if you do careful design, you can think 11 ahead and think what could go wrong and design 12 around it so you can circumvent any potential 13 problems. 14 BY MR. RENZULLI: 15 Q Let's say, you know, overpressured round. I'm 16 talking severely overpressured round. There's 17 probably no handgun that's going to prevent that 18 from failing. Make sense? 19 MR. LEWIS: Form and foundation. 20 A I think our testing disproved that. 21 BY MR. RENZULLI: 22 Q Testing disproved that. You took -- 23 A Look in the -- 24 Q You're talking about the testing that you did 25 after you did your declaration?	Page 65 1 A We didn't measure pressures. 2 Q Come on. You're an expert. What's your best 3 understanding of what pressures were generated 4 in that VP40? 5 A Based upon information that I reviewed, which 6 was from the Vienna Proof House, you would be 7 looking somewhere in the region of a hundred 8 thousand psi. 9 Q Hundred thousand psi went through the VP40? 10 A That would just be my guess. We would have to 11 measure it to be sure. But based on -- 12 You know, it was a double charge, so it's 13 twice the normal amount of propellant. And what 14 pressure that gives you, I don't know. We would 15 have to measure it. 16 Q What is the maximum average pressure for a 40 17 Smith and Wesson cartridge? 18 A I don't know offhand. I'd need to look it up. 19 Q Is the VP40, is that chambered in 40 Smith and 20 Wesson? 21 A Yes, it is. 22 Q So what is the proof max of a 40 Smith and 23 Wesson cartridge? 24 A I would have to look it up. 25 Q If I told you that if you were correct with this

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Page 66 1 hundred thousand psi, that would be triple -- 2 close to triple the maximum average pressure, 3 would you agree with that? 4 MR. LEWIS: Form and foundation. 5 A Possibly would be. But as I say, we haven't 6 measured it so we're just speculating at the 7 moment. 8 BY MR. RENZULLI: 9 Q Are you saying that a firearm is defective if it 10 doesn't handle three times SAAMI maximum average 11 pressures? 12 MR. LEWIS: Form and foundation. 13 A No, I'm not. I never said that. 14 BY MR. RENZULLI: 15 Q Should a firearm be able to withstand three 16 times SAAMI maximum average pressure? 17 MR. LEWIS: Form and foundation. 18 A It would depend on the design criteria. 19 BY MR. RENZULLI: 20 Q Any design, any semiautomatic pistol, is it your 21 opinion that it should be able to withstand 22 three times maximum average pressures? 23 MR. LEWIS: Form and foundation. 24 A I'm not sure how to answer your question because 25 the word "should" -- it would be nice if it	Page 68 1 maximum average pressure? 2 MR. LEWIS: Form and foundation. 3 A Same answer. 4 BY MR. RENZULLI: 5 Q You wouldn't expect it, but it's nice if it 6 would? 7 A Right. 8 Q What about 1.5 times SAAMI maximum average 9 pressure? Would you expect a semiautomatic 10 pistol would be able to withstand that? 11 MR. LEWIS: Form and foundation. 12 A Yes, I would. 13 BY MR. RENZULLI: 14 Q You would? 15 A Yes, I would. 16 Q Okay. Can you tell me all of the testing you've 17 done, other than what you did on January 3 and 18 January 4 with regard to semiautomatic pistols, 19 testing of what the chamber should or should not 20 be able to withstand? 21 MR. LEWIS: Form and foundation. 22 A Could you repeat that question. 23 MR. RENZULLI: Sure. Tara, can you repeat 24 that. 25 (The requested text was read by the
Page 67 1 would. But should it? That's subjective 2 opinion. 3 BY MR. RENZULLI: 4 Q You're here to give your subjective opinion. 5 That's why you're here. 6 What is your subjective opinion? 7 MR. LEWIS: Form and foundation. 8 A I wouldn't expect -- 9 If I bought a pistol, I wouldn't expect 10 that it was designed to handle three times the 11 normal pressure. 12 BY MR. RENZULLI: 13 Q Mm-hmm. How about two and a half times? Would 14 you expect it to be able to withstand two and a 15 half times the maximum average pressure? 16 A No. 17 Q Would you expect -- 18 A Would be nice if it did. 19 Q Would you expect it to withstand two times the 20 maximum average pressure? 21 MR. LEWIS: Form and foundation. 22 A Again, I wouldn't expect it, but it would be 23 nice if it did. 24 BY MR. RENZULLI: 25 Q Would you expect it to handle 1.75 times the	Page 69 1 reporter.) 2 A My answer would be that I don't recall doing 3 any. 4 BY MR. RENZULLI: 5 Q So back to my original question. Would you 6 agree that it's not possible to eliminate all 7 potential causes of a catastrophic failure when 8 designing a pistol? 9 MR. LEWIS: Form and foundation. 10 A I think you can do it. 11 BY MR. RENZULLI: 12 Q I'm sorry? 13 A I think it's possible. Every design is a 14 compromise. But you can design something to be 15 as strong as it needs to be. 16 Q Just tell me what you mean by that, "every 17 design is a compromise." 18 A Well, you could have a really heavy barrel which 19 would withstand a lot of pressure. 20 But it may end up being too heavy, and they 21 use a wooden purchase set. So it's a compromise 22 between having something which is marketable and 23 light enough to carry, and then being strong 24 enough to withstand any pressure that may be 25 generated.

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Page 70 1 Q What you're saying is you can put a 15-pound 2 barrel inside a handgun that could withstand 3 more than reasonable pressures, but it's just 4 not feasible in a handgun; right? 5 MR. LEWIS: Form and foundation. 6 A I don't think you would need 15 pounds, but you 7 can design something to withstand whatever you 8 want. 9 BY MR. RENZULLI: 10 Q Right. 11 A It's just a matter of is it going to be too big 12 to carry, too heavy to carry. 13 Q Therein lies what you call the compromise; 14 right? 15 A Yes. 16 Q So some people may say, you know, I don't need a 17 firearm that's going to withstand three times 18 SAAMI maximum pressure and I'm sacrificing not 19 getting that type of protection, but I also 20 don't have a ten-pound, twelve-pound firearm 21 inside my holster. Right? 22 A It's for the customer to assess the pros and 23 cons of various designs and make a choice. 24 Q Mm-hmm. And so many different things that goes 25 into that; right? The customer's choice. They	Page 72 1 MR. LEWIS: Form and foundation. 2 A I haven't tested for all those potential 3 failures. 4 BY MR. RENZULLI: 5 Q Do you know of any? 6 MR. LEWIS: Form and foundation. 7 A If I thought I was going to test one, I would 8 test the HK with a barrel blockage to see how it 9 performed. 10 BY MR. RENZULLI: 11 Q Mm-hmm. Test it with bullet setback? Set it 12 with an out-of-battery discharge? Testing if 13 the timing is off? You would have to do all 14 that testing; right? 15 MR. LEWIS: Form and foundation. 16 A You wouldn't need to test for an out-of-battery 17 discharge or for the timing because you can 18 determine that without actually firing the gun. 19 BY MR. RENZULLI: 20 Q Would you agree with me, sir, that there are 21 factors outside the control of the firearm 22 manufacturer which could cause a catastrophic 23 failure? 24 MR. LEWIS: Form and foundation. 25 A Yes. The ammunition factors are outside the
Page 71 1 could rely upon sights? They want certain 2 sights; right? 3 MR. LEWIS: Form and foundation. 4 A Yes. There's lots of criteria that they may 5 use. 6 BY MR. RENZULLI: 7 Q And all different customers have all different 8 criteria as to what they want when they purchase 9 the firearm; right? 10 MR. LEWIS: Form and foundation. 11 A Yes, they can have different preferences. 12 BY MR. RENZULLI: 13 Q Right. So when I asked you is it -- 14 I asked you to agree that it's not possible 15 to eliminate all possible causes of catastrophic 16 failure when designing a pistol. Your response 17 was no, you didn't agree with me because 18 ultimately you can build anything. Correct? 19 MR. LEWIS: Form and foundation. 20 A That's correct. 21 BY MR. RENZULLI: 22 Q But let's face it. There's no semiautomatic 23 pistol on the market today that could eliminate 24 all possible causes of a catastrophic failure; 25 correct?	Page 73 1 control of the manufacturer. 2 BY MR. RENZULLI: 3 Q Gotcha. 4 Some of those factors could also be the use 5 of the firearm by the owner? 6 MR. LEWIS: Form and foundation. 7 A Yes. If someone has a squib load and a bullet 8 gets stuck in the barrel, they may not realize 9 it. They may fire the next round. 10 BY MR. RENZULLI: 11 Q Some of the facts could be the maintenance or 12 even the poor maintenance of the firearm by the 13 user or owner? 14 MR. LEWIS: Form and foundation. 15 A It's a possibility. 16 BY MR. RENZULLI: 17 Q Okay. We have your declaration, and then past 18 the declaration you did the testing that we kind 19 of just got into. January 3 and January 4. 20 Correct? 21 A Yes. 22 Q Is there any other testing that you recall that 23 you did that's not in your declaration and is 24 different from the testing of January 3 and 25 January 4?

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Page 74 1 MR. LEWIS: Form and foundation. 2 A No. 3 BY MR. RENZULLI: 4 Q Okay. Let's get into that testing. 5 So why did you -- 6 Why did you meet with Mr. Bosch on 7 January 3? 8 A We had planned to do some shooting tests, and 9 Dr. Bosch and I and plaintiff's counsel went 10 out, outdoors and set up a test session. Then 11 we proceeded to test various pistols with 12 various loads of ammunition. 13 Q Okay. This is something that you did with 14 Mr. Bosch and with plaintiff's attorney? 15 A Yes. 16 Q Okay. Now you had fired some Glock pistols 17 before this; right? But that's in your 18 declaration? 19 A That's correct. 20 Q Gotcha. 21 So what was the goal? Why were you doing 22 this testing? What were you trying to 23 determine? 24 MR. LEWIS: Form and foundation. 25 A The goal was to test various pistols with	Page 76 1 this case; right? Before 2024. 2 MR. LEWIS: Form and foundation. 3 A Dr. Bosch looked at the tests that we did in 4 2023. So he will have the information on which 5 cases had bulges. 6 BY MR. RENZULLI: 7 Q You were there, weren't you? 8 A I was. 9 Q You fired the Glock pistol. How many rounds did 10 you put through them? 11 A Quite a few. Again, Dr. Bosch has the exact 12 numbers. We were making best use of our range 13 times so we just fired them, picked them up 14 quickly, bagged them, and moved on to the next. 15 Q Up until this point, you had put over a thousand 16 rounds, for this case, through a Glock pistol 17 before 2024; right? You. You personally? 18 MR. LEWIS: Form and foundation. 19 BY MR. RENZULLI: 20 Q Correct? 21 A It was a team effort. So I don't know whether 22 you can say anyone fired the gun. We had it in 23 a remote firing rig. 24 Q You and your partner, Mr. Bosch, was the team; 25 right? And plaintiff's counsel, of course.
Page 75 1 different kinds of ammunition, different 2 loadings, and see what the results were, see 3 which pistols failed and which didn't or what 4 level they failed at. 5 BY MR. RENZULLI: 6 Q Now, up until this time you, in all the rounds 7 of ammunition that you fired, both as a Glock 8 pistol owner, both -- also including all the 9 testing that you've done and rounds you've put 10 through Glocks before this case, as well as all 11 the rounds that you had put through Glock 12 pistols for this case up until this point, you 13 were never able to get a ammunition failure in a 14 Glock pistol; right? 15 MR. LEWIS: Form and foundation. 16 A Prior to 2024, I'd never had a problem. 17 BY MR. RENZULLI: 18 Q And that means you had never had any what you 19 call kabooms; right? 20 A That's correct. 21 Q You never saw any Glock smiles or Glock bulges, 22 as you call them? 23 A I didn't look for them. They may have been 24 there, but I didn't look. 25 Q That's even when you were doing test firing for	Page 77 1 MR. LEWIS: Form. 2 A Yes, Dr. Bosch and plaintiff's counsel were 3 present. 4 BY MR. RENZULLI: 5 Q When you were present, part of your team, your 6 team never experienced any failures over a 7 thousand rounds; correct? 8 MR. LEWIS: Form and foundation. 9 A We didn't have any kabooms, no. 10 BY MR. RENZULLI: 11 Q And you didn't see any bulging or any Glock 12 smiles; correct? 13 A We didn't look. 14 Q "We didn't look." Okay. 15 Why didn't you look? 16 A We were making good use of our range time. We 17 wanted to get as many test fires done as 18 possible in the time that we had. 19 Q Okay. It's been a year. Have you looked? 20 A It hasn't been a year. It was the end of June 21 '23 when we did that. 22 Q Have you looked since then? 23 A I haven't. I believe Dr. Bosch has. 24 Q He told you about that; right? 25 A If he did, I don't recall when he said.

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Page 78 1 Q But you heard him yesterday; right? 2 A Yeah. I wasn't sure exactly what he said in 3 regard to that. 4 Q So he never told you about this light reflect -- 5 reflecting off of the cartridge case? He didn't 6 tell you about any of that stuff? 7 A He may have done it, but I don't recall. 8 Q That would have been important for you; right? 9 You would have remembered that; right? 10 MR. LEWIS: Form and foundation. 11 A I wanted to wait until we had, you know, a more 12 in-depth analysis, and eventually I would like 13 to take a look myself. 14 BY MR. RENZULLI: 15 Q You just fired a thousand rounds through the 16 Glock pistol and you didn't look at the 17 cartridge cases? 18 MR. LEWIS: Form and foundation. 19 A No. We were in a hurry. We wanted to get as 20 much done as possible. So the cases were picked 21 up off the floor and bagged, and then we moved 22 on. 23 BY MR. RENZULLI: 24 Q After the inspection did you go home? 25 A Yes, I did.	Page 80 1 MR. LEWIS: Form and foundation. 2 A It was just data gathering. We wanted as much 3 data as possible. 4 BY MR. RENZULLI: 5 Q You got on a plane; right? From Indiana. 6 Right? 7 A No. I drove. 8 Q You drove. Whoo. So you went from Indiana, you 9 drove to -- what? Mr. Lewis's office? 10 A I drove to Arizona to a hotel. The next morning 11 went from the hotel to the shooting location. 12 Q What did you bring with you in the truck? 13 A I had the ammunition. 14 Q Which ammunition, sir? I apologize. 15 A That was the ammunition that was loaded for the 16 testing. 17 Q So you preloaded the ammunition before you got 18 in the truck to go meet with your team? 19 A Yes. 20 Q So when did you preload the ammunition? 21 A The ammunition was loaded a few days before. 22 Actually about a week before. 23 Q A week before. Gotcha. 24 Let me try to -- 25 That's the three pages we talked about
Page 79 1 Q Did you have some dinner with plaintiff's 2 counsel and Mr. Bosch? 3 A Sorry. When you said home, I thought you meant 4 back to Indiana. 5 Q I did. Before you went to Indiana, did you have 6 some dinner with Mr. Bosch and plaintiff's 7 counsel? 8 A This was in 2023? 9 Q Correct. 10 A I don't recall if we did or not. 11 Q So let's get to 2024 now. You wanted to test 12 various pistols with different amounts of 13 ammunition, different loading. Is that what you 14 said a few minutes ago? 15 A Yeah. I had different loadings. Some were 16 overloaded, some were underloaded, some had 17 bullet setback. 18 Q Some had bullet setback. Okay. 19 Can you tell me what your goal was here? 20 MR. LEWIS: Form and foundation. 21 A The goal was to see which pistols would fail at 22 what overcharge level and what damage they would 23 sustain. 24 BY MR. RENZULLI: 25 Q Why was that important for you and your team?	Page 81 1 earlier? Maybe Mr. Schilsky can put this up on 2 the screen. Let me make sure we're on the same 3 page here. 4 You kept notes of this, I think. We talked 5 about this earlier. 6 A Yes, there should be three sheets. Numbered 1, 7 2, and 3. 8 Q Let see. Let's have Howard pull it up, and 9 let's make sure it's the right sheet. Then we 10 will mark it as Exhibit 2 once we confirm those 11 are the right ones. 12 Does this look like one of sheets? 13 A It appears to be, I'll just have a quick check 14 here. 15 Yes, I think that is sheet Number 1. 16 Q Mr. Schilsky will put up sheet Number 2. 17 A That looks correct. 18 Q How about sheet Number 3? 19 A Yes. 20 Q Those are -- let's start with the first one. 21 Maybe you can walk me through so I understand 22 what you were doing here. 23 (Deposition Exhibit 2 was presented for 24 identification.) 25 Q Let's go to the first one. Tell me --

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Page 82 1 Can you explain to me what I see on this 2 page? 3 A This says Speer Reloading Manual Number 15. 4 We're using 180 grain full metal jacket 5 projectile, which was Winchester Truncated Cone. 6 Overall length of the loaded round was 7 1.12 inches. 8 CCI 550 small magnum primers were used. 9 Bullseye propellant and Hogdon Titegroup 10 propellant were the two propellants that we 11 used. 12 Q Why did we choose those two propellants? 13 A I looked in the Speer Reloading Manual. They 14 were two propellants that were used. And I was 15 looking for faster-burning propellants just 16 because we wanted to test a fast pressurize. 17 Q So are you saying that Bullseye and the 18 Titegroup are fast-burning powders? 19 A Relatively speaking, yes. They are faster than 20 some of the others that were listed on that 21 manual's reloaded page. 22 Q Explain what you mean by fast-burning. 23 A They combust more quickly than other propellants 24 would. 25 Q Why did you want that?	Page 84 1 the bullet to to get that overall length. 2 Q And for every round -- and we'll talk about it 3 in a minute. 4 But for every round that you put through 5 these guns, were you checking the overall length 6 each time? 7 A You set the reloading press up and you seat a 8 round. When it gets to 1.12, you lock the die 9 in that position. So every round -- in fact, 10 every one was measured to see that it was within 11 specification. 12 Q So after it comes out of the die, the reloading 13 die, it's good to go. Then you measure it 14 again? 15 A Yes. 16 Q So why those primers? 17 A Some of loads in the manual, they recommend 18 using the CCI small pistol primers. Some are 19 magnum and some are just regular. 20 These rounds that I was loading had more 21 propellant than usual, so I decided to use the 22 magnum primers to make sure we got good 23 ignition. 24 Q Gotcha. 25 Did you change the overall length for each
Page 83 1 A The faster-burning propellant tends to give you 2 a higher pressure peak. 3 Q So you were trying to jack up the pressures 4 here? 5 MR. LEWIS: Form and foundation. 6 A These were not necessarily the fastest 7 propellants, but he were on the faster side. I 8 just didn't want to use a really slow propellant 9 that might be unrepresentative. 10 BY MR. RENZULLI: 11 Q So you picked these two propellants. Okay. 12 Tell me, the other components, the 13 180-grain FMJ projectile Winchester, is that 14 specifically noted in the Speer manual? 15 A No, it's not. 16 Q Why did you find 180-grain FMJ projectile? 17 A There was a shortage of reloading components, 18 and it was a matter of what was available. The 19 reloading value that was for a 180-grain 20 projectile, it's a Speer Reloading Manual, so 21 they had Speer -- Speer bullets. But I used the 22 Winchester one because it was available. 23 Q Gotcha. 24 Overall length of 1.12. Why is that? 25 A That is what the manual recommends that you seat	Page 85 1 load, or did you keep the case overall length 2 the same? 3 MR. LEWIS: Form and foundation. 4 A The loaded round overall length was always 5 1.12 inches. 6 BY MR. RENZULLI: 7 Q Gotcha. 8 Let's get to the boxes. Right? So we have 9 the propellant. We have spoken about those two. 10 Now I've got a load start. Can you 11 explain, starting with the Bullseye, what the 12 4.9 start load is? 13 A When you look on the Speer Reloading Manual, 14 they give you a load which has the starting 15 load. That's the low load that they start with. 16 Then they work up the pressure. 17 And then you get to the maximum load, and 18 that's the maximum load they recommend you do 19 because you're approaching peak pressure at that 20 point. 21 Q What is the pressure generated by your start 22 load of 4.9? 23 A I don't know. They don't stipulate what that 24 is. At least I didn't see it if it is 25 stipulated.

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Page 86 1 Q Do you have any clue? 2 MR. LEWIS: Form and foundation. 3 A No. I don't know. I could look in the manual. 4 It may say what that -- what the pressure is at 5 that start load, but I haven't seen it. 6 BY MR. RENZULLI: 7 Q Any reasonable guess? 8 MR. LEWIS: Form and foundation. 9 A No. 10 BY MR. RENZULLI: 11 Q Outside of your expertise? 12 MR. LEWIS: Form and foundation. 13 A There's no way to predict it. You've got to 14 measure it. 15 BY MR. RENZULLI: 16 Q Do you know how to measure it? 17 MR. LEWIS: Form and foundation. 18 A Yes. 19 BY MR. RENZULLI: 20 Q Max load of 5.5. That's what you wrote here; 21 right? 22 A Yes. 23 Q Basically just taking it out of the book; right? 24 A That's what they quote in the manual. 25 Q What are the pressures generate by a max load of	Page 88 1 A Minus 25 percent. 2 This was to replicate an undercharged 3 round. So the first one is 4.9 minus 25 percent 4 of 4.9. 5 Q So that leads you to about 3.7? 6 A Yes. 7 Q And I believe you said earlier that an 8 undercharged round could cause a catastrophic 9 failure; right? 10 A It has been reported in the literature before. 11 Q Okay. Why do you want -- 12 Why do you want to have an undercharged 13 round here? What was your thinking? 14 MR. LEWIS: Form and foundation. 15 A It was just a test that if an undercharged round 16 could create a condition where you get a 17 pressure spike. 18 BY MR. RENZULLI: 19 Q It could create a pressure spike? 20 MR. LEWIS: Form and foundation. 21 A This was to test if you did get a pressure spike 22 that would damage the gun. 23 BY MR. RENZULLI: 24 Q Okay. Did you get a pressure spike? 25 A No. We tested a number of these. None of the
Page 87 1 5.5? 2 A They would be approaching or at semi-maximum 3 pressure. 4 Q I think we published before you don't know what 5 that is; right? 6 MR. LEWIS: Form and foundation. 7 A I can't remember as I sit here. 8 BY MR. RENZULLI: 9 Q Same questions for Titegroup. We have start 10 load was 4, max load 4.7. But again, you're not 11 sure what type of pressures are generated there; 12 right? 13 MR. LEWIS: Form and foundation. 14 A All I can tell you is that the maximum load is 15 at or approaching the semi-maximum pressure. 16 BY MR. RENZULLI: 17 Q Okay. So go to the next box. What do we see 18 here? 19 A This is my calculations to see how much 20 propellant charge needs to go in the cases for 21 different degrees of overloading. 22 Q Walk me through that. Start with the Bullseye. 23 4.9. That's the start load; right? 24 A Yes. 25 Q And then what does minus 25 percent means?	Page 89 1 guns failed. Or showed signs of excessive 2 pressure, so we didn't get that occurring. 3 Q Right. There was -- 4 If there was a pressure spike, all you are 5 concluding is that it didn't damage the gun? 6 MR. LEWIS: Form and foundation. 7 A There was no indication that there was an excess 8 pressure. 9 BY MR. RENZULLI: 10 Q Okay. Because you didn't test the pressure? 11 MR. LEWIS: Form and foundation. 12 A No. 13 BY MR. RENZULLI: 14 Q Okay. So now go to SL minus 50 percent. 2.5. 15 Walk me through. What is that? 16 A That would be the start load minus 50 percent of 17 the start load. 18 Q Again, why are we doing that? Why are we 19 knocking it down 50 percent? 20 A Same reason as before. 21 Q What's the next one? 22 A That would be the start load minus 75 percent of 23 the start load. 24 Q The Bullseye. Next line down, same reasoning 25 for Titegroup. Understood.

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Page 90 1 A Yes, it is. 2 Q Gotcha. 3 Now let's move to the next block. Now 4 you're taking the max load of the Bullseye and 5 the Titegroup, and you're upping the amount of 6 powder that you're -- 7 A The propellant charges. 8 Q So what is the first box? 6.9 means what? 9 A 6.9 for the Bullseye is the maximum load from 10 the manual which is 5.5 grains less 25 percent 11 of 5.5, which comes out at 6.9. 12 Q Just to be clear, if 25 percent more propellant, 13 not 25 percent more pressure is generated; is 14 that correct? 15 MR. LEWIS: Form and foundation. 16 A That's correct. 17 MR. RENZULLI: Did you get that, Tara? His 18 answer? 19 Okay. Because he was speaking at the same 20 time as Mr. Lewis was, and I just wanted to make 21 sure the record was okay. 22 THE WITNESS: I have a problem on this end 23 hearing when Mr. Lewis is actually speaking, so 24 I don't always hear him. 25 MR. LEWIS: I will try to speak up even	Page 92 1 because you double the propellant doesn't mean 2 you're going to double the pressure. It's 3 likely to be more than double. 4 Q It's likely going to be more or is it absolutely 5 going to be more and a lot more? 6 MR. LEWIS: Form and foundation. 7 A I have no data to tell me that. 8 BY MR. RENZULLI: 9 Q You could probably figure that out, though; 10 right? 11 A If you look in the Vienna Proof House materials 12 form, they had some overload propellant charges, 13 and then they measured the pressure. And they 14 were more than what you would indicate. 15 So if you had 50 percent more propellant, 16 you got more than 50 percent more pressure. 17 Q Are there any programs out there, computer 18 programs that would tell you, generally 19 speaking, what the pressures generated would be? 20 A I have heard that there are some commercially 21 available programs that can give you an 22 estimate. 23 Q What are those programs? 24 A I don't recall what they are called, but I don't 25 use them because my experience says that you
Page 91 1 more. 2 MR. RENZULLI: All right. Let's move on. 3 BY MR. RENZULLI: 4 Q Can you tell me what the pressures are when you 5 up the propellant by 25 percent with the 6 Bullseye or Titegroup powders? 7 A No, I can't. 8 Q And to cut this short, the next couple of boxes 9 are you upped the propellant to 50 percent, then 10 you upped the propellant 75 percent, then you 11 upped the propellant 100 percent. 12 A That's correct. 13 Q And in your mind, if you up the propellant 14 100 percent, do you believe that ups the 15 pressures generated by a hundred percent? 16 MR. LEWIS: Form and foundation. 17 A No. 18 BY MR. RENZULLI: 19 Q It's not linear; correct, sir? 20 A That's correct. 21 Q It ups it exponentially. Correct, sir? 22 MR. LEWIS: Form and foundation. 23 BY MR. RENZULLI: 24 Q Sir? 25 A Exponentially is a often misused term. Just	Page 93 1 can't really predict it by calculation. You've 2 got to measure it. 3 Q So you don't trust it? 4 A No, I wouldn't, unless I had some verification. 5 There's really no substitute for actually 6 measuring pressures. 7 Q But when you can't even give me an estimate, and 8 you haven't done any of the testing to determine 9 what the pressures are, wouldn't you fall back 10 at least on a program to give you some data? 11 A No. It may be incorrect. 12 Q Do you think that that position you're taking is 13 generally accepted in the firearms community? 14 MR. LEWIS: Form and foundation. 15 A A lot of people will talk about a double charge. 16 Most people don't load a pressure because no 17 one's measured it. In this case we can go back 18 later. It's early days yet, so we can go back 19 and measure. 20 BY MR. RENZULLI: 21 Q Just haven't done it yet; right? 22 A That's correct. 23 Q So that was page 1. Mr. Schilsky is going to 24 put up page 2. 25 MR. RENZULLI: For the record, this is all

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Page 94 1 part of Exhibit Number 2. 2 BY MR. RENZULLI: 3 Q Let's go to the second page. Now we have got 4 Winchester cases. 5 I'm sorry. With the first chart, what 6 cases were you using there? 7 A These would be Winchester. 8 Q This page is Winchester cases; right? That was 9 the page before? 10 A The page before was just the propellant charges 11 only. 12 Q Okay. So you don't have cases. Understood. 13 Let's go to the second page. 14 We went to Winchester, which is not your 15 favorite company, yet you chose them anyway; 16 correct? 17 A The Winchester cartridge cases were available, 18 and they just happened to be the same ones that 19 we used by the Vienna Proof House too. So I 20 didn't have a problem with using those. 21 Q Did the Vienna Proof House only use Winchester 22 cases? 23 A I don't know. At least I don't recall as I sit 24 here if they used any others, but they certainly 25 used some Winchester.	Page 96 1 in for each of those loads. 2 Then the part at the end, that's just an 3 aid memoir for what the starting load and the 4 maximum load were from the manual. 5 Q Okay. What does quantity mean? 6 A Quantity is the number of cases that were loaded 7 with that particular load. 8 Q Understood. 9 So with the Bullseye propellant you loaded 10 140 cases. With the Titegroup you loaded 140 11 cases as well? 12 A Yes. 13 Q What does 20 full case with a question mark 14 mean? 15 A I wasn't sure how much propellant would go into 16 a cartridge case. So when we got to ML plus a 17 hundred percent, which is a double charge, if 18 there was room to get more propellant in, 20 19 would have been loaded. 20 But as it happened, both of those, when you 21 got to a double charge, it filled the case. At 22 least to the point where the bullet was seated 23 to. 24 Q And what caliber are we talking about here? 25 A This is 40 caliber.
Page 95 1 Q Was the Vienna Proof House ever able to get a 2 Glock pistol to fail with less than double gas 3 pressures? 4 MR. LEWIS: Form and foundation. 5 A I don't recall as I sit here. I'd need to look 6 at it. 7 BY MR. RENZULLI: 8 Q Not important to you? 9 MR. LEWIS: Form and foundation. 10 A Maybe, but I just can't remember as I sit here 11 now. 12 BY MR. RENZULLI: 13 Q Understood. 14 So now we're on page 2. Tell me what I'm 15 looking at generally. 16 A There's two tables here. The first one is for 17 Bullseye propellant. The quantity is the 18 quantity of cases to load. 19 And then the next column which is titled 20 Load, SL minus 50 percent, SL minus 75. And we 21 have got ML plus 25. So the SL is starting load 22 and the ML is maximum load, and those are the 23 figures from the Speer manual. 24 The next column is propellant charge, so 25 that's the number of grains that you would put	Page 97 1 Q 40. Did we do any 45 ACP? 2 A No. 3 Q Did we do any 10-millimeter? 4 A No. 5 Q Did we do any 9-millimeter? 6 A We did have some 9-millimeter with the bullet 7 setback. 8 Q Is that on these pages? 9 A No, it's not. 10 Q Okay. I'm going to have to go through that in a 11 little bit more detail. But give me a preview. 12 You've done some testing on a 9-millimeter 13 with bullet setback? 14 A Yes, we did with some 40 and some 9. With the 15 bullet set back a tenth of an inch in each case. 16 Q Do I have anything? Do I have a piece of paper 17 on this? I got to tell you -- I don't see it. 18 A It should have been on here somewhere. It's 19 certainly on the results sheet. The other sheet 20 that you got, which was my notes from the day. 21 Q Okay. It would be on there? 22 A It should be. 23 Q Okay. Good. When we get there, let's go 24 through it. 25 So other than the 9-millimeter bullet

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Page 98 1 setback and the 40 bullet setback, as far as the 2 overloading of the cartridge cases, you only 3 picked 40 S&W? 4 A Yes. 5 Q Why not any of the many other calibers that you 6 say are defective? 7 A It was a matter of time. This was done at 8 fairly short notice. There was only time to 9 load so much, and we only had a couple of days 10 to do the testing. 11 Q When were you retained in this case? 12 A I think it was somewhere near the end of 2022. 13 Q So you've been in the case over a year? 14 A That's correct. 15 Q Understood. 16 You didn't have enough time? 17 MR. LEWIS: Form and foundation. 18 A I can only work to the timetable of plaintiff's 19 counsel. So it wasn't up to me. The timetable 20 is not determined by me. 21 BY MR. RENZULLI: 22 Q Understood. 23 Let me see here. Where did we end? 24 Okay. So we have got -- 25 When you say full case, question mark, I	Page 100 1 So although I've got the charts here, did 2 you build these rounds? 3 A No. 4 Q So part of your thoughts early on, you were 5 going to build these rounds with Fiocchi cases; 6 right? 7 A Yes. We were going to have two brands of cases, 8 the same charges. So we would have two groups 9 of ammunition which was identical except for the 10 brand of cartridge case. 11 Q Gotcha. 12 But you never got there? 13 A No. Time just ran out. 14 Q So when you were driving over to Arizona to meet 15 with the -- your team, plaintiff's counsel and 16 Mr. Bosch, you didn't have that ammo in the car? 17 MR. LEWIS: Form and foundation. 18 A No, I didn't. 19 BY MR. RENZULLI: 20 Q Okay. I think the next thing you talked about, 21 maybe it was the summary of the testing. Let's 22 see if we can put it up on the screen and you 23 can walk me through it. 24 When you drove over with your teammates to 25 meet your teammates --
Page 99 1 guess you weren't able to put more of the powder 2 charge in those, so you don't have those 20 3 rounds? 4 A No. Maximum charge was a double charge. 5 Q I'm sorry. It was a poor question on my part. 6 When you say no, no, that we don't have 7 those 20? 8 A They weren't produced. 9 Q Gotcha. 10 So the 140 total Bullseye should really be 11 120? 12 A Yes, that would be correct. 13 Q And the same with the Titegroup. It should 14 really be 120? 15 A Yes. That should have been updated, but it 16 wasn't. 17 Q No worries. I'm glad we cleared it up. 18 Let's go to the next page. This is 19 Fiocchi. You like Fiocchi; right? 20 A These were Fiocchi or Fiocchi cartridge cases. 21 Q Yeah. 22 A And due to time constraints, there wasn't time 23 to load these. So we ended up just using the 24 Winchester ones on it. 25 Q I apologize.	Page 101 1 MR. RENZULLI: I'm sorry. For the record, 2 can we mark this, Tara, as Exhibit Number 3. 3 (Deposition Exhibit 3 was presented for 4 identification.) 5 MR. RENZULLI: Thank you. 6 BY MR. RENZULLI: 7 Q Did you bring firearms across state lines from 8 Indiana? 9 MR. LEWIS: Form and foundation. 10 BY MR. RENZULLI: 11 Q I didn't hear you. Sorry. 12 A The firearms were in the possession of 13 Dr. Bosch. 14 Q Dr. Bosch. Okay. So what firearms did he have 15 when you got to Arizona to meet with him? 16 A There were quite a lot. I think there was 20 -- 17 22, maybe. 18 Q 22 guns? 19 A Yes. 20 Q All semiautomatic pistols? 21 A Yes. 22 Q How many of them remember Glocks? 23 A I believe 15 were Glocks. 24 Q Okay. If my math is good, and it usually isn't, 25 that means you had 17 -- I'm sorry. Seven. I

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Page 102 1 told you my math wasn't good. 2 So you had seven semiautomatic pistols from 3 a manufacturer other than Glock? 4 MR. LEWIS: Form and foundation. 5 A Yes. That's my recollection. Dr. Bosch will be 6 able to tell you exactly what was there. I seem 7 to recall it was 15 Glock and seven others. 8 BY MR. RENZULLI: 9 Q Any recollection of what those seven were? 10 A Looking at the results sheet here, we can see 11 that one of them was a Smith and Wesson M&P 40. 12 Another one was an HK VP40. I don't know. If 13 we scroll down, there might be some others 14 listed. 15 MR. RENZULLI: Scroll down, sir. 16 A There should be another page. 17 That's all the non-Glocks that we tested. 18 So there was two guns apart from the Glocks. 19 BY MR. RENZULLI: 20 Q I'm sorry. I missed what you just said. So 21 it's just those two then? 22 MR. LEWIS: Form. 23 A The only non -- 24 BY MR. RENZULLI: 25 Q I apologize.	Page 104 1 BY MR. RENZULLI: 2 Q Okay. Where did you see this publicity? 3 MR. LEWIS: Foundation. 4 A It was on a forum called Glock Talk. And there 5 was also a website. I believe the owner of the 6 website was a man called Dean Speer. That had a 7 lot of occurrence of Glock kabooms on it. 8 BY MR. RENZULLI: 9 Q Let me understand. This is from the early 10 2000s? 11 A I believe it was early to mid-2000s. 12 Q So you're talking 20 years ago? 13 A Yes. 14 Q And have you seen it since? You said it was 15 back then. Have you seen it since, or are you 16 talking about history? 17 A I've looked recently, and I couldn't find that 18 website. 19 Q Okay. 20 MR. RENZULLI: Can you put that back up 21 here? Sorry. 22 BY MR. RENZULLI: 23 Q So there was a website up there. That was a 24 prominent website? 25 MR. LEWIS: Form and foundation.
Page 103 1 A The only non-Glocks that we tested. 2 Q So we have the VP40. And the M&P. 3 A Yes. 4 Q Why did you choose those two? 5 A It was just an arbitrary choice. Some of the 6 other guns may have been 9 millimeters which 7 wouldn't be compatible with our 40-caliber 8 ammunition. I don't recall what the other guns 9 were. The Smith and Wesson M&P 40 is a service 10 pistol, you know, similar in concept to a Glock 11 service pistol. So it's a striker-fired 12 semiautomatic pistol. 13 Q I apologize. 14 A The -- 15 Q I apologize if I asked you. Why did you pick a 16 40 Smith and Wesson as opposed to something 17 maybe that's more popular like a 9-millimeter? 18 A It was a matter of availability. And 19 historically, 40 calibers have failed more 20 than -- than 9s, at least from my recollection, 21 in the early to mid-2000s. 22 Q Where does this recollection come from, sir? 23 MR. LEWIS: Foundation. 24 A Back in the early to mid-2000s there was a lot 25 of publicity over 40-caliber Glocks failing.	Page 105 1 A It had a lot of pages. 2 BY MR. RENZULLI: 3 Q A lot of information, easy to find? 4 MR. LEWIS: Form and foundation. 5 A It was at that time. 6 BY MR. RENZULLI: 7 Q It was at that time. So anyone would get this 8 on the Internet? 9 A Yes. At the time it was easy to find that 10 website. 11 Q You didn't find it. Okay. 12 So a lot of people probably saw it then, 13 huh? 14 MR. LEWIS: Foundation. 15 A I don't know. Probably people who were looking 16 for it. I don't know what search team you would 17 need to use. 18 BY MR. RENZULLI: 19 Q Well, if you were looking up Glocks, you would 20 probably find it; right? 21 MR. LEWIS: Form and foundation. 22 A I don't know. I don't even recall what search 23 term I used. I may have had a link from the 24 Glock Talk forum. 25

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Page 106 1 BY MR. RENZULLI: 2 Q Let's go to that sheet now. 3 All right. So let's start with the VP40. 4 Briefly run me through what we have here. 5 A Right. These are my observations. This is what 6 we tested on the day and the order we tested 7 them. And my preliminary observations are over 8 on the right column where it says Comments. So 9 I haven't evaluated the videos and the 10 photographs, and at some point I'll look at the 11 remnants of the guns that we have. 12 The first pistol we tested was the HK VP40. 13 The serial numbers end in E. So we fired a 14 total of eight rounds. These would have all 15 been Winchester cases. So we have got TG, is 16 Titegroup, and it was a maximum load times 1.25. 17 Then we have B, which would be Bullseye, 18 and that was max times 1.25. 19 Then we have TG, which is Titegroup again, 20 times 1.5. 21 Then we had Bullseye. That's the B. 22 Maximum times 1.5. 23 Then we went to Titegroup at the maximum 24 load times 1.75. 25 Then we had the Bullseye, which is	Page 108 1 Q Understood. 2 So you would have a photograph or a video 3 showing you taking the slide off and inspecting 4 it; right? 5 A I don't know if it was videoed, but there would 6 certainly be some still photographs. Dr. Bosch 7 photographed everything that we took apart. 8 Q Yes. He was the photographer and the note-taker 9 he said yesterday. 10 A And the videographer. 11 Q When you say it survived with no apparent damage 12 with the 2X propellant, when you say no apparent 13 damage, what does that mean? A visual? 14 MR. LEWIS: Form and foundation. 15 A Visual and functional. 16 BY MR. RENZULLI: 17 Q Gotcha. 18 You didn't do a CT or an SEM or an X-ray? 19 Nothing like that? 20 A No. We were outside in a remote area, so we 21 didn't have any equipment. 22 Q Right. And just to confirm, 2X, B, max, you 23 have no idea what the pressures would have been 24 that went through that HK VP40 with Number 8 25 ammunition; correct?
Page 107 1 Number 6. So it was Bullseye maximum load times 2 1.75. 3 Then we had Number 7, which was Titegroup 4 maximum load times 2. 5 Then round number 8 was Bullseye maximum 6 load times 2. 7 Q And just to clarify, when you say two times 8 maximum load, we're just talking about the 9 propellant, not the pressures; correct? 10 MR. LEWIS: Form and foundation. 11 A That's correct. 12 BY MR. RENZULLI: 13 Q For reference Number 7, you say it survived but 14 it had no apparent damage. No visible damage? 15 A That's correct. 16 Q Did you take the slide off? 17 A I believe we did. When I say no apparent 18 damage, that the pistol was functioning as 19 normal. You could cycle the slide. There was 20 no apparent damage to it. 21 Q Did you take the slide off? 22 A I don't recall exactly as I sit here. We did on 23 some of the guns. There should be a 24 photographic record if we did take the slide 25 off.	Page 109 1 MR. LEWIS: Form and foundation. 2 A No. We need to measure them. 3 BY MR. RENZULLI: 4 Q So let's get to the M&P 40; right? 5 A Yes. That's the next one we tested. 6 Q Let's go to reference Number 14. 1.75 times the 7 propellant, the case not extracted. The 8 magazine ejected. 9 A Yes. 10 Q So how did you get the case out? 11 A I don't recall as I sit here. Again, I would 12 have to look at the video and the photographs. 13 That was just my quick note that I made at the 14 time. 15 Q The magazine was blown out the bottom? 16 A The magazine dropped out. Sometimes they drop 17 out without actually being blown out. I would 18 need to watch the video and look at the 19 photographs to determine exactly what happened 20 there. 21 Q Then did you inspect that firearm after that 22 1.75 powder charge went through it? 23 A Yes. The firearm was functional and we 24 continued with the testing. 25 Q Did you take the slide off?

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Page 110 1 A I don't recall. It will be photographed if we 2 did. 3 Q And just to confirm, with the HK VP40, reference 4 Number 1 through Number 8, you're using the same 5 firearm for each discharge; right? 6 A Yes. 7 Q All right. Did you have any concerns with that 8 continually firing rounds through it that were 9 way in excess of semi-maximum pressures? 10 A No, I didn't. 11 Q So at the 16th reference number, this is 2X 12 times the powder charge with a TG propellant, 13 you had what you call a kaboom. 14 What's that? 15 A For lack of a better term, that's a commonly 16 used term. It just means that the pistol 17 exploded. So it says the magazine ejected. The 18 base plate was gone from the magazine. The 19 trigger, frame, and barrel were damaged. 20 Q That's a common term used in the firearms 21 industry; right? 22 MR. LEWIS: Form -- 23 A If the gun blows up, they call it a kaboom. 24 BY MR. RENZULLI: 25 Q Barrel damage. How badly was the barrel	Page 112 1 A I know they have evolved over the years. The 2 Gen 3s have finger grooves on the grip, and 3 there's probably some other changes. 4 You can look online. Some people have 5 published what the upgrades were from one 6 generation to the next. I couldn't cite them as 7 I sit here. 8 Q But is it your understanding that a Gen 2 would 9 be an older gun? 10 A Yes. I think the Gen 2s were up to about -- 11 roundabout the year 2000, maybe. 12 Q 2000. That's right about the time that you were 13 seeing things on the Internet; right? Glock 14 Talk, Dean Speer? 15 MR. LEWIS: Form and foundation. 16 A Yeah. It was probably between 2000, and 2005. 17 Rough guess. 18 BY MR. RENZULLI: 19 Q So these would have been those pistols. 20 Okay. Understood. 21 Is it fair to say that with your first 22 Glock G23, Serial Number BAT 293 US, that it 23 held up after shooting five rounds of 24 overpressured cartridge case ranging from 1.25 25 times maximum propellant, all the way up to 1.75
Page 111 1 damaged? 2 A I don't think it was very badly damaged. I 3 would have to take a look at the pictures again. 4 I really don't remember as I sit here. 5 Q And when you say barrel damaged, do you know 6 what that means? 7 MR. LEWIS: Form and foundation. 8 A It just means that I observed some damage to the 9 barrel. 10 BY MR. RENZULLI: 11 Q Gotcha. 12 A These were just my notes in the field. They are 13 not especially detailed. 14 Q Right. But you don't have anything else 15 detailed other than this; right? 16 MR. LEWIS: Form and foundation. 17 A No, I don't. This is the only notes that I've 18 got. 19 BY MR. RENZULLI: 20 Q Gotcha. 21 So now let's get to the Glock pistols. 22 Where did they come from? 23 A Dr. Bosch had those. 24 Q And some of these say Gen 2, and one says Gen 5. 25 Do you know the difference?	Page 113 1 times the maximum propellant. 2 Is that a fair statement? 3 MR. LEWIS: Form and foundation. 4 A It held up one shot at 1.75, but the second 5 1.75, it blew up. 6 BY MR. RENZULLI: 7 Q After five pounds of this overpressured 8 ammunition that you built, something happened on 9 the sixth round; correct? 10 A Yes. 11 Q It blew the top of the chamber -- I'm sorry. 12 Withdraw. 13 You say kaboom again. Okay. The same 14 language you used for Smith and Wesson. And you 15 say, top of chamber gone. Where is it? 16 A My recollection is we didn't recover it. 17 Q What were the pressures that were generated with 18 reference to Number 22? 19 A Again, we would have to measure it to determine 20 that. 21 Q Okay. And the same -- 22 It was only using the TG max propellant, 23 not the B max where you say there was a failure; 24 correct? 25 A That's correct. Yes.

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Page 114 1 Q Okay. And the same with the Glock 22 Gen 2, 2 Serial Number XP-522-US. Correct? 3 A Yes. It blew at 1.75 as well. 4 Q Same thing? 5 Correction is it did hold at 1.75 times 6 powder charge for the B max. But according to 7 this chart, it didn't hold with the 1.75 times 8 the TG max; correct? 9 A That's correct. 10 Q That was the sixth round of overpressure 11 cartridge that went through the firearm; 12 correct? 13 A That's correct. 14 Q And these firearms were all proof-tested; right? 15 A I don't know that they were. Firearms that are 16 for sale in Europe generally are proof-tested. 17 Firearms in the U.S. generally are not. 18 I don't recall looking to see if this gun 19 had proof marks on it. 20 Q Would it be important to you if it was 21 proof-tested? 22 MR. LEWIS: Form and foundation. 23 A No. The gun should be the same whether they are 24 proof-tested or not. 25	Page 116 1 MR. LEWIS: Form and foundation. 2 A All it means is the gun didn't blow up. 3 BY MR. RENZULLI: 4 Q There were certainly no ammunition failures 5 there; right? 6 MR. LEWIS: Form and foundation. 7 A I'm not sure what you mean by an ammunition 8 failure. 9 BY MR. RENZULLI: 10 Q Anything. The ammunition worked, the bullet 11 went out the barrel, the gun cycled and was 12 ready to be used again? Right? 13 MR. LEWIS: Form and foundation. 14 A Yes, that's correct. 15 BY MR. RENZULLI: 16 Q It wasn't until the sixth round at 1.75 times -- 17 1.75 times the propellant did you see what you 18 call a kaboom; right? 19 A That's correct. 20 Q Right. Let's go to the next page. 21 THE VIDEOGRAPHER: Excuse me. This is the 22 videographer. We're at about 93 minutes. I'll 23 need to have a quick break when it's convenient 24 to you, Mr. Renzulli. 25 MR. RENZULLI: I just want to -- maybe just
Page 115 1 BY MR. RENZULLI: 2 Q Do you think any of these charges that you put 3 through them were above proof? 4 MR. LEWIS: Form and foundation. 5 A I suspect there were. 6 BY MR. RENZULLI: 7 Q Let's go to the third one. It looks like you 8 got the same. Same type of results on the 9 Glock 25, Gen 5, BXDL252. After you put five 10 rounds through it of 1.25 to 1.75 of propellant, 11 the first five held up, no problems. 12 A I don't know if there were no problems, but 13 certainly when we got to the sixth one it blew 14 up again. 15 Q But you have comments here, and there's no 16 comments next to it; right? So there were no 17 problems? 18 A That doesn't -- 19 MR. LEWIS: Foundation. 20 A That doesn't mean there weren't any problems. 21 It means there were no significant problems or 22 observational problems. 23 BY MR. RENZULLI: 24 Q There certainly was no ammunition failure there; 25 right?	Page 117 1 get through this page. 2 THE VIDEOGRAPHER: At your convenience. 3 MR. RENZULLI: I just want to -- maybe just 4 get through this page? 5 THE VIDEOGRAPHER: At your convenience. 6 MR. RENZULLI: Do you have time? All 7 right. Let's get through the last page, and 8 we'll take a break. 9 BY MR. RENZULLI: 10 Q Mr. Nixon, what do I have here? 11 A This is Day 2 of the testing session which was 12 the 4th of January, 2024. 13 Q Can you summarize this for me. 14 A In the first column for the pistol, it was a 15 Glock 17, Generation 5. See remember as stated. 16 Q Yeah. 17 A The loading, we fired five rounds of 18 Sellier & Bellot 115 grain factory ammunition. 19 Then five rounds of Fiocchi 115 grain 20 ammunition. 21 Q Can you tell me -- 22 A Oh, did I hear someone speaking? 23 Q Yeah. Can you tell me why you did that? 24 A Well, I was just about to. 25 Q Apologies.

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1 A Those cases were fired for reference. So we 2 fired five rounds of each of the factory 3 ammunition. And then the cases were collected 4 and bagged just for reference and subsequent 5 examination. 6 Q Why would you need them for reference? I don't 7 understand. 8 A I believe it was to look at them later and see 9 if there were any bulges in the carriage cases. 10 Q Did you look? 11 A I didn't look at the time. They were bagged up 12 and Dr. Bosch has those. 13 Q Is that all on the videotape? Did we take 14 videotapes of this? 15 A I'm not sure if that was videoed or not. 16 Q Do you have pictures? 17 A You don't know? We would have to look in the 18 record of the photographs and the video to see 19 if it was on there. 20 Q Were there any ammunition failures after those 21 five rounds of S&B and five rounds of Fiocchi? 22 A No. 23 Q No kabooms, as you call them? 24 A No. 25 Q So then you have --	1 A I don't know what you mean by espouse using 2 them. It's a fairly common loading. 3 BY MR. RENZULLI: 4 Q Do you use it? 5 A Have been. 6 Q Apologies? 7 I didn't hear you. Sorry. 8 A Yes, I have -- I have used it. 9 Q Okay. How is it different from other types of 10 ammunition? What makes it +P+? 11 A The peak pressures that are generated are above 12 +P. 13 Q Mm-hmm. Hotter loads, huh? 14 A Yes. 15 Q Can you tell me how much hotter load it would be 16 compared to a +P? 17 MR. LEWIS: Form. 18 A I don't know what the difference is. I'm not 19 sure that SAAMI have a +P+ specification. I 20 would need ask -- 21 Q Sorry. 22 A We need to ask Federal what the pressure 23 readings are on those. 24 Q What do we have next in reference Number 5? 25 A This was a Glock 23, Generation 2, see remember
Page 119	Page 121
1 What's Reference 3? 2 A 3 is Winchester M1152 ammunition, 115 grain. 3 These were seated a tenth of an inch too deep. 4 So that was factory ammunition. The bullets 5 were pushed back a tenth of an inch. And ten of 6 those were fired with no adverse events. 7 Q What conclusions do you draw from that? 8 A Overseating the bullet by a tenth of an inch 9 didn't produce any dangerous level of excess 10 pressure. 11 Q Have you done any testing of, we'll call it 12 bullet setback with any other firearms? 13 A There may be some coming up. 14 Q Coming up when? 15 A Later down this table. 16 Q Okay. Let me know. 17 What's the next one? 18 A Reference Number 4, Federal 9BP, 115 grain 19 ammunition. It's a +P+ loading, so that's 20 factory ammunition. It was seated a tenth of an 21 inch deeper than from the factory. Ten rounds 22 were fired, and there were no adverse events. 23 Q +P+. Do you espouse using that type of 24 ammunition? 25 MR. LEWIS: Form and foundation.	1 as stated. We had some Winchester White Box 2 ammunition, 180-grain. Truncated Cone. Ten of 3 those were fired with no adverse events. 4 Q Okay. Next one. 5 A I believe actually it isn't in there -- it's not 6 listed on the comments, but those Winchester 7 White Box rounds were seated a tenth of an inch 8 too deep too. 9 Q So what's -- 10 A Number 6 -- 11 Q Yeah. 12 A -- is 180 grain. 13 Right. This is the testing of the 14 underloaded rounds now. 15 Q Oh, okay. Gotcha. 16 A Number 6 is 180-grain bullet Bullseye 17 propellant, and it was the minimum load times 18 0.5. 19 Q What does horizontal mean? 20 A It means that the pistol was held horizontal and 21 then fired while it was horizontal. 22 Q What were the results? 23 A Nothing dramatic happened. 24 Q Did something not dramatic happen? 25 A Well, you can watch the video to see what

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Page 122 1 happened. But generally, it was just like 2 firing a low-powdered round. 3 Q I don't know what that means. What were the 4 results? 5 A Well, basically when you fire a round that isn't 6 as powerful as it should be, they don't eject as 7 far. 8 Q It didn't eject as far. That's your 9 understanding? 10 A Yes. 11 Q Okay. Then the next one, Number 7. 12 A That is the same ammunition loading. And the 13 down-horizontal means that the pistol was held 14 pointed down to the ground and then solely 15 raised horizontal and then fired from that 16 position. 17 Q What were the results? 18 A Again, there was nothing -- nothing happened 19 except -- 20 I think if you watch the video, you'll 21 probably see the cartridge cases are not ejected 22 very far. 23 Q Then we have Number 8. 24 A Number 8 is the same loading. In this case, the 25 gun was pointed vertically upwards and then	Page 124 1 at a quarter of the amount of propellant; right? 2 A That's correct. 3 Q Okay. One bullet stuck in the bore, and then 4 one stovepiped. 5 A That's correct. That's Reference 16. 6 So these were Titegroup minimum charge 7 times 0.25. And it was pointed down, then 8 raised to the horizontal position. 9 Q Did you draw any conclusions from that? 10 A Just it was a very light load, and the bullet 11 that stuck in the bore just didn't have enough 12 pressure behind it to get it out of the bore. 13 Q And then the last one. Same thing, bullets are 14 stuck in the bore; right? 15 A Yes. 16 Q You would kind of expect that, wouldn't you, 17 when you have such a low powder charge? 18 MR. LEWIS: Form. 19 A Yes. It wasn't any great surprise. 20 BY MR. RENZULLI: 21 Q What did you use to reload? What type of 22 reloading equipment did you use? 23 A It was a Rock Chucker single stage press. I 24 don't recall the brand of the dies, but they 25 were just standard reloading dies, carbide dies.
Page 123 1 brought down to horizontal. 2 Q Again, the results? 3 A Again, just the same. If you watch the video, 4 you should see that the empty cartridge case is 5 not ejected very far. 6 Q Number 9. 7 A Number 9 is 180-grain bullet with Titegroup 8 propellant at the minimum load times 0.5. 9 That was fired horizontal. 10 Q Is it fair to say that from Number 7 to 11 Number 15 no issues other than, perhaps, the 12 cartridge case didn't eject as far? 13 A Yes. Two of the rounds, if you look at 14 Reference 10, there was one round -- one empty 15 cartridge case that didn't eject, and another 16 one that stovepiped. 17 Q And you -- 18 The reason for that is probably because you 19 got half the propellant that's supposed to be in 20 the cartridge case; right? 21 A Yes. 22 Q Gotcha. 23 Still -- 24 Withdrawn. 25 So let's get down to Number 16. Now you're	Page 125 1 Q Whose equipment was it? 2 A It was a friend of mine. 3 Q Friend of yours. Who is the friend? 4 A He's a guy called Dennis Wohlford. 5 Q Is that his name? 6 A Yes. 7 Q So you borrowed his reloading equipment? 8 A He had done the reloading for the most part. 9 Q Okay. So your friend Dennis -- what's his last 10 name? 11 A Wohlford. 12 Q How do you spell that? 13 A W-O-H-L-F-O-R-D. 14 Q So Mr. Wohlford did the reloading for you? 15 A Yes. Most of it. 16 Q Most of it. When did he do it? 17 A He had done that -- the dates were -- let's see. 18 It would be the 22nd to the 24th of December. 19 That would be 2023. 20 Q Why didn't you do it? 21 A I was pushed for time, and I know that he's a 22 perfectionist. So he's the only person I would 23 trust to load any ammunition. So I gave him the 24 specification, and he loaded it to the 25 specification.

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Page 126 1 Q You weren't there when he did it; correct? 2 A I was there for some of the time, not all of the 3 time. 4 Q For some of the time this person, 5 Dennis Wohlford, is reloading ammunition for you 6 to use for your testing in this case; right? 7 A That's correct. 8 Q Do we have any recordings or documentation of 9 Mr. Wohlford doing this work? 10 A No. 11 Q Do you have any idea what the potential for 12 error was with Mr. Wohlford doing the work? 13 MR. LEWIS: Form and foundation. 14 A I would say it's extremely low. 15 BY MR. RENZULLI: 16 Q Based upon your relationship with him; right? 17 A Yes. 18 Q How long have you known Mr. Wohlford? 19 A Approximately 20 years. 20 Q He's a friend of yours; correct? 21 A Yes. 22 Q Thank you. 23 MR. RENZULLI: Why don't we take a break. 24 I think the court reporter, Peter, needs to 25 change.	Page 128 1 supposed to do if a catastrophic failure 2 occurred; right? 3 A Yes. 4 Q And you never had to implement that because a 5 catastrophic failure never occurred; right? 6 A A catastrophic failure did occur, but we didn't 7 implement that procedure. 8 Q The catastrophic failure that you're talking 9 about, though, was when you upped the powder 10 charge that we talked about earlier? 11 A Yes. 12 Q Gotcha. 13 A This protocol was developed for that testing. 14 Q Gotcha. 15 MR. RENZULLI: We're done with that. 16 Sorry. 17 BY MR. RENZULLI: 18 Q Did you review all of the feeding test documents 19 from Glock Austria where they round -- they put 20 multiple thousands, tens of thousand, hundreds 21 of thousands of rounds through Glock pistols? 22 Have you seen that? 23 A It may be in the materials that I was sent, but 24 I don't recall reading it. 25 Q Is it --
Page 127 1 THE VIDEOGRAPHER: We're off the record at 2 3:03 p.m. 3 (A recess was taken.) 4 (Admonishment by the court reporter 5 regarding simultaneous talking.) 6 THE VIDEOGRAPHER: We are back on the 7 record at 3:44 p.m. 8 BY MR. RENZULLI: 9 Q Let's just pop this up. 10 Exhibit 4. 11 (Deposition Exhibit 4 was presented for 12 identification.) 13 Q Take a look -- I think it's two pages. All 14 right. Two pages, briefly. Run it down. 15 Okay. Mr. Nixon, you've obviously seen 16 this before; correct? 17 A I think I was the author. 18 Q Okay. If it wasn't you, who else would it be? 19 A I couldn't be a hundred percent sure this is an 20 exact copy of what I produced, but it probably 21 is. 22 Q Okay. Let's look down at Number 11. 23 Do you see Number 11? 24 A Yes. 25 Q That's -- in your protocol, it's what you're	Page 129 1 Would something like that be relevant to 2 you and your opinions? 3 MR. LEWIS: Form and foundation. 4 A Was that from a reliability perspective? 5 BY MR. RENZULLI: 6 Q Well, it is what it is, sir. It's a bunch of 7 rounds going through the guns with no problems. 8 MR. LEWIS: Form and foundation. 9 A Right. I really -- I'm not sure what you're 10 asking me there. 11 BY MR. RENZULLI: 12 Q Is it important to you when you're relying upon 13 it at the time of trial? 14 MR. LEWIS: Form and foundation. 15 A I probably haven't read it yet, so I don't know. 16 BY MR. RENZULLI: 17 Q Okay. So at least as you sit here today, it's 18 not important to you? 19 MR. LEWIS: Form and foundation. 20 A Yeah, I don't know if it's important or not 21 until I've read it. I may or may not rely on it 22 later. 23 BY MR. RENZULLI: 24 Q So you just don't know? 25 MR. LEWIS: Form and foundation.

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Page 130 1 A That's correct. 2 BY MR. RENZULLI: 3 Q Do you know that you received documents like 4 that from Glock Austria? 5 A I know I received a lot of documents, and I 6 haven't read all of them. There's a massive 7 amount of documentation. 8 Q So you haven't read the whole file yet? 9 MR. LEWIS: Form and foundation. 10 A I've skimmed through it, but I haven't read 11 everything. It would take a long time. 12 BY MR. RENZULLI: 13 Q What about the law enforcement testing of Glock 14 pistols? Have you seen any of that? 15 A No. 16 Q Have you seen the users lists of all of the 17 various law enforcement agencies throughout the 18 country that use Glock pistols? 19 A Yes. I'm aware that 60 to 70 percent of law 20 enforcement use Glocks. 21 Q In your opinion, they are all carrying defective 22 firearms; right? 23 MR. LEWIS: Form, foundation. 24 A Yes. In regard to the unsupported area from 25 about 4:00 to 8:00.	Page 132 1 some problems. I know the Indiana State Police 2 have had problems with their Glocks. 3 Q Let's take those in order. What is the Portland 4 Police Bureau carrying in their holsters right 5 now? 6 A My recollection is they are carrying Glocks. I 7 don't recall the model number. 8 Q What was the issue that you believe Indiana 9 State Police had? 10 A There were some reports in the Indianapolis 11 newspapers that they had had some kind of 12 reliability problems with Glocks. And they 13 switched to -- I think originally they switched 14 to Berettas, and then they went back to Glock 15 and they had more problems and switched back to 16 Sig. That's just my recollection. This is over 17 a lot of years. 18 Q This is your recollection of reading newspapers, 19 I guess? 20 A Yes. 21 Q You saw nothing in the newspapers that said 22 anything about catastrophic failures or what 23 your opinions are in this case; correct? 24 A That's correct. 25 Q Have you ever spoken to Mr. Johnson?
Page 131 1 BY MR. RENZULLI: 2 Q So you would tell all those agencies that 3 notwithstanding their testing and their 4 evaluation, the number of rounds that they put 5 through those firearms every day, you would tell 6 them they should not carry Glock pistols; right? 7 MR. LEWIS: Form and foundation. 8 A I wouldn't go that far. For one thing, some of 9 those police departments have had issues. I 10 would say to them that there's a possibility 11 there's a design defect which increases the 12 possibility that you're going to have a blowout. 13 They need to use their own judgment as to 14 whether they -- the risk is worth the trade-off. 15 BY MR. RENZULLI: 16 Q You call it a blowout. I'm going to use your 17 term. You've never had a blowout other than 18 when you jacked up the powder 1.75 times; 19 correct? 20 MR. LEWIS: Form and foundation. 21 A That's correct. 22 BY MR. RENZULLI: 23 Q And the law enforcement agency that you're 24 talking about, what's the name of that agency? 25 A I believe the Portland police department had	Page 133 1 A No, I haven't. 2 Q And you've told me about the work 3 Dennis Wohlford did. Has anyone else done any 4 work for you in this case? 5 A No. 6 Q No other work done by any colleagues, no 7 assistance? 8 A No. 9 Q All of your opinions in this case are contained 10 in your declaration and the recent testing that 11 you did that we discussed earlier; is that fair? 12 A All the opinions I have to date. Yes. 13 Q Okay. Let's take a look at your report for a 14 few minutes. Maybe we could put that up on the 15 screen. 16 (Deposition Exhibit 5 was presented for 17 identification.) 18 Q In paragraph 2, you call these sporadic 19 explosions. Is that your language? 20 A Yes. 21 Q And you believe that these sporadic explosions 22 are caused by certain conditions; correct? 23 A Yes. 24 Q I'm just reading that from the plaintiff's 25 motion.

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Page 134 1 And you agree with that; right? 2 A I don't have the plaintiff's motion. 3 Q The conditions you described, they are in your 4 report; right? These conditions that caused 5 these sporadic explosions, I think you called 6 them. 7 MR. LEWIS: Form and foundation. 8 A The conditions that I would be referring to is 9 the unsupported area in combination with either 10 a case -- cartridge case defect or 11 overpressurized round of ammunition. 12 BY MR. RENZULLI: 13 Q Gotcha. So the conditions would be -- one of 14 them would be high pressure; correct? 15 A Yes. 16 Q And one would be a defective cartridge case. 17 What do you mean by a defective cartridge 18 case? 19 MR. LEWIS: Form and foundation. 20 A That would be a cartridge case that has cracks 21 or fissures internally. 22 BY MR. RENZULLI: 23 Q Any other defects in the cartridge case that 24 you're talking about other than cracks or 25 fissures -- by fissures -- that's a good	Page 136 1 MR. LEWIS: You're pausing. 2 MR. RENZULLI: There wasn't even a 3 question. 4 MR. LEWIS: Yeah, there was. The 5 intonation -- I'm sorry. People can't hear me, 6 so I got to speak up. 7 The intonation in your tone of voice and 8 the pause indicated to me that you were done 9 with your question. I placed my objection. If 10 you want to ask the question again? 11 MR. RENZULLI: Rob, you're having a hard 12 time over there. 13 MR. LEWIS: I know. I'm trying to make 14 sure that everybody can hear me. 15 MR. RENZULLI: There you go. I think they 16 can hear you. 17 MR. LEWIS: Can you hear me? 18 MR. RENZULLI: What? 19 MR. LEWIS: Can you hear me okay? 20 BY MR. RENZULLI: 21 Q When you talk about -- 22 You say fissures. Do you mean flow folds? 23 MR. LEWIS: Objection. Form and 24 foundation. 25 A That could be one cause.
Page 135 1 question. 2 MR. LEWIS: Form and foundation. 3 A You could have a cartridge case which has been 4 manufactured without sufficient annealing which 5 can change the mechanical properties. 6 BY MR. RENZULLI: 7 Q Any other ways the cartridge could be defective? 8 MR. LEWIS: Form and foundation. 9 A Just what I've said. You can have grain 10 structure defects or cracks. It's generally a 11 weakening of the material due to the cold 12 working that it has when it's manufactured. 13 BY MR. RENZULLI: 14 Q Tell me what manufacturers of ammunition have 15 defective cases like you just described. 16 MR. LEWIS: Form and foundation. 17 A Potentially all of them. I couldn't tell you 18 any specifically. But if you look in 19 Dr. Bosch's report, he does have some images of 20 them in there. 21 BY MR. RENZULLI: 22 Q The images show -- 23 MR. LEWIS: Form and foundation. 24 MR. RENZULLI: I didn't even finish the 25 question.	Page 137 1 BY MR. RENZULLI: 2 Q That could be one cause of a fissure? 3 MR. LEWIS: Objection. Form and 4 foundation. 5 MR. RENZULLI: Can I ask you -- 6 A I use the term "fissure" and "crack" -- 7 MR. RENZULLI: Sir? 8 A -- to be the same thing. 9 MR. RENZULLI: Hold on. 10 What was wrong with the form of that 11 question? 12 MR. LEWIS: You're using "fissure" and 13 "crack" in an ambiguous way. 14 MR. RENZULLI: I didn't even say the word 15 "crack." 16 MR. LEWIS: Well, I must have misheard it, 17 then. 18 Madam Court Reporter, could you read back 19 that question for me. 20 (The requested text was read by the 21 reporter and request for clarification.) 22 MR. LEWIS: Okay. 23 MR. RENZULLI: I believe we finished that 24 exhibit. 25 MR. SCHILSKY: You're correct. The

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Page 138 1 declaration report is Exhibit 5. 2 MR. RENZULLI: We haven't started it yet. 3 MR. SCHILSKY: But we put it up. 4 MR. RENZULLI: I never used the word 5 "crack," but let's move forward. 6 MR. LEWIS: Let me clarify my objection. 7 My objection would be that that could be the 8 cause of the fissure. It was unspecific as to 9 what that could be. So that was the part of my 10 objection. 11 I assumed that it was from the word "crack" 12 which was used earlier, I thought. So there's 13 my objection for the record. 14 MR. RENZULLI: I apologize. I'm not sure 15 what you just said, but okay. 16 MR. LEWIS: Do you need me to repeat it, 17 Chris? Chris, do you need me to repeat my -- 18 I want to make sure that I preserve my 19 objection. Do you need me to repeat the 20 objection? 21 MR. RENZULLI: Robert, please. This is all 22 coming off your time, not mine. 23 MR. LEWIS: Fine. I mean, it's off your 24 time because it's your objection and you 25 asked --	Page 140 1 think -- I think my last question to you, 2 though, Chris, was do you need additional 3 explanation to explain the basis for my form 4 objection to that last question? 5 MR. RENZULLI: You're done, Robert. Thank 6 you. 7 MR. LEWIS: Okay. We're good? 8 BY MR. RENZULLI: 9 Q Mr. Nixon, is it your testimony -- correct me if 10 I'm wrong -- that a flow fold is an example of a 11 fissure, or is that wrong? 12 MR. LEWIS: Form and foundation. 13 A I use the term "fissure" and "crack" to be the 14 same thing. I know from a metallurgist point of 15 view, there maybe a subtle difference. I would 16 probably direct you to Dr. Bosch on that. He's 17 much better at metallurgy than I am. 18 BY MR. RENZULLI: 19 Q My question didn't revolve around a crack. I 20 said a fissure and a flow fold. What is the 21 difference there? If any. 22 MR. LEWIS: Form and foundation. 23 A From my perspective, there really isn't any 24 difference. But Dr. Bosch may be able to 25 explain better than I could.
Page 139 1 MR. RENZULLI: Robert, stop. Can you -- 2 MR. LEWIS: You asked me to explain. You 3 asked me to explain my objection, so I did. I 4 want to make sure. 5 MR. RENZULLI: Robert -- 6 MR. LEWIS: I want to make sure you have my 7 objection properly on the record. 8 MR. RENZULLI: Robert, no need for 9 nastiness. Let's continue, please. 10 MR. LEWIS: I'm sorry. I didn't hear. No 11 need for what? 12 MR. RENZULLI: Nastiness. There's no need 13 for that. 14 MR. LEWIS: I'm not being nasty. I'm just 15 trying to make sure. I've been told three or 16 four times people aren't getting my objections. 17 I want to make sure I speak loud enough that 18 everybody can record my objections and we get it 19 on the record and the videotape. 20 I guess I need to -- 21 I don't have a microphone to plug into my 22 computer, but I want to make sure that I get 23 that on the record. 24 MR. RENZULLI: Are you done, Robert? 25 MR. LEWIS: Yeah, I'm done. I mean -- I	Page 141 1 BY MR. RENZULLI: 2 Q What is a flow fold in your mind? 3 A That's due to the manufacture of the cartridge 4 case. And it's when the brass flows, the grain 5 structure becomes separated, for want of a 6 better word. That's my understanding of it. 7 Q Okay. This is kind of metallurgical principles 8 that you're talking about here? 9 A Yes. It's more in the area of Dr. Bosch than 10 me. 11 Q Understood. 12 So if I go down the road saying what is a 13 fissure, was that more appropriately handled by 14 Mr. Bosch? 15 A Yes. It is. 16 Q Gotcha. Okay. Try to stay way from that, then. 17 Are there any other conditions that you 18 claim interact with the safety valve which could 19 cause a failure in a Glock pistol? 20 A An out-of-battery discharge could be a 21 contributory factor. And then, obviously, 22 there's any overpressure event in the carriage 23 case. 24 Q And that overpressure event, what do the 25 pressures need to be in order to result in an

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Page 142 1 ammunition failure in a Glock pistol? 2 MR. LEWIS: Form. 3 A If Glock are true to their design, it would need 4 to be a 200 percent pressurize. 5 BY MR. RENZULLI: 6 Q Do you have any support that that's not the 7 case, it needs 200 percent pressure in order to 8 cause a failure of a cartridge case? 9 MR. LEWIS: Form. 10 A That's not the only way it can be achieved. If 11 you have a defect in the cartridge case, then 12 there was some testimony that it can fail with a 13 normal round of ammunition and normally 14 pressured round of ammunition if there's a 15 defect in the cartridge case. 16 BY MR. RENZULLI: 17 Q What was the basis -- 18 Withdrawn. 19 You said there was testimony that it could 20 fail in a normal round, a round that has normal 21 pressures. Is that what you said? 22 A Yes. 23 Q Under what circumstances? 24 MR. LEWIS: Form. 25 A If there was defect in the cartridge case.	Page 144 1 MR. RENZULLI: Can you pull up his report. 2 Page 2. 3 BY MR. RENZULLI: 4 Q Okay. I am on page 2 of the report. I guess 5 it's Bates-stamped Johnson 2007. 6 "B. I'm a registered professional engineer 7 with the European Federation of National 8 Engineering Associations." 9 Are you a Professional Engineer in the 10 United States? 11 A No, I'm not. 12 Q The next paragraph, 13 years you were employed 13 by the United Kingdom Ministry of Defense; 14 correct? 15 A Yes. 16 Q Down a little bit more. You said: 17 "While employed at the Ministry of Defense, 18 I acted as an interface with ammunition 19 suppliers." 20 Who were the ammunition suppliers? 21 A I don't think I'm giving any secrets away if I 22 say who they were. But maybe Royal Ordnance, 23 British Aerospace, FN, Oerlikon. That's the 24 ones I can remember. 25 Another company in Northern Ireland whose
Page 143 1 BY MR. RENZULLI: 2 Q Once again we're going back to the cartridge 3 case. Understood. 4 And the defect is what you talked about 5 earlier. Gotcha. 6 So as far as the overpressure then, let's 7 stay with the situation where there's 8 overpressure. Have you done any testing to show 9 that a Glock pistol would fail with pressures 10 that are less than 200 percent in a cartridge 11 case that isn't defective? 12 MR. LEWIS: Form and foundation. 13 A I think we would have to specify exactly what 14 kind of cartridge case. The brand, the 15 thickness of the material and its properties. 16 BY MR. RENZULLI: 17 Q Any cartridge case that's not defective? 18 A I've seen no material that suggests that. 19 Q All of this support for your theory that a 20 cartridge case could fail in a Glock pistol with 21 defective ammunition and the safety valve is 22 contained within your report and your testimony 23 here today; correct? 24 MR. LEWIS: Form and foundation. 25 A It would be for now up to this point.	Page 145 1 name I don't recall. 2 Q Do any of these manufacture ammunition for use 3 in semiautomatic pistols sold here in the United 4 States? 5 A I don't know if their ammunition is deliberately 6 sold here, but it's available here. You can get 7 Radway Green 9-millimeter ammunition. 8 Q Can you just say that company once again? 9 A Radway Green. 10 Q Rightway Green? Maybe you can spell that for 11 the court reporter. 12 A Radway. R-A-D-W-A-Y. 13 Q Green? 14 A That was a division of Royal Ordnance. 15 Q Sir, is it Radway Green, like the color? 16 A Yes. 17 Q You find this on shelves in the United States? 18 A The head stamp is RG. 19 Q Do you find this on shelves in the United 20 States? 21 A I've seen that people have had some. I don't 22 know how they got it. I don't know whether 23 that's sold here deliberately or whether it was 24 some other way it appeared. 25 Q Have you ever fired any of that ammunition

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Page 146 1 through -- 2 A Yes, I have. 3 Q -- Glock pistols? 4 A Yes, I have. 5 Q Did you fire it through a Glock pistol? 6 A Yes, I did. 7 Q When? 8 A It would have been in the early '90s. 9 Q No problems firing it through a Glock pistol? 10 A No. It was okay. I didn't have any explosions. 11 Q Yeah. No bulge cases? 12 A Again, I didn't check the cases for bulges. But 13 nothing -- nothing went awry, so I didn't check 14 any. 15 Q Just to be clear, you've never checked any 16 cartridge cases that have gone through Glock 17 pistols for bulges, or what you call the Glock 18 smile? You've just never done it; right? 19 A I did do -- 20 MR. LEWIS: Form and foundation. 21 A I did look at the ones that we fired recently on 22 the 3rd and 4th of January. Just a cursory look 23 as I picked them up. I pick them up, put them 24 in a bag, and I could see some bulges on some of 25 them.	Page 148 1 folds or anything of that nature? 2 A With Radway Green, there was. That was related 3 to 556 rifle ammunition. 4 Q Tell me what you did with them with regard to 5 556 ammo. 6 A Because there's a lot more steps in the 7 manufacture of the bolted neck rifle case. They 8 implemented procedures to minimize the 9 possibility of work hardening and the defects we 10 have been discussing today. 11 Q What did they do to fix their problems? 12 MR. LEWIS: Form. 13 A They incorporated -- they incorporated more 14 annealing steps. 15 BY MR. RENZULLI: 16 Q So they fixed the defect? 17 MR. LEWIS: Form. 18 A I assumed they did. I didn't follow up on that. 19 But you know, there was no more talk of it 20 afterwards, so I assume it fixed the problem. 21 BY MR. RENZULLI: 22 Q It came down to annealing? 23 A Yes. That was my understanding of it. 24 Q I apologize. You're not sure if they 25 implemented your suggestions?
Page 147 1 BY MR. RENZULLI: 2 Q The ones that you overcharged? 3 A Yes. 4 Q Yeah. Okay. I don't see that in your report. 5 You did it after the report -- 6 Withdrawn. 7 I don't see it in your notes that you saw 8 bulging cases. 9 A No, I didn't make a note of that. 10 Q Okay. Gotcha. 11 Are there any other -- 12 You said RG, you called it. 13 Are there any other of the ammunition 14 suppliers that you interfaced with who sell 15 ammunition in the United States that's 16 compatible with semiautomatic pistols? 17 A FN from Belgium would do. 18 Q FN ammunition? 19 (Simultaneous discussion.) 20 A Small arms ammunition. 21 Q Is that available in the U.S.? 22 A I haven't purchased any. I don't recall seeing 23 any, but I don't see why it wouldn't be. 24 Q When you coordinated with their techniques, did 25 you ever get into the issue of fissures or flow	Page 149 1 MR. LEWIS: Form. 2 A I'm sure they did. I'm probably a little 3 limited on what I can say because that was 4 confidential information. But any problem that 5 did exist was gone later. 6 BY MR. RENZULLI: 7 Q What were the problems? 8 A Well, the ones that we have discussed today with 9 cracking. 10 Q Any others? 11 A Not that I can think of as I sit here. 12 Q Is there anything you're not telling me because 13 you think it's confidential? 14 A I don't want to go into too much detail. I 15 don't know what the security classification is 16 on that. But they probably would prefer that it 17 wasn't divulged. 18 Q I wouldn't worry because we have a protective 19 order in this case. Did you know that? 20 A Yes, I knew there was a prospective order. I 21 didn't know what it covered, though. 22 Q We do have one. If you need one, just let 23 Mr. Lewis know and he'll give it to you. 24 As a matter of fact, he probably should 25 have given that to you already, and you should

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Page 150 1 have signed off on it. Do you remember signing 2 it? 3 A Yes, I recall sign it. I just don't recall what 4 was in it. 5 Q Is it in your file? 6 A It should be. It was a long time ago. 7 Q How long ago? 8 A I don't recall. But probably more than six 9 months. 10 Q Okay. So what -- 11 You told RG what the defect was and, to the 12 best of your understanding, they fixed the 13 defect. So then at that point there's no more 14 problem with your ammunition? 15 MR. LEWIS: Form and foundation. 16 BY MR. RENZULLI: 17 Q Sir? 18 A My answer was no. 19 Q No. There is no pro- -- 20 It was a bad question. I apologize. 21 After you told them about the defect, they 22 secured the defect, and then there's been no 23 problems with the ammunition. Correct? 24 MR. LEWIS: Form and foundation. 25 A Correct. That would be a correct statement.	Page 152 1 Q So you authored two patents. Let's face it, you 2 were never given the patents. Right? 3 A They were filled with the patent office. You 4 can go online and look at them, but at some 5 point before they were granted, they were 6 withdrawn. 7 Q Gotcha. 8 You said with the Ministry of Defense you 9 were assigned to investigate firearm and 10 ammunition incidents. Tell me about those. 11 A Again, I'm not sure how much I can say here. 12 Some of the work I did was forensic. So I was 13 investigating, I suppose, what you would call 14 criminal incidents. 15 Q Criminal incidents? 16 A Yes. We did crime as well. Crime forensics. 17 Q What is an ammunition -- 18 What is a criminal ammunition incident? 19 A It would have been a criminal incident involving 20 the use of guns and ammunition. 21 Q So someone shoots someone else? 22 A Yes. Just possession. 23 Q Possession. 24 So the incidents you're talking about were 25 criminal accidents, possession incidents, things
Page 151 1 BY MR. RENZULLI: 2 Q Give Mr. Lewis an opportunity to get in his 3 objection. Okay? 4 A Okay. 5 Q Thank you. 6 You coordinated, you wanted to make sure 7 their manufacturing techniques complied with the 8 specifications for the ammunition; correct? 9 MR. LEWIS: Form and foundation. 10 A Just to ensure good quality, consistent quality. 11 BY MR. RENZULLI: 12 Q Right. Because you wanted to make sure that 13 they were reliably used in firearms; correct? 14 A Could you repeat that? 15 Q You wanted to make sure that they could be 16 reasonably used in firearms? 17 A Yes, that's correct. 18 Q You talked about two patents. Were you ever 19 granted patents? 20 A They were filed. And at some point somebody 21 realized it wasn't a good idea from a security 22 point of view to be filing patents on things 23 that we were developing. 24 Q Who decided that? 25 A Someone within the Ministry of Defense.	Page 153 1 like that? 2 A It would be some of it, yes. 3 Q What's the rest of it? 4 A The rest of it would be investigations of why 5 certain things fail. 6 Q Like what? What would fail? 7 A It could be ammunition, mortars. I really don't 8 want to go into too much detail because it's 9 probably still secret. 10 Q We have a prospective order in place. I 11 wouldn't worry? 12 A I don't think the British government would 13 respect a protective order in a civil case in 14 the U.S. 15 Q Look, if you're saying you refuse to answer a 16 question, just say it; we'll address it later 17 with the court. I'm not going to force you. I 18 can't force you to do anything. I just -- 19 A That's fine. If you think it's important later, 20 we can get the court to address it. 21 Q I think it's important now. And I just -- you 22 can take my recommendation or you can't. But I 23 would have a conversation with Mr. Lewis about, 24 you know, your issue. And I'm not here to fight 25 with you; I don't want to fight with you. I

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Page 154 1 just want to know what you're telling me and 2 what you're not. Let's see how it goes, and 3 we'll go from there. 4 Did you have incidents concerning 5 semiautomatic pistols that you investigated? 6 A Yes. 7 Q What were those incidents? Were there any 8 catastrophic failures of semiautomatic pistols 9 or ammunition in the semiautomatic pistols? 10 A Not that I recall. 11 Q When you say catastrophic metallurgic failures 12 of ammunition, what does that mean? 13 A That could be a failure in the projectile or the 14 cartridge case. 15 Q Give me some examples of incidents that you 16 investigated where there's failures of the 17 cartridge case. 18 MR. LEWIS: Form. 19 A Yeah. I cannot think of any specific examples 20 as I sit here today. 21 BY MR. RENZULLI: 22 Q The next line you talk about cartridge failures 23 that you investigated with regard to incidents. 24 Tell me about those. 25 A They would be cartridges that have split or	Page 156 1 could remember, I wouldn't want to divulge it 2 without getting permission. You have to 3 remember, this was a long time ago too. 4 Q Yep, I do. 5 Tell me about what you mean by excess 6 pressure incidents in this sentence. 7 A Excess pressure incidents is when you would have 8 too much pressure, and that would cause either a 9 problem with the projectile, a cartridge case 10 not ejecting properly, or some damage to the 11 gun. 12 Q When you looked at or investigated, you say, 13 incidents or may have researched incidents with 14 regard to cartridge failures, did you ever find 15 fault with the firearm? 16 A Could you repeat that. 17 Q When you did your investigation of ammunition 18 and firearm incidents, which could have just 19 been research, as you say, did you ever find 20 fault with the firearms? 21 MR. LEWIS: Form. 22 A Not that I recall. 23 BY MR. RENZULLI: 24 Q Sir? 25 A Not that I recall.
Page 155 1 otherwise deemed defective. 2 Q Tell me about ones that split. What happened? 3 A You had to investigate to get to the bottom of 4 why the material didn't perform as it was 5 expected. It may have been due to work 6 hardening, lack of annealing, or incorrect 7 packaging of the ammunition. 8 Q Tell me, give me specific examples. What were 9 the cartridge -- 10 The cartridges that you were investigating, 11 who was the manufacturer? 12 A I don't even know who the manufacturer was. 13 Sometimes they would just be research items. 14 Q I'm sorry. I thought this was you investigated 15 ammunition incidents. So this was just not a 16 real -- research? 17 A You can have a incident during research. In 18 fact, you get more incidents during research. 19 Q Tell me about the manufacturers of the 20 cartridges that failed that you either 21 researched or investigated or both. 22 A I don't know who they were as I sit here today. 23 Q Can you name one? 24 A Well, the people I've mentioned so far could 25 have been. I really don't want to -- even if I	Page 157 1 Q The same question with regard to excess pressure 2 incidents that you investigated, did you ever 3 find fault with the firearm? 4 MR. LEWIS: Form. Foundation. 5 A Same answer. Not that I recall. 6 BY MR. RENZULLI: 7 Q Next page. On top: 8 "I was tasked with evaluating weapons 9 systems." 10 What weapons systems were you tasked with 11 evaluating? 12 A There would be a wide range. Everything from 13 small arms to large missiles. 14 Q Let's talk about semiautomatic handguns. Did 15 you evaluate any semiautomatic handguns? 16 A Yes. 17 Q Which ones? 18 A The Browning 9-millimeter, the Sig 226. 19 Q Browning high-power? 20 A Yes. 21 Q Yes? 22 A That's correct. 23 Q Tell me what your evaluation uncovered. 24 A There was a move to replace the Browning 25 high-power with something else. The something

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Page 158 1 else being investigated was the Sig 226. 2 Q What did you do? 3 A I reviewed data, unreliability. 4 Q I'm sorry, sir. I heard the word 5 "unreliability." That's all I heard. 6 MR. LEWIS: Form and foundation. 7 A It was data. That was data regarding 8 reliability of those two systems. 9 BY MR. RENZULLI: 10 Q I'm sorry. What did the data show with the 11 Browning high-power and reliability? 12 A There had been some dissatisfaction with the 13 reliability of the Browning. And they wanted 14 something more reliable. 15 Q When you say not reliable, what does that mean? 16 In what sense? 17 MR. LEWIS: Objection. Form. 18 A It would be in terms of failures to feed and 19 failures to eject. 20 BY MR. RENZULLI: 21 Q Failure to feed is a pretty critical problem for 22 a semiautomatic pistol; correct? 23 MR. LEWIS: Form. 24 A I think from the point of view of reliability, 25 whether it fails to feed or fails to eject, they	Page 160 1 take a breather first and let Mr. Lewis jump in 2 there. 3 MR. LEWIS: I would like to make sure my 4 objections are being heard. I'm sick of kind of 5 yelling, too. So I want to make sure I got the 6 right amount of volume here and not be an 7 annoyance. I apologize if I'm yelling. 8 MR. RENZULLI: No -- 9 MR. LEWIS: I can't hear you, Chris. What? 10 MR. RENZULLI: You're find on this end. 11 It's not a problem. You're not talking too 12 loud. 13 MR. LEWIS: Okay. Good. 14 BY MR. RENZULLI: 15 Q Any other weapons systems that you evaluated? 16 A Yes. Lots of them. 17 Q Tell me. Tell me about ones with semiautomatic 18 pistols. 19 A That's the only semiautomatic pistols that I can 20 recall. 21 Q Gotcha. 22 The next section -- V? Number 5: 23 "I conducted research and published 24 scientific papers on the topics of weapons, 25 systems performance, safety, reliability, and
Page 159 1 are both critical problems. 2 BY MR. RENZULLI: 3 Q That's right. Because if you pull the trigger 4 and it doesn't discharge, you could lose your 5 life; correct? 6 A Yes. You're in trouble. 7 Q You are. That's why reliability is so 8 important. Right, sir? 9 MR. LEWIS: Form. 10 A Yes. 11 BY MR. RENZULLI: 12 Q I'm sorry? 13 A My answer was "yes." 14 Q Did you do reliability testing for the Sig 226? 15 A Yes. I reviewed that as well, and the Sig was a 16 lot better. 17 Q So was it your recommendation that because the 18 Sig 226 was more reliable, meaning it fed and 19 ejected appropriately, that they should replace 20 the Browning 9-millimeter with the Sig 226? 21 A Yes. 22 MR. LEWIS: Form and foundation. 23 A Yes. 24 BY MR. RENZULLI: 25 Q Mr. Nixon, just try. I know it's hard. Try to	Page 161 1 effectiveness." 2 Can you tell me about those papers. 3 A I think it's probably self-explanatory by what 4 you're reading there. Those would have been 5 reports issued by the British government which 6 would go to NATO and other allies. 7 And it's really just saying what the 8 performance is, what the limitations are. And 9 if there weren't NATO equipment, there would be 10 a comparison with the NATO equipment. 11 Q Let's talk about the semiautomatic pistols in 12 particular. Do any of those scientific papers 13 concern semiautomatic pistols? 14 A I think there was only one. 15 Q Which one was that? 16 A I can't say what it is. It was very secret. It 17 was a foreign weapon evaluation program. 18 Q What was the -- 19 You call it a weapon. What was the foreign 20 weapon? 21 A I really can't say. It was a very secretive 22 program. 23 Q So you are not -- 24 You refuse to tell me? 25 A Yes.

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Page 162 1 Q But it was a semiautomatic pistol that you 2 published a paper on? 3 A It was a larger weapon system, but it included a 4 semiautomatic pistol as part of the equipment. 5 Q Okay. You refuse to answer questions about what 6 the weapon system is even though it was a 7 semiautomatic pistol that was part of it? 8 A Yes. It was a small part, but I did comment on 9 it. 10 Q I don't care about the other parts. I just care 11 about the small part, the semiautomatic pistol 12 part. Can you talk about it now? 13 A Yeah. I wouldn't really be able to mention 14 that. If I mentioned what it was, somebody 15 might gather what the rest of it was as well. 16 Q And the next one is you talk about 20 -- 17 approximately 20 scientific papers for the 18 government on weapons systems. Do any of them 19 concern semiautomatic pistols? 20 A No. Just the one that I mentioned. 21 Q Okay. So the scientific paper would include 22 that one as well? 23 A Yes. One of those papers would have included 24 that pistol. 25 Q Next thing is you researched and investigated	Page 164 1 these tanks; right? 2 A The service ammunition you don't want it to 3 fail. If you lose the fin unit, the round 4 becomes very inaccurate and doesn't penetrate. 5 Q And did they accept your conclusions? 6 A Yes. The work was published. 7 Q Okay. Did any of that concern semiautomatic 8 handguns? 9 A No, it didn't. 10 Q Your next page. I'm on 9. Your 50 continuing 11 education courses and scientific papers between 12 2001 and 2018, do any of them concern 13 semiautomatic pistols or ammunition for 14 semiautomatic pistols? 15 A Yes. 16 Q Which ones? 17 A I couldn't say as I sit here. I think they are 18 all listed in my CV, so I could go through the 19 list and tell you. 20 Q Okay. Did any of them talk about fissures or 21 flow folds at all? 22 A Not that I recall. 23 Q Did any of them talk about defective ammunition 24 causing catastrophic failures of firearms? 25 MR. LEWIS: Form.
Page 163 1 ammunition failures. 2 Tell me about those. 3 A Again, a lot of it was either new equipment or 4 something that was being researched, developed. 5 So you would be looking for defects in either of 6 the cases, more commonly projectiles. 7 Q Did you find, during your research and 8 investigation, that there were defects in the 9 cases and projectiles? 10 A Yes, I can give you an example because it was 11 published in one of those patents. But you'll 12 see there was a patent which relates to a fin 13 unit for a piece of tank ammunition. And when 14 you're developing those fin units, they go on 15 the back of a large dart that you fly from a 16 tank. 17 Those fins would fail. And we tried 18 different materials and identified which ones 19 stood up to the chamber pressures and the 20 transient pressure waves in there. So that was 21 kind of a research program. But you had to 22 identify which materials had failed and which 23 ones didn't. 24 Q So you were investigating ways to make sure that 25 the ammunition didn't fail when it was in, like,	Page 165 1 A Probably did. 2 BY MR. RENZULLI: 3 Q Do you know what your position would have been 4 in these papers with regard to this issue? 5 A I don't recall. 6 Q You say in 7 that you read depositions of Glock 7 customers who have experienced explosions. Is 8 that your language? 9 A Yes. 10 Q And how many depositions of Glock customers have 11 you read? 12 A At least two. 13 Q Two. What did you draw from those depositions? 14 What conclusions did you make? 15 A I haven't made any conclusions. I don't recall 16 what was in them as I sit here today. 17 Q Go down to Number 9 -- stay on 8. 18 You have a listing here of a bunch of 19 models of Glock pistols. Do you remember that? 20 A Yes. 21 Q Your inspection or testing of these handguns, 22 you've told me about all of that already; 23 correct? 24 MR. LEWIS: Form. 25 A We discussed them earlier. I don't know if we

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Page 166 1 mentioned all of these models, but if they were 2 listed, I've certainly looked at them. 3 BY MR. RENZULLI: 4 Q At some point I think you said, "I fired or 5 discharged probably every single model of Glock 6 pistol made." Correct? 7 A Yes. 8 Q Do you consider that testing or inspecting? 9 A Inspecting. 10 Q Yeah. You also say you tested or inspected 11 pistols from other companies to compare in this 12 case; right? You listed all of these. 13 A Yes. 14 Q Correct? Correct? 15 A Yes. 16 Q Okay. And when you say you tested them, you 17 fired some; correct? 18 A Yes. 19 Q Okay. And you put some really high-pressured 20 rounds through two of them; correct? 21 A Those were the ones we tested on the 3rd and 22 4th of January. 23 Q What else did you do with regard to all of these 24 different semiautomatic pistols, if anything? 25 A I fired most or all of them, and I've looked at	Page 168 1 A Yes. 2 Q Tell me what your inspection consisted of. 3 A Again, just looking at it. 4 Q Again, eyeballing it? 5 A Yes. 6 Q Gotcha. 7 Didn't put any rounds of ammunition through 8 them? 9 A I don't recall if I fired those or not. It may 10 have been in our testing in June of 2023. I 11 don't think we used them, but I can't remember 12 exactly. 13 Q If you did do it, it would be in your report; 14 right? 15 MR. LEWIS: Form and foundation, 16 foundation. 17 A It would be in the records maintained by 18 Dr. Bosch. 19 BY MR. RENZULLI: 20 Q So Bosch may have done it? 21 A Yes. When we did our testing in June of 2023, 22 Dr. Bosch retained all of the evidence, all of 23 the exhibits because we bagged everything up and 24 he retained all of that. 25 Q Right. Okay.
Page 167 1 the barrels to see if there's a lot of cartridge 2 case exposed at the 6:00 position. 3 Q What do you mean by a lot of cartridge case 4 exposed? Tell me in numbers. What does a lot 5 mean? 6 MR. LEWIS: Form, foundation. 7 A I didn't have a way to measure it. Looking at 8 it, I just looked to see if it was more or less 9 than the Glock. 10 BY MR. RENZULLI: 11 Q So you basically eyeballed it? 12 MR. LEWIS: Form and foundation. 13 BY MR. RENZULLI: 14 Q Sir? 15 A Yes. 16 Q Yes, you eyeballed it? 17 A Yes. I didn't have a way to measure it, so I 18 just looked at it. 19 Q You also say you inspected KKM aftermarket 20 barrels. That's why. Correct? 21 A Could you repeat that? I didn't hear all of it. 22 Q Sure. 23 On Letter Y it says you inspected KKM 24 aftermarket barrels for certain Glock pistols. 25 Do you see that?	Page 169 1 Did you do any reliability studies at all 2 with regard to the KKM aftermarket values? 3 MR. LEWIS: Form. I'm sorry. I didn't 4 hear your question completely. You broke up. 5 I'm sorry. 6 MR. RENZULLI: No worries, no worries. 7 BY MR. RENZULLI: 8 Q Did you do any reliability testing with regard 9 to the KKM aftermarket barrels? 10 A No. 11 Q You know, like the test you did with the 12 Browning high-power and the Sig 226, you didn't 13 do any of that? 14 A No. 15 Q Gotcha. 16 Paragraph 10 you talk about going -- full 17 day inspection and testing of class pistols and 18 pistols designed and manufactured by other 19 companies. 20 Now, the defendants weren't there or their 21 consultants; right? 22 A That would have been when we did the testing in 23 June of 2023. There was one day when the Glock 24 consultants were there. Actually, two days. 25 There was one day when they weren't.

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Page 170 1 Q So you did some testing on your own with your 2 team, Mr. Bosch and Mr. Lewis; right? 3 MR. LEWIS: Form. 4 A That's correct. 5 BY MR. RENZULLI: 6 Q Gotcha. 7 Now I'm on, I guess, paragraph -- 8 paragraph 11. Sorry. 9 It says you attended an inspection of 10 Mr. Johnson's 30SF pistol at the Phoenix 11 National Laboratory. Do you remember that? 12 A Yes. 13 Q You said it was there to recover the residue 14 from the barrel of the pistol. Right? 15 A Yes. 16 Q You agree with me that excess lead in the barrel 17 could cause catastrophic failure; right? 18 MR. LEWIS: Form and foundation. 19 A Yes, if it was severely excessive lead. 20 BY MR. RENZULLI: 21 Q And did this go under an SEM? 22 MR. LEWIS: Form. 23 A It did. 24 BY MR. RENZULLI: 25 Q What were the results of the SEM?	Page 172 1 You wouldn't be concerned with firing that 2 pistol with all that lead in it, huh? 3 MR. LEWIS: Form. 4 A From what I observed, there was very little lead 5 in there. 6 BY MR. RENZULLI: 7 Q Okay. You saw it? You saw? 8 A Indeed. I looked down the barrel. 9 Q So you eyeballed it? 10 A Yes. 11 Q You said the discussion indicated that elements 12 were found in the barrel that were consistent 13 with gunshot. Discussed with who? 14 A Could you repeat that. 15 Q Yeah. It's up there on paragraph 11. Last 16 sentence: 17 "The discussion indicated that elements 18 were found in the barrel that were consistent 19 with gunshot residue." 20 Who is the discussion with? 21 A There was a discussion between the lady who was 22 doing the examination and the Glock consultant. 23 Q So you overheard a discussion with the lady 24 doing it and a Glock consultant? 25 A Yes.
Page 171 1 A Sorry. I'll just clarify that. A sample was 2 taken from the barrel and the sample went into 3 the SEM. Not the barrel itself. 4 Q What were the results of that? 5 A I haven't seen the full results. But what I've 6 seen when I was there, I believe there was some 7 lead and some other materials that were 8 consistent with gunshot residue. 9 Q There was a lot of lead, huh? 10 MR. LEWIS: Form. 11 A I wouldn't agree. Only a very small sample. It 12 was something like a pinhead size of material 13 was taken from the barrel. There wasn't much in 14 there. That's what was analyzed. 15 BY MR. RENZULLI: 16 Q Do you have any -- 17 How many samples were taken from it? 18 A It was more than one. I don't recall exactly. 19 Maybe two or three. 20 Q Maybe. Maybe some more. 21 Would you have fired that pistol? You, 22 sir, would you have fired that pistol without 23 removing that lead? 24 A Yes, I would. 25 Q You would. Okay.	Page 173 1 Q Go to page 14. It says on 18 the dimensions of 2 what you call the UCD/SSV change from model to 3 model depending on the calibers. 4 What are the dimensions of what you call 5 the UCD/SSV on a 9-millimeter Glock? 6 MR. LEWIS: Form and foundation. 7 A I don't know what the dimensions are. I believe 8 they are recorded in Dr. Bosch's report. 9 BY MR. RENZULLI: 10 Q Okay. So you have -- 11 You agree you would have different 12 dimensions of the -- I'll say the safety valve. 13 They are different for each model. Would you 14 agree with that? 15 MR. LEWIS: Form and foundation. 16 A Different for each caliber. 17 BY MR. RENZULLI: 18 Q Different for each caliber. Okay. 19 And different calibers generate different 20 pressure ranges; correct? 21 MR. LEWIS: Form and foundation. 22 A That's correct. 23 BY MR. RENZULLI: 24 Q And higher pressures require the pistol to 25 manage more energy requiring different designs;

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Page 174 1 right? 2 MR. LEWIS: Form and foundation. 3 A I'm not sure what you're asking me there. 4 BY MR. RENZULLI: 5 Q Higher-pressured pistol has to manage more 6 energy; right? More pressures? 7 MR. LEWIS: Form and foundation. 8 A The energy and the pressure are not related 9 directly. What you're interested in is force. 10 And the force is the area multiplied by the 11 pressure. 12 BY MR. RENZULLI: 13 Q I appreciate that. So the higher the force -- 14 Pistols are designed to accept and handle 15 different forces depending upon the different 16 calibers; right? 17 MR. LEWIS: Form and foundation. 18 A I'm thinking in terms of the valve, the special 19 safety valve. You're going to need a certain 20 force to cause the cartridge case to fail at 21 that 6:00 position. 22 BY MR. RENZULLI: 23 Q Gotcha. 24 A And depending what pressure you've got on a 25 higher-pressure gun, you'll need a smaller area	Page 176 1 BY MR. RENZULLI: 2 Q Different size of what, sir? 3 A Different size of area of the special safety 4 valve. 5 Q So each caliber has a different size area of the 6 safety valve; right? 7 MR. LEWIS: Form and foundation. 8 A Potentially, yes. 9 BY MR. RENZULLI: 10 Q And it would take different amount of pressures 11 to cause a failure depending upon which caliber 12 you have; correct? 13 MR. LEWIS: Form and foundation. 14 A I think that's reversing things. The pressure 15 is going to be the same caliber, and probably 16 similar between calibers in some circumstances. 17 But you would need a different area for the 18 valve to function as intended. 19 BY MR. RENZULLI: 20 Q And you have different areas based upon the 21 different calibers; correct? 22 A Potentially, yes. 23 Q Okay. And do you agree with Mr. Bosch that the 24 more unsupported area, the more probability of 25 failure?
Page 175 1 to get the same force to cause the case to fail. 2 Q So the force caused -- 3 The force you need to cause a cartridge 4 case failure, a factor of that would also be 5 what caliber firearm you're shooting; right? 6 MR. LEWIS: Form and foundation. 7 A I'm not really sure what you're asking me there. 8 BY MR. RENZULLI: 9 Q Different forces may cause a cartridge case to 10 fail on a 45 ACP as opposed to a 9-millimeter; 11 correct? 12 MR. LEWIS: Form and foundation. 13 A I'm still not sure because you've got different 14 pressures. A 45 is a lot less pressure than, 15 say, a 9-millimeter. So you would have a 16 smaller area around the 9-millimeter because the 17 greater pressure gives the same force as a 18 larger area would on a 45. 19 BY MR. RENZULLI: 20 Q So you're going to have different areas 21 depending upon the caliber; right? Different 22 amount of areas? 23 MR. LEWIS: Form and foundation. 24 A Different size of area. 25	Page 177 1 MR. LEWIS: Form and foundation. 2 A In a given caliber. I'm working on the 3 assumption that someone at Glock designed this 4 because they say it's designed to fail at twice 5 normal pressure. So someone would have had to 6 do some calculations for each caliber to see 7 what size special safety valve was required. 8 BY MR. RENZULLI: 9 Q I'm not sure which question you answered. Let's 10 try to answer the question asked, if you can. 11 Do you agree with Mr. Bosch that the more 12 unsupported area, the more probability of 13 failure? 14 MR. LEWIS: Form and foundation. 15 Just for the record, I think he did answer 16 the question that you asked him, Chris. You're 17 asking him, again, and you've asked the same 18 question a number of times. 19 So I mean, you know, at least to my ear, 20 you're just asking the same question over and 21 over, and you're not getting the answer you like 22 so you're just asking it again. 23 Do you want to rephrase it and ask another 24 question or clarify your question so it's 25 different than the last two or three times that

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Page 178 1 you have asked it? It might make the deposition 2 move along quicker. 3 MR. RENZULLI: Rob, that was a very long 4 statement. I've asked the question twice. The 5 first time I didn't get an answer. The second 6 time I'm asking for an answer. 7 MR. LEWIS: You -- 8 (Simultaneous discussion.) 9 MR. LEWIS: No, no. You got an answer. 10 You got an answer. You didn't like the answer. 11 MR. RENZULLI: Rob, stop. 12 MR. LEWIS: There's a difference. There's 13 a difference, Chris. 14 MR. RENZULLI: Robert, stop. 15 MR. LEWIS: No. Please don't interrupt me. 16 You got the answer; you just didn't like it. So 17 you asked it again, and you've done that 18 repeatedly through this case and multiple times. 19 You don't get the answer you like, so you just 20 badger the witness. 21 So ask the question and then get an answer 22 and move on. 23 MR. RENZULLI: Are you done? 24 MR. LEWIS: Yeah, I'm done. 25 MR. RENZULLI: Good.	Page 180 1 Q I'm not specifically asking about 40 and 2 10-millimeter. I'm talking in general. 3 A Do you agree different calibers have different 4 feed ramp geometries? 5 MR. LEWIS: Form and foundation. 6 A Not necessarily. 7 BY MR. RENZULLI: 8 Q What does that mean, not necessarily? Do you 9 know? Have you looked at it for Glock pistols? 10 MR. LEWIS: Form and foundation. 11 A I'll give you an answer to that. It doesn't 12 need to be different. Whether it is or not, I 13 don't know. 14 BY MR. RENZULLI: 15 Q Okay. Thank you. 16 You have the design drawings for the 17 barrels for the Glock pistols; right? You were 18 provided that by plaintiff's counsel; correct? 19 A They are in the information pack. 20 Q Did you not get to it yet? 21 A No. I haven't studied them in detail. 22 Q Thank you. 23 Let's go to page 16. Top of 16. 24 You say here at the top of the page -- you 25 say:
Page 179 1 BY MR. RENZULLI: 2 Q Mr. Nixon, do you agree with Mr. Bosch that the 3 more unsupported area, the more probability of 4 failure? 5 MR. LEWIS: Form and foundation. 6 A For a given pressure, and a given caliber, that 7 would be the case. 8 BY MR. RENZULLI: 9 Q Do you agree that different calibers have 10 different size feed ramps? 11 MR. LEWIS: Form and foundation. 12 A Not necessarily. If, for example, you had a 357 13 Sig and a 9-millimeter, then maybe the same, or 14 a 40 and a 10-millimeter. 15 BY MR. RENZULLI: 16 Q Are you guessing here? 17 A I'm just saying they could be. I haven't 18 measured them. 19 Q Gotcha. 20 Would you agree that different calibers 21 have different geometries? 22 A If you compare 40 and a 10-millimeter, there's a 23 slight difference in length. But the projectile 24 is the same, and that's likely to what -- given 25 the dimensions of the feed ramp.	Page 181 1 "In small firearms such as pistols, this 2 risk could be avoided or minimized with a 3 thicker and more robust barrel and chamber." 4 Do you see that portion of the sentence? 5 A Yes. 6 Q What did you mean by thicker? 7 A More material surrounding the cartridge. 8 Q And more robust? 9 A Yes. That could be a result of being thicker, 10 or you could use improved material. 11 Q And you're talking about the barrel of the 12 chamber. Have you done any testing on this? 13 MR. LEWIS: Form. 14 A I don't need to do any testing to know that 15 that's a correct statement. 16 BY MR. RENZULLI: 17 Q You don't need to do any testing? 18 MR. LEWIS: Form. 19 A No. I can tell you, if you make something 20 thicker, it's obviously stronger. 21 BY MR. RENZULLI: 22 Q Right. That's a trade-off; right? 23 A You would have greater weight and size. 24 Q There could be other trade-offs as well; no? 25 MR. LEWIS: Form. Foundation.

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Page 182 1 A Not that I can think of as I'm sitting here. 2 BY MR. RENZULLI: 3 Q Okay. You said that -- did you compare -- do we 4 have all of your -- 5 Withdrawn. 6 Do we have all of your file and all of your 7 support for your comparisons of Glock barrels 8 with other manufacturer' barrels? 9 MR. LEWIS: Form, foundation. 10 A I don't know if you've had everything that I've 11 got. I would assume that you do. Plaintiff's 12 counsel should have it all, and it should have 13 been disclosed to you. 14 BY MR. RENZULLI: 15 Q Okay. Go down to the bottom of 22. Same page. 16 You say: 17 "It's incumbent upon firearms manufacturers 18 to take into account safety considerations when 19 designing their products for sale in the open 20 market, including the consumer market." 21 You stand by that statement? 22 A Yes, I to. 23 Q Do you also agree that it's incumbent upon 24 ammunition manufacturers to take into account 25 safety considerations as well?	Page 184 1 BY MR. RENZULLI: 2 Q Down a couple of sentence you say: 3 "The problem with the Glock design is that 4 the unsupported chamber allows the cartridge 5 case to expand way too much at the location over 6 the feed ramp." 7 Can you please tell me what way too much 8 means. 9 A Way too much means it expands beyond its elastic 10 limit. 11 Q What is the measurement of that? 12 MR. LEWIS: Form and foundation. 13 A It's indeterminate. You would need to test the 14 individual cartridge case. 15 BY MR. RENZULLI: 16 Q Have you done that? 17 MR. LEWIS: Form and foundation. 18 A No. 19 BY MR. RENZULLI: 20 Q Okay. You have a photograph here on this 21 page for a bulged case, what you say is from a 22 Portland police officer. 23 What pressures were generated inside that 24 cartridge case? 25 A If it was loaded to 45 specifications -- I'm
Page 183 1 A Yes, I do. 2 Q Next page. 3 Johnson 217. In the middle of the 4 paragraph you wrote: 5 "However, if the cartridge case is not 6 adequately supported by the chamber, the case 7 may rupture at a pressure lower than that 8 required to force the bullet down the barrel." 9 What is that pressure? 10 MR. LEWIS: Form. 11 A It would vary depending on caliber. 12 BY MR. RENZULLI: 13 Q Start with the 9. What would it be? 14 MR. LEWIS: Form and foundation. 15 A I don't know. 16 BY MR. RENZULLI: 17 Q What about 45 ACP? 18 MR. LEWIS: Form and foundation. 19 A Same answer. I don't know. 20 BY MR. RENZULLI: 21 Q If I ask you all the different handgun calibers, 22 would you give me the same answer? You don't 23 know? 24 MR. LEWIS: Form and foundation. 25 A Yes, I would.	Page 185 1 going from memory here -- but I think it's been 2 21,000 psi. 3 Q Have you ever seen a 45 cartridge case of a 4 Glock pistol bulge at 21,000 psi, is what you 5 think it is? 6 MR. LEWIS: I'm sorry, Chris. You cut out. 7 Could you say that question again. I didn't 8 hear it. It broke up. 9 MR. RENZULLI: Let's start over again. 10 Thanks. 11 BY MR. RENZULLI: 12 Q Have you ever seen a 45 caliber cartridge case 13 that was fired through a Glock that has what you 14 call here a bulge at normal pressures? 15 A I believe I have. Yes. 16 Q When? 17 A At times in the past. I couldn't be very 18 specific, but when I'm at the range, if someone 19 is a hand loader, they will show me this was 20 fired in a Glock. I don't want to reload it. 21 Q I'm sorry, sir. I thought you never looked at 22 cartridge cases. 23 MR. LEWIS: Form. Misstates his testimony. 24 A Not the ones that I've fired, but I've looked at 25 ones that other people have fired and will show

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Page 186 1 to me. 2 BY MR. RENZULLI: 3 Q Okay. This is new information. Before you said 4 you'd never seen them. Who is this person on 5 the range that had reloaded his ammunition and 6 had what you called a bulge? Who is this 7 person? 8 MR. LEWIS: Form. 9 A I never said that I'd never seen them. I just 10 said I didn't look at the ones that I fired. 11 BY MR. RENZULLI: 12 Q I said, so tell me now all the times that you 13 apparently have seen them but you didn't tell 14 me. 15 A I wasn't trying to hide anything. I told you I 16 hadn't looked at the ones that I had fired. I 17 can't be specific on times that I have seen 18 this. Over the years, people have shown me 19 cases and said, "Look, this was fired in a 20 Glock. I don't want to reload it." 21 Q Can you name one person, sir? 22 A Not for a 45. 23 Q Can you do it for any caliber? 24 A I know the person we mentioned earlier, 25 Dennis Wohlford, he has shown me cartridge cases	Page 188 1 about bulging on Glock cartridge cases. But, 2 yet, you never looked at one of your cartridge 3 cases to see if it was bulging? 4 A That's correct. 5 Q And you continued to carry and fire Glock 6 pistols after that; correct? 7 A Yes, I did. 8 Q So you had no concerns, then, firing Glock 9 pistols even though these unnamed pistol people 10 told you that they were getting bulges; correct? 11 MR. LEWIS: Form and foundation. 12 A At that time I wasn't aware that Glock had the 13 special safety valve. 14 BY MR. RENZULLI: 15 Q Okay. When did you find out that they had this 16 special safety valve? 17 A Only recently. After I started working on this 18 case. 19 Q Okay. So plaintiff's counsel and Mr. Bosch told 20 you that the gun was defective because it had a 21 special safety valve? 22 MR. LEWIS: Form and foundation. 23 A I was informed that it has a special safety 24 valve. I don't know if they told me 25 specifically at that time they thought it was
Page 187 1 with bulges that he said were fired in Glocks. 2 I don't know the full details, but it's not 3 uncommon to see this. 4 Q You don't know the full details. Did you ask 5 him any details? 6 A I may have done. I just don't recall the 7 discussion. 8 Q You don't recall. 9 Mr. Wohlford is a reloader; right? 10 A He is, yes. 11 Q And this other person, unnamed person, unknown 12 time showed you a cartridge case that he 13 reloaded and had a bulge; right? 14 A It wasn't reloaded. It was fired in a Glock. 15 Q Fired in a Glock. This person, this person on 16 the range? 17 A Yes. And it's probably persons. I've seen them 18 over the years. I don't really log it. 19 Q It's so common. When did you start hearing 20 about this bulging? 21 A A long time ago. 22 Q Give me a year. 23 A Probably 20 years ago. Maybe even longer than 24 that. In the early 2000s. 25 Q So for 20 years -- over 20 years ago you heard	Page 189 1 defective for that reason. 2 BY MR. RENZULLI: 3 Q Sir, I'm just -- I'm going to ask one more time. 4 Maybe you answered it. If you did, I apologize. 5 Other than Mr. Wohlford, can you name 6 any -- anyone, anyone in the country who has 7 told you they had a bulge case from a Glock 8 pistol? 9 A The original question was in a 45 caliber Glock. 10 Q Okay. What about in a 45 caliber Glock? 11 A I couldn't name anybody today, but I'm sure I 12 could go out to a range on the weekend and find 13 somebody who has a bulged cartridge case. 14 Q Okay, sir. Can you name anyone with any 15 caliber, any model of Glock who came up to you 16 and said they had a bulged case? 17 A I know people have done it. It's just so 18 routine, I don't bother trying to remember. 19 Q So routine. Okay, sir. 20 You knew -- right? -- about this 21 unsupported chamber claims from Mr. Speer; 22 right? 23 A At the time it was kabooms. And it was said 24 that the Glocks have unsupported chambers. So 25 yes, that's correct.

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Page 190 1 Q So at the time you heard that Glock had these 2 unsupported chambers, and at the same time these 3 people were telling you they had bulged cases; 4 right? 5 A That's correct. 6 Q In your report I think you specifically say that 7 the unsupported chamber is the same thing as a 8 safety valve; right? 9 A By definition, that's what it is. 10 Q Right. By definition 20-plus years ago, you 11 knew about the safety valve? 12 MR. LEWIS: Form and foundation. 13 A I didn't know it was designed as a safety valve. 14 BY MR. RENZULLI: 15 Q Okay, sir. I think you answered the question. 16 On page 18, top of 18, what were the 17 pressures that were generated in Exhibit O? 18 A I don't know. 19 Q What were the pressures that were generated in 20 Exhibit N? 21 A I don't know. 22 Q What were the pressures that were generated in 23 Exhibit Q? 24 A I don't know. 25 Q You probably have to look at the gun; right?	Page 192 1 BY MR. RENZULLI: 2 Q Only if it was totally destroyed? 3 MR. LEWIS: Form and foundation. 4 A Yes. 5 BY MR. RENZULLI: 6 Q So it's your opinion today that unless the 7 firearm is totally destroyed, it did not have an 8 overpressure event? 9 MR. LEWIS: Form and foundation. Misstates 10 his testimony. 11 A All I'm saying is that if the frame is totally 12 destroyed, it's a fair conclusion that it was 13 overpressure. 14 If you've got less damage, like the 15 magazine blown out and the grip cracked, then it 16 could just be a regular pressure round that had 17 a defective case. 18 BY MR. RENZULLI: 19 Q Tell me what testing you've done with Glock 20 pistols to reach that conclusion? 21 A I haven't. 22 Q You haven't. Okay. 23 A But I would say, just to give you a fuller 24 answer on that, the testing that we did on the 25 3rd and 4th of January, we had known
Page 191 1 MR. LEWIS: Form and foundation. 2 A There's no way to tell what the pressures were. 3 BY MR. RENZULLI: 4 Q You can tell if it's an overpressure event; 5 right? 6 MR. LEWIS: Form and foundation. 7 A Not necessarily. The cases that have ruptured 8 may have been defective cases. 9 BY MR. RENZULLI: 10 Q There's investigation you can do. You can look 11 at the cases up close and personal; right? 12 MR. LEWIS: Form and foundation. 13 A That wouldn't tell you what the pressure was. 14 BY MR. RENZULLI: 15 Q It would give you some clues, though; right? 16 MR. LEWIS: Form and foundation. 17 A I don't think so. 18 BY MR. RENZULLI: 19 Q What about looking at the gun? Would that give 20 you some clues as to what the pressure may have 21 been? 22 MR. LEWIS: Form and foundation. 23 A If it was totally destroyed, you might conclude 24 it was an overpressure round. 25	Page 193 1 overpressure rounds, and the damage was quite 2 severe. 3 Q Did you see any testing that was done in the 4 Grosso matter? 5 A I'm aware there was some and I briefly looked at 6 it, but I don't recall any details. 7 Q If it's not in your report, that means it wasn't 8 important to you; right? 9 MR. LEWIS: Form and foundation. 10 A Not necessarily. 11 THE VIDEOGRAPHER: Mr. Renzulli, 12 videographer here. We need a break in the next 13 five minutes or so. 14 MR. RENZULLI: Five minutes. Let's take it 15 now. 16 THE VIDEOGRAPHER: We're off the record at 17 5:08 p.m. 18 (A recess was taken.) 19 THE VIDEOGRAPHER: We are back on the 20 record at 5:31 p.m. 21 BY MR. RENZULLI: 22 Q Sir, we are back. We're still on Exhibit 5, I 23 think. 24 Okay. Sorry. 25 What do we have here? What is your

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Page 194 1 understanding of how many millions of rounds of 2 ammunition have been discharged from Glock 3 pistols? 4 MR. LEWIS: Form and foundation. 5 A It's going to be a lot. 6 BY MR. RENZULLI: 7 Q Even you. You've done tens of thousands of 8 rounds; right? 9 A Probably in excess of 14,000. 10 Q Yeah. Let's go to page 21 here. Right in the 11 middle. Come down a little bit. Perfect. 12 In paragraph 28 here, it says, second 13 paragraph, second sentence, sir. Sorry: 14 "Firearm manufacturers are aware, or should 15 be, that there is significant variance in 16 cartridge case thickness, case alloy 17 composition, and manufacturing processes. 18 Do you see that sentence that you wrote? 19 A Yes. 20 Q What are the variance in the dimensions of 21 cartridge case thickness that you're referring 22 to? 23 A That would be what you would call the wall 24 thickness and the web thickness. 25 Q Give me the numbers. What would they be?	Page 196 1 Tell me about the significant variance in 2 case alloy composition. 3 A You can have 70-30 brass. You can vary those 4 percentages, and there's some indication in the 5 documentation that it does vary. You can have 6 aluminum cases, steel cases. 7 Q But you don't like the aluminum and you don't 8 like steel; right? 9 A I'm just saying that they exist. I don't say 10 whether I like them or not. But they work. The 11 aluminum cases tend to give more failures to 12 feed than the others. 13 Q The 70-30 that you just mentioned, where's the 14 plus or minus here? Where is the variance to 15 being improper and proper? Defective and 16 non-defective? 17 MR. LEWIS: Form and foundation. 18 A I'm not necessarily saying that there's proper 19 and improper. But it's just a variance. I 20 don't recall where I've seen it in the 21 documentation, but there is some testing that 22 states what the alloy composition was of the 23 copper and zinc. You can have brass, which is 24 still brass if you do 25-75. 25
Page 195 1 A Oh, I don't know. I don't recall what the 2 numbers are. 3 Q So although you say there's variance, you can't 4 tell me the high and the low on the thickness of 5 the cartridge case wall? 6 A No. I could measure some and tell you. But off 7 the top of my head, I don't know. 8 Q What should it be? 9 A I'm not sure anyone's placed a tolerance on it. 10 Q What is the amount of cartridge case thickness 11 that, in your opinion, you believe should not be 12 discharged through a Glock pistol? 13 A I couldn't give you a measurement for that. 14 Q You haven't tested it? 15 MR. LEWIS: Form and foundation. 16 A No. 17 BY MR. RENZULLI: 18 Q Did we get an answer? 19 A No. 20 Q I'm sorry. Bad question. 21 So you haven't tested it; correct? 22 MR. LEWIS: Form and foundation. 23 A That's correct. 24 BY MR. RENZULLI: 25 Q Then you talk about case alloy composition.	Page 197 1 BY MR. RENZULLI: 2 Q Testing on what? You said you saw some testing 3 that said the composition of what? 4 A Of the brass cartridge case. 5 Q When you say the brass cartridge case, what are 6 you talking about? 7 A Well, a brass cartridge case. I'll say some 8 brass cartridge cases. You just asked me what 9 the variance is in the brass alloy, and I don't 10 know where I seen those figures. But they are 11 in some documentation somewhere. 12 Q You saw some documentation somewhere that showed 13 some variation in the case alloy composition, 14 but you don't know where you saw it? 15 MR. LEWIS: Form and foundation. 16 A Yes, that's correct. 17 BY MR. RENZULLI: 18 Q You say that there is significant variance in 19 case alloy composition. I'm just trying to find 20 out, what is your support for that, that there's 21 significance variance of that in ammunition? 22 A Well, that's one example that I've just given 23 you. Even though I don't know specifically 24 where it is, I've seen it very recently. 25 Q You saw it somewhere, you just don't remember?

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Page 198 1 A That's correct. 2 Q You saw something that says this is the variance 3 in the case alloy composition? 4 A It didn't say this is the variance, it just gave 5 what the composition was. 6 Q What is the variance, though? You say here 7 there's significant variance in case alloy 8 composition. I'm just trying to figure out 9 where you got that information from? 10 MR. LEWIS: Form and foundation. 11 A It's published in literature. I can't remember 12 where. But it certainly is widely known that 13 that composition does vary. 14 BY MR. RENZULLI: 15 Q What is a safe amount of case alloy? What is 16 safe and what is unsafe in your mind? 17 A Not saying one is safe and another isn't. It's 18 just there is a variance. 19 Q Okay. So your point here is there's a variance, 20 but you don't plan on saying when a variance is 21 too much a variance? You don't plan to say 22 that? 23 A No. It's just that the properties will change 24 depending on the composition. 25 Q You are just not sure what they are?	Page 200 1 BY MR. RENZULLI: 2 Q And you're not prepared to tell me which 3 ammunition manufacturers have appropriate 4 thickness for their cartridge case and which 5 ones don't. You just said there's a difference 6 between Fiocchi, Federal, and Winchester? 7 A Yes. I'm not withholding anything from you. 8 It's just I haven't measured them. 9 Q You haven't measured them. Okay. 10 Which ammunition manufacture's ammunition 11 has the appropriate case alloy composition? 12 MR. LEWIS: Form and foundation. 13 A I don't know that there's any that are not 14 appropriate. All I'm saying is that they do 15 vary. 16 BY MR. RENZULLI: 17 Q Can you tell me -- 18 Withdrawn. 19 Can you tell me which ammunition 20 manufacturer's ammunition has a cartridge case 21 thickness that in incompatible with Glock 22 pistols? 23 MR. LEWIS: Form, foundation. 24 A I don't think I can make that conclusion. 25
Page 199 1 MR. LEWIS: Form and foundation. 2 A That's correct. 3 BY MR. RENZULLI: 4 Q Can you -- 5 Which ammunition manufacturer's ammunition 6 has a sufficient cartridge case thickness? 7 MR. LEWIS: Form and foundation. 8 A From my own observation without measurement, the 9 Federal and Fiocchi cases are thicker than the 10 Winchester ones. 11 BY MR. RENZULLI: 12 Q How much thicker? 13 A I haven't measured it. 14 Q Are you saying that the Winchester one is 15 defective? 16 MR. LEWIS: Form and foundation. 17 A Not necessarily. All I'm saying is it's 18 different. 19 BY MR. RENZULLI: 20 Q It's different, okay. You're not here to say 21 what an appropriate thickness is or what an 22 appropriate thickness isn't? You're not here to 23 say that? 24 MR. LEWIS: Form and foundation. 25 A That's correct.	Page 201 1 BY MR. RENZULLI: 2 Q Which ammunition manufacturer's ammunition has a 3 case alloy composition that is incompatible with 4 Glock pistols? 5 MR. LEWIS: Form and foundation. 6 A I can't make that conclusion either. 7 BY MR. RENZULLI: 8 Q When you say there's a significant variance in 9 the manufacturing processes in this sentence, 10 what do you mean? 11 A Different people make ammunition in a different 12 way. 13 Q Can you be any more specific? 14 A I visited American Ammunition some years ago, 15 and they made ammunition differently to what 16 other manufacturers do. 17 Q I apologize. I missed the latter part of that. 18 You can either say it again or we'll have the 19 court reporter repeat it back. I'm sorry. 20 A Do you want the court reporter to read it or do 21 you want me to repeat it? 22 Q If you remember it, it will be quicker if you 23 just say it. 24 A What I said was I went to American Ammunition 25 factory some years ago, and they make ammunition

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Page 202 1 significantly different from other people. 2 Q How did they make it different from others? 3 A They had a batch process rather than a 4 continuous production line. 5 Q Can you explain what a batch process is as 6 opposed to continuous? 7 A Continuous production line is where you have 8 components coming down a production line and 9 they turned out one after the other. 10 Batch production is where you have a 11 loading block with maybe a couple hundred rounds 12 in it, and they are processed as a batch, and 13 then you have another batch after that. 14 Q Tell me -- 15 Other than what you call American 16 Ammunition, tell me other manufacturers of 17 ammunition that use the batch process. 18 A I'm not aware. I know that smaller ammunition 19 companies tend to do it differently. Underwood 20 Ammunition over in Illinois, they use a 21 reloading press. I can't remember the brand 22 now. But it's less automated than you would get 23 in a large factory like Winchester. 24 Q Less automated like you would get in a factory 25 like Federal; correct?	Page 204 1 earlier. 2 Q Reasonable. Okay. 3 So you're not critical of an ammunition 4 company that uses a continuous production line, 5 as you call it, are you? 6 A No. They do what they have got to do to turn 7 out the volume that they want to turn out. 8 Q Higher quality control; correct? 9 MR. LEWIS: Form and foundation. 10 A Yes. I don't know about that. I don't know 11 what quality control they have. You can, in 12 theory, have more quality control and batch 13 production than you can on production line 14 production. 15 BY MR. RENZULLI: 16 Q You talked about American Ammunition and you 17 visited the plant for a day. I understand that. 18 What other ammunition manufacturing plants 19 have you been to? 20 A I've been to the Radway Green, which was 21 Royal Ordnance. And I've watched videos online 22 that people will tour an ammunition plant so you 23 can see how they do things. 24 Q So in person you went to the RG plant? 25 A Yes. That's Radway Green.
Page 203 1 A Yes. 2 Q Less automated than you would get in a factory 3 like Fiocchi; correct? 4 A Yes. 5 Q Less automated than you would get in a 6 Sellier & Bellot; correct? 7 A I assume so. I haven't seen how they do theirs. 8 But they are a very large manufacturer, so I 9 don't think they could do that with small batch 10 production. 11 Q Less than you would have with Remington; 12 correct? 13 A Yes. 14 Q Less than you would have with CCI Blazer; 15 correct? 16 A Yes. 17 Q And for all of those companies, do you know if 18 they have a continuous production line or a 19 batch process? 20 A I'm working on the assumption that they have a 21 continuous production line because of the volume 22 of ammunition they turn out. 23 Q Yet, they turn out high-quality, commercially 24 manufactured ammo; correct? 25 A I think we described it as reasonable quality	Page 205 1 Q I'll call it RG. How long were you there? 2 A Several times for probably a day at a time. 3 Q You were trying to fix their defective 4 ammunition; right? 5 MR. LEWIS: Form and foundation. 6 A I wouldn't say I was trying to fix it 7 personally. I just visited to -- 8 You know, we obviously were discussing a 9 number of things at the time, and I don't recall 10 what they were. But I've been through 11 ammunition plants as well which were all part of 12 Royal Ordnance or British Aerospace. 13 BY MR. RENZULLI: 14 Q Right. But you talked earlier that they were 15 having problems with their ammunition, and you 16 gave them suggestions to fix it. And in your 17 mind, you thought they fixed the defect? 18 MR. LEWIS: Form and foundation. 19 BY MR. RENZULLI: 20 Q Correct? 21 A I'm aware they came up with a production 22 procedure which was published. They had a chart 23 on the wall with their multistep process. You 24 know, I didn't hear anything about any defects, 25 so I assume it was fixed.

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Page 206 1 Q And then, where is that plant located? 2 A Somewhere in England in what you would call the 3 Midlands area. 4 Q What year did you do that? 5 A I don't remember but it would have been sometime 6 between 1986 and maybe 1994. 7 Q And then you saw videos online of tours. Tours 8 of what? Which manufacturing plant? 9 A There's several of them. Federal is one that I 10 remember. 11 Go onto YouTube and just type in 12 "ammunition plant" and you get things come up. 13 Q Yeah. Tell me -- tell me which other ones, when 14 you typed it in, came up other than Federal? 15 A I don't recall as I sit here. You can probably 16 do it yourself and find out. 17 Q I just want to know what you know, sir. You're 18 the one who is attempting to become an expert in 19 this case. I just want to know what you know. 20 It's not about me. 21 MR. LEWIS: Form and foundation. 22 A I don't recall what the others were. There is 23 certainly more than one. 24 BY MR. RENZULLI: 25 Q Other than RG in England and American Ammunition	Page 208 1 A It's thin and it tends to crack when you reload 2 it is what I've been told. 3 Q So they don't reload it at all? Some people 4 don't reload it at all? 5 A Yes. It's like anything else. There's probably 6 a personal preference or some people have more 7 experience than others. 8 Q Next page, 22, 29. Have you compared Glock's 9 warnings to any other firearm manufacturer's 10 warnings when it comes to the proper ammunition 11 to use in their firearm? 12 MR. LEWIS: Form and foundation. 13 A Haven't done a direct comparison side by side, 14 but most of the user's manuals have warnings in 15 it. 16 BY MR. RENZULLI: 17 Q Do the warnings generally look like the one that 18 you've cut and pasted into your report? 19 A One that I've cut and pasted in there is more 20 extensive than ones I've seen in other user's 21 manuals. 22 Q Okay. I'm sorry. 23 The one you have here is more extensive 24 than the ones you've seen from other 25 manufacturers?
Page 207 1 that you were there for a day, have there been 2 any manufacturers of ammunition whose plant 3 you've been in and you've toured their 4 facilities? 5 A I'm trying to think of any as I sit here today. 6 Q You say here in the next sentence you regularly 7 weigh and measure cartridge cases from different 8 manufacturers and different lots within the same 9 brand. Correct? Is that what you wrote? 10 A Yes. 11 Q But you never measured cartridge case thickness? 12 A Probably have. I just don't recall what it 13 might be as I'm here today. 14 Q You say: 15 "Hobby reloaders are aware of the 16 variances, many of whom refuse to use certain 17 brands of cases." 18 What brands of cases are you talking about? 19 A American Ammunition was one that people cite as 20 being not good for reloading. 21 Q So people don't use American Ammunition for 22 reloading? 23 A Some people may do, but I've had people tell me 24 that they don't like it. 25 Q They don't like it. Why not?	Page 209 1 A Going from memory. But I don't recall seeing 2 the stuff about NATO. 3 Q Okay. The bottom of that page you talk about 4 there's no specifications concerning 5 manufacturing techniques for cartridges. And 6 you say neither SAAMI, CIP, nor NATO provide 7 guidance on cartridge case alloy. 8 Do you provide guidance on cartridge case 9 alloy? 10 MR. LEWIS: Form and foundation. 11 A No, I don't. 12 BY MR. RENZULLI: 13 Q Do you provide guidance on thickness? 14 MR. LEWIS: Form and foundation. 15 A No. 16 BY MR. RENZULLI: 17 Q Do you provide guidance on annealing? 18 MR. LEWIS: Form and foundation. 19 A I have done. 20 BY MR. RENZULLI: 21 Q You have? 22 A As we discussed earlier. 23 Q With whom? 24 A With Royal Ordnance. 25 Q Royal Ordnance; right. Any guidance on work

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Page 210 1 hardening? 2 MR. LEWIS: Objection. Form, foundation. 3 A I do tell people who are reloaders that they 4 shouldn't reload too many times without 5 annealing. 6 BY MR. RENZULLI: 7 Q Anything else? 8 A Not that I can think of. 9 Q How about cartridge case strength or hardness 10 variations? Do you provide guidance on that? 11 MR. LEWIS: Form and foundation. 12 A No. 13 BY MR. RENZULLI: 14 Q Would you say that for those, you don't have the 15 specific expertise to provide that guidance? 16 MR. LEWIS: Form and foundation. 17 A I may do, but I haven't had a need to. 18 BY MR. RENZULLI: 19 Q You may, but you haven't had the need? What 20 does that mean? 21 A I may have the knowledge, but I haven't had 22 reason to use it. 23 Q So I asked you about thickness and what that 24 should be. You don't know; right? 25 A Yes. I would need to do -- perform some	Page 212 1 BY MR. RENZULLI: 2 Q Name one that does it once. 3 A I couldn't name anybody. 4 Q Name one that does it several times. 5 A Again, I couldn't name anyone. 6 Q Next page up at the top: 7 "Commercial ammunition manufacturers do not 8 specify the hardness gradient along the 9 cartridge cases." 10 Should they, in your opinion? 11 MR. LEWIS: Form and foundation. 12 A It might be helpful if they did. 13 BY MR. RENZULLI: 14 Q It would be helpful. Have you ever said that to 15 any firearm -- I'm sorry. 16 Have you ever said that to any commercial 17 ammunition manufacturers? 18 A No. 19 Q You say: 20 "The hardness of the brass may vary greatly 21 in strength and ductility near the case head and 22 web where the cartridge is unsupported when 23 fired in a Glock pistol." 24 Do you see that? Next sentence. 25 A Which section are you reading?
Page 211 1 research. Then have the technical ability to 2 understand what I can learn. 3 Q In order to provide opinions on this stuff, you 4 have to do research; correct? 5 MR. LEWIS: Form and foundation. 6 A Yes. 7 BY MR. RENZULLI: 8 Q Paragraph 32. You say some manufacturers -- 9 You're talking about annealing: 10 "Manufacturers of brass cartridge cases 11 must anneal the brass to soften it to prevent 12 fissures from forming, thereby reducing the 13 strength of the case." 14 You say: 15 "Some manufacturers do this once and some 16 do it several times." 17 Right? 18 A Yes. 19 Q Which ones do it once? 20 MR. LEWIS: Form and foundation. 21 A I don't know the specific number on 22 manufacturers, but I know some people do it 23 once. Some people do it twice on pistol -- 24 straight-wall pistol cases. 25	Page 213 1 Q I'm on the same page. I'm on the next section. 2 I'm sorry. Next sentence. Top of the 3 page. "This means." Third line down. 4 A Right. "Sharp changes in hardness, gradient 5 along the length of case" -- 6 Q Correct. You see that sentence? 7 A Yes. 8 Q How much does it vary in strength and ductility 9 near the case head and web? 10 MR. LEWIS: Form and foundation. 11 A The case mouth needs to be ductile so that you 12 can grip the bullet. So there's a gradient as 13 you go back towards the case head. 14 BY MR. RENZULLI: 15 Q You say: 16 "The hardness of the brass may vary greatly 17 in strength and ductility." 18 What is the range of the strength and 19 ductility you're referring to? 20 MR. LEWIS: Form and foundation. 21 A I don't know off the top of my head. 22 BY MR. RENZULLI: 23 Q You say sharp changes in the hardness gradient. 24 Give me examples of where that happens. 25 A Somewhere between the mouth of the case and the

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1 web. 2 Q Where? Where between the mouth and the web? 3 MR. LEWIS: Form and foundation. 4 A It could be anywhere depending on who 5 manufactured it. 6 BY MR. RENZULLI: 7 Q So different manufacturers have different areas; 8 correct? 9 A It's possible. 10 Q Gotcha. 11 Have you done any studies on this? 12 A No, I haven't. 13 Q You say: 14 "The hardness gradient can also vary 15 greatly in the case near where the web and case 16 head, where Glock pistols offer no support." 17 How do they vary greatly? Can you give me 18 the range? 19 MR. LEWIS: Form and foundation. 20 A I couldn't quote you any numbers. 21 BY MR. RENZULLI: 22 Q Okay. You say at the bottom of paragraph 34: 23 "If the fissure or stress crack aligns with 24 the feed ramp in a Glock pistol (the 4:00 to 25 8:00 position), there is no chamber to support	1 overpressure round, then the trouble is you 2 cannot tell if there's a crack there or not once 3 it's failed. 4 BY MR. RENZULLI: 5 Q I'm talking about fissures; right? 6 A Cracks are fissures. 7 Q Is this more appropriate for Mr. Bosch? 8 MR. LEWIS: Form and foundation. 9 A It probably is. 10 BY MR. RENZULLI: 11 Q So we'll leave this to Mr. Bosch to talk about. 12 I won't waste your time anymore. 13 You talk about in paragraph 35 -- and you 14 have an exhibit -- which refers to Glock 15 Austria's testing during the development stage 16 in 45 ACP; correct? 17 A I don't think I've got the caliber in there. 18 Q Let's see if we can -- 19 Let's see if we can go to the next page 20 here. 21 Do you remember this? 22 A Yes. 23 Q Who made these red circles? Is that you? 24 A It was supplied to me with those on there. 25 Q Mr. Lewis gave you with the red circles?
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1 it, the internal pressures in the cartridge may 2 cause the case to swell to the point where it 3 will achieve plastic deformation, or even a 4 complete rupture." 5 What testing have you done on that? 6 MR. LEWIS: Form and foundation. 7 A This is from observation. 8 BY MR. RENZULLI: 9 Q Observation of what? 10 A Of some of the exhibits we have in this case. 11 Q What exhibits are you talking about? 12 A The ones that we have looked at in my report 13 earlier. 14 Q Which ones are they? 15 A I can't scroll back some. I'm not sure what 16 they were called. There were some cartridge 17 cases earlier where they have got plastic 18 deformation and some destruction. 19 Q Oh, okay. So anytime you see -- 20 Anytime you see what you call plastic 21 deformation or destruction, that means that the 22 fissure or the stress crack aligned with the 23 feed ramp? Is that what you're saying? 24 MR. LEWIS: Form and foundation. 25 A If it was a defective case. If it was an	1 A Yes. 2 Q Gotcha. 3 What are you relying upon here. Let's take 4 the top right. It says something about 3,000 5 bar. What does 3,000 bar mean? 6 A That's a pressure measurement. 7 Q What does that mean, let's say, with psi's? 8 A If you multiply it by 14.5, that's how many psi 9 you've got. 10 Q How many psi is that? 11 A That's going to be just over 40. 40,000, that 12 is. 13 Q 40,000 psi. Would you agree with me that's 14 double the maximum average pressure for a 45 15 ACP? 16 MR. LEWIS: Form, foundation. 17 A Yes. 18 BY MR. RENZULLI: 19 Q Okay. And what happened there during that 20 testing? Double the gas pressure. Was there a 21 kaboom, that you call it? 22 A Yes, there was. 23 Q So did -- the cartridge case broke? 24 MR. LEWIS: Form and foundation. 25 A Yes. It ripped open at the 6:00 position.

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Page 218 1 BY MR. RENZULLI: 2 Q With the 3,000 bar? 3 A Oh, no. The one that ripped open is even 4 higher. I think. 5 Q Let's talk about the 3,000 bar. We'll get to 6 that. I promise. 7 So at the 3,000 bar, double the maximum 8 average pressure, maximum, it didn't tear open 9 the cartridge case; right? 10 MR. LEWIS: Form and foundation. 11 A It bulged. 12 BY MR. RENZULLI: 13 Q I'm sorry? 14 A It bulged. 15 Q It's broached? 16 A It bulged. 17 Q It bulged. That's a lot of pressure, huh, sir? 18 MR. LEWIS: Form and foundation. 19 A Well, not compared to a 9-millimeter, but for a 20 45 it is high. 21 BY MR. RENZULLI: 22 Q Certainly double. Double the max; right? 23 MR. LEWIS: Form and foundation. 24 BY MR. RENZULLI: 25 Q Right?	Page 220 1 said? 2 MR. LEWIS: Form and foundation. 3 A The Glock slide that we have says it fails at 4 double the pressure. The proof house report 5 also refers to that as well. 6 BY MR. RENZULLI: 7 Q What is the Glock slide? I'm sorry. 8 A Oh, sorry. That was the slide that we had 9 earlier with the illustration of the special 10 safety valve. I'm assuming that was a slide 11 from a presentation from Glock. 12 Q Gotcha. 13 So this one that's in front of you, this 14 one actually withstood even more pressure than 15 the proof house; right? 16 A Yes. 17 Q Gotcha. Okay. 18 A I need a comparison between the two, which I've 19 probably done previously but I can't remember 20 now. 21 Q Would you agree with me, sir, that if a round is 22 badly damaged it will fail in any firearm? 23 MR. LEWIS: Form and foundation. 24 A I'm not sure I understand your question. By 25 round, you mean a loaded round of ammunition?
Page 219 1 A It means it's approximately double. 2 Q Go down to the other one. You have other circle 3 there. What is that? What's your understanding 4 of why that was circled in red? 5 A That is a higher pressure, and there's what 6 appears to be a rupture in the case. 7 Q That's at 5,000 bar; right? 8 A Yes. 9 Q And what's the psi on 5,000 bar? 10 A It's going to be a lot. You've got to multiply 11 5,000 by 14.5. 12 Q What do you get? 13 A You're looking at about 70,000 psi. 14 Q You're looking at about three times the maximum 15 average pressure; right? 16 A Yes. 17 Q Three times. 18 And some of this, double max pressure, some 19 of this testing also comports with the proof 20 house testing that you read; right? 21 A I don't know what you mean by that question. 22 Q The proof house determined that you need double 23 gas pressures for the safety valve to operate 24 and send all that excess pressure downward; 25 right? Isn't that what the proof house report	Page 221 1 BY MR. RENZULLI: 2 Q Yes, sir. That's what I meant. 3 MR. LEWIS: Form and foundation. 4 A How would it be badly damaged? 5 BY MR. RENZULLI: 6 Q Crack in the case. 7 MR. LEWIS: Form and foundation. 8 A If it was in a fully supported chamber, it 9 wouldn't fail. 10 BY MR. RENZULLI: 11 Q So any gun that you say has a fully supported 12 chamber -- 13 Which guns have fully supported Chambers, 14 sir? 15 A The HK VP40 that we looked at. 16 Q Any others have a fully supported -- what you 17 call fully supported? 18 A Quite a lot. Almost every other gun is fully or 19 almost fully supported. 20 Q Just tell me what the difference is between 21 fully supported and almost fully supported. 22 Give me the measurement. 23 A I couldn't give you a measurement, but I count 24 almost fully supported as being supported to the 25 point where the head thickness --

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Page 222 1 So as long as it's supported up to the head 2 thickness, that's what I count as almost fully 3 supported. 4 Q Give me your testing which shows that a cracked 5 cartridge case, any one of these guns you say 6 are fully supported or almost fully supported, 7 would not fail? 8 MR. LEWIS: Form and foundation. 9 A Don't have any testing. 10 BY MR. RENZULLI: 11 Q Under what circumstances can an ammunition 12 cartridge fail in a Sig? 13 MR. LEWIS: Sorry, I didn't hear that. 14 Could you repeat that again. 15 MR. RENZULLI: Yeah, no worries. 16 BY MR. RENZULLI: 17 Q Under what circumstances can an ammunition 18 cartridge fail in a Sig pistol? 19 MR. LEWIS: Form and foundation. 20 A We would have the same that we discussed 21 earlier, except if the chamber was fully or 22 almost fully supported, I would discount the 23 cracked cartridge case. 24 BY MR. RENZULLI: 25 Q So if it was almost fully supported or fully	Page 224 1 A It needs somewhere to expand into to get plastic 2 deformation and eventual tearing. And if it 3 doesn't have that, then it isn't going to fail. 4 BY MR. RENZULLI: 5 Q So it doesn't matter, the condition of the 6 brass; right? 7 MR. LEWIS: Form and foundation. 8 A Yes. As an example, you have a shotgun 9 cartridge. They typically have paper or plastic 10 holes, and they don't fail. 11 BY MR. RENZULLI: 12 Q I apologize. On page 278 you talk about this 13 fellow, Gary Brown. You seem to rely upon him 14 very heavily, huh? Next page. 15 A It was information that was available to me. 16 Q Okay. We'll put it up here so you can see it. 17 Page 28. Paragraph 39. 18 I think Gary Brown, you used that to 19 support your argument that -- 20 Let me step back. 21 You disagreed that there can be no damage 22 to the weapon or injuries unless there's an 23 overpressured round that causes the casing to 24 rupture; correct? 25 You disagreed with that.
Page 223 1 supported, then you would take out the cracked 2 cartridge case. But all the other reasons we 3 spoke about earlier about how a cartridge case 4 can fail would be the same between a Glock and a 5 Sig? 6 MR. LEWIS: Form and foundation. 7 A Essentially, yes. And I think we discussed it 8 earlier. But if you have a crack in the 9 cartridge case, if there's nowhere it can expand 10 to, then it can fail. 11 BY MR. RENZULLI: 12 Q So bad brass, really bad brass, that could fail 13 in the Sig and it could fail in the Glock; 14 right? 15 MR. LEWIS: Form and foundation. 16 A I don't know what your definition of really bad 17 is. 18 BY MR. RENZULLI: 19 Q Worst piece of brass you've ever seen. 20 MR. LEWIS: Form and foundation. 21 A I think as long as it's fully supported, you're 22 okay. 23 BY MR. RENZULLI: 24 Q Doesn't matter what condition the brass is? 25 MR. LEWIS: Form and foundation.	Page 225 1 MR. LEWIS: Form and foundation. 2 A I'm not sure. 3 BY MR. RENZULLI: 4 Q I'm sorry? 5 A I'm not sure. 6 Q I apologize. I'm having a hard time hearing 7 what you're saying. 8 A I said I wasn't sure. 9 Q You -- 10 A Can you hear me okay now? 11 Q You weren't sure, S-U-R-E? 12 A Yes. 13 Q If you see right in the middle, it says: 14 "Also, I disagree that there could be no 15 damage to the weapon or injuries unless there is 16 an overpressure round that causes the casing to 17 rupture." 18 A Yes. 19 Q That's your -- 20 A Yes. I see what you're saying there. 21 Q Okay. You rely upon this incident involving 22 Gary Brown? 23 MR. LEWIS: Form and foundation. 24 A I rely on the fact that if the standard pressure 25 case ruptures and it's -- well, in this case a

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Page 226 1 10-millimeter. Even a 9-millimeter you've got 2 35- to 40,000 psi coming out of that cartridge 3 case, it's got to do some damage. 4 BY MR. RENZULLI: 5 Q Let me just see here. Let me read it. So that 6 the Black Hill -- 7 He was using this Black Hills ammunition? 8 A Yes. 9 Q And the Black Hills ammunition had standard 10 pressures in it? 11 A It was tested. Black Hills tested, and they 12 said all the remaining ammunition that they 13 tested was within spec. 14 Q Gotcha. 15 And so, what? Black Hills said they didn't 16 blame their own ammunition here? They didn't 17 say it was their fault? 18 MR. LEWIS: Form and foundation. 19 A That's correct. 20 BY MR. RENZULLI: 21 Q That was a horrible question. 22 Did Black Hills say it wasn't their fault? 23 MR. LEWIS: Form and foundation. 24 A Yes. 25	Page 228 1 MR. LEWIS: Form and foundation. 2 A I seem to recall seeing somewhere they were 3 using Glock. I don't recall. 4 BY MR. RENZULLI: 5 Q We talked about it two hours ago. 6 A I don't recall the model that they were using. 7 Q Gotcha. 8 You didn't look at any of these pistol or 9 the ammunition that were involved with the 10 Portland police bureau right? 11 A I think I looked at a couple of cartridge cases 12 that failed. I'm not sure as I sit here today. 13 Q Okay. I think we talked about the KKM precision 14 aftermarket barrels. We talked about those 15 earlier; right? 16 A Yes, we did. 17 Q Gotcha. 18 Now you've got a bunch of incidents here 19 that you call, you know, to support your claim 20 that the UCD/SSV is a safety hazard. 21 Do you see that? Starts on page 30, kind 22 of goes to page 34. 23 A Yes. 24 Q Have you done any investigation into these 25 situations?
Page 227 1 BY MR. RENZULLI: 2 Q Did Black Hills ammunition draw any other 3 conclusions with regard to the ammunition that 4 was used by Mr. Brown? 5 MR. LEWIS: Form. 6 A They said it had nothing to do with 7 overpressurized ammunition. It was weak brass 8 over the feed rim. 9 BY MR. RENZULLI: 10 Q They said it was weak brass. So they were 11 critical of their own ammunition? 12 MR. LEWIS: Form and foundation. 13 A It seemed that way. 14 BY MR. RENZULLI: 15 Q Okay. Thanks. 16 Next page. This talks about the Portland 17 police bureau. You saw some documents about the 18 Portland police bureau; right? 19 A Yes, I did. 20 Q Is it your understanding that the Portland 21 police bureau had some concerns with 22 metallurgical issues with their Glock pistol? 23 A I don't recall as I sit here today. 24 Q Okay. I think you said you also don't know what 25 kind of pistols they are using now; right?	Page 229 1 MR. LEWIS: Form and foundation. 2 A No, I haven't, other than just reading the 3 documents. 4 BY MR. RENZULLI: 5 Q You haven't seen any of the firearms involved; 6 right? 7 MR. LEWIS: Form and foundation. 8 A No, I haven't. 9 BY MR. RENZULLI: 10 Q You haven't seen any of the ammo other than some 11 may have a picture, maybe, one or two; right? 12 MR. LEWIS: Form and foundation. 13 A That's correct. 14 BY MR. RENZULLI: 15 Q And in the ones that have lawsuits -- at least 16 most of them, the lawsuits involve not only 17 Glock but also the ammunition manufacturers; 18 right? 19 MR. LEWIS: Form and foundation. 20 A Yes. That's routine. 21 BY MR. RENZULLI: 22 Q That's routine. Do you know how any of these 23 things were resolved? 24 A No. I'm not sure. 25 Q And then one of them had Winchester ammunition

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Page 230 1 in it. It looks like you're not a big fan of 2 the Winchester; right? 3 MR. LEWIS: Form and foundation. 4 A I've had some problems with Winchester 5 ammunition in the past. I don't know if it's a 6 common issue. I probably had thousands of 7 rounds of it and I've had one or two boxes that 8 had defects. 9 BY MR. RENZULLI: 10 Q One -- okay. Then I guess the top of 32, that's 11 Black Hills. That's the one we just spoke 12 about, Black Hills ammo? 13 A I think it is. 14 Q You wrote here factory ammunition from 15 Black Hills. That's your understanding; right? 16 A Yes. 17 Q Okay. 18 A They said it was weak brass in the unsupported 19 area. 20 Q Mm-hmm. 21 Page 37, not 44. 22 Moving onto paragraph 44. I'm on the first 23 paragraph there, you see where it says: 24 "Further, the few reloaders who do choose 25 to work up hot loads learn to recognize signs of	Page 232 1 same time. Is that a "yes"? 2 A Yes. 3 MR. LEWIS: Did you get my objection? 4 MR. RENZULLI: Yeah, we got it. 5 MR. LEWIS: I didn't mean to step on his 6 answer. 7 MR. RENZULLI: No worries, no worries. 8 BY MR. RENZULLI: 9 Q On page 39, page 39. Top of the page. You talk 10 about Lone Wolf making replacement barrels. Do 11 you have any Lone Wolf replacement barrels? 12 A No, I don't. 13 Q So you certainly have done no testing with 14 Lone Wolf replacement barrels; right? 15 A That's correct. 16 Q Down the page a little on D. You conclude that: 17 "Few manufacturers have the equivalent of 18 the UCD/SSV." 19 Who are these few manufacturers? 20 A I don't know of any manufacturers that have it. 21 Q So when you wrote it, you wrote few, but now 22 you're saying there's none? 23 A I'm just saying I don't know of any. The few is 24 kind of a safety -- that's my safety valve. I'm 25 just saying there's a few. I don't know. I
Page 231 1 excessive pressure. Typically flattened primers 2 and difficult case extraction from the chamber." 3 Is that what you wrote? 4 A Yes. 5 Q What other signs are there that you would want 6 to look at in a pistol or ammunition to 7 determine whether or not there's signs of 8 excessive pressure? 9 A The plastic deformation which is what causes the 10 case to be difficult to extract, you might have 11 cases that are ejected a lot further than usual. 12 You also will have some breach face marks on the 13 head of the case. 14 Q In order to confirm whether there was excessive 15 pressure, you want to look at the breach face? 16 A The back of the cartridge case to see if the 17 breach face has left some marks on it. 18 Q You want to look at all the evidence? 19 MR. LEWIS: Form and foundation. 20 BY MR. RENZULLI: 21 Q You want to look at all the evidence; right? 22 MR. LEWIS: Form and foundation. 23 A Yes. 24 BY MR. RENZULLI: 25 Q I apologize. I think you were speaking at the	Page 233 1 haven't looked at every gun that's ever been 2 made. 3 Q You say in E that: 4 "Glock sacrifices a scintilla of 5 reliability" -- I'm sorry. 6 You talk about -- let me step back. 7 "I believe there are safer alternative 8 designs that do not utilize the UCD/SSV." 9 Do you see that? 10 A Yes. 11 Q You say that: 12 "These alternative designs sacrifice a 13 scintilla of reliability" -- 14 Do you see that -- 15 A Yes. 16 Q -- "for much greater safety." 17 So you agree that if the barrel used that 18 you think is a safer alternative design, there 19 would be a sacrifice to reliability; correct? 20 MR. LEWIS: Form and foundation. 21 A In general, yes, that would be correct. 22 BY MR. RENZULLI: 23 Q And someone could lose their life because of 24 that loss of reliability; can't they, sir? 25 MR. LEWIS: Form and foundation.

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Page 234 1 A Yes. There's obviously a trade-off whether you 2 want to risk having the malfunction or whether 3 you prefer to have a slightly less safer gun but 4 more reliability. 5 BY MR. RENZULLI: 6 Q If the pistol doesn't feed, someone is using 7 this firearm for self-defense purposes, they 8 could lose their life; right? 9 MR. LEWIS: Form and foundation. 10 A I agree. 11 BY MR. RENZULLI: 12 Q You say that the manual in the Glock -- I'm 13 sorry. G. 14 "In any event, this manual is sealed and 15 cannot be opened until after the consumer 16 purchases the firearm." 17 Do you see that? 18 A Yes. 19 Q The manual is in an envelope; is it not? 20 A It is. But it's sealed in the box with the 21 firearm. 22 Q Have you ever gone into a retailer and said, 23 "Can I see the manual?" 24 A No, I haven't. 25 Q Have you ever gone on the Internet and seen the	Page 236 1 pistol, which is the same as the serial number 2 on the 4473? 3 A I don't know if that's a rule or not. Not every 4 person -- not every salesperson is likely to do 5 that. 6 Q Likely to follow the law? 7 A Assuming they know the law. 8 Q Assuming they know the law. I understand. 9 You take some -- 10 You criticize Glock with regard to 11 litigation where there are confidentiality 12 agreements. You're critical of them for that? 13 A I'm not sure what you're asking me. 14 Q Sure. Let's go to the bottom of page 39. Do 15 you see: 16 "From review of testimony, Glock has 17 intentionally concealed the UCD/SSV from the 18 public which runs afoul of the expectations of 19 the industry. It has used legal mechanisms like 20 confidentiality agreements." 21 So are you critical of Glock when there is 22 litigation for making it subject to a 23 confidentiality agreement? 24 MR. LEWIS: Form and foundation. 25 A Yes. Nondisclosure that the SSV exists.
Page 235 1 manual? 2 A Yes. My understanding is you can go to Glock's 3 website and download a manual. 4 Q You're not saying that Glock is hiding the 5 manual inside a sealed envelope, are you? 6 MR. LEWIS: Form and foundation. 7 A It's typically inside a sealed box. I don't 8 know if the envelope is sealed or not. 9 BY MR. RENZULLI: 10 Q How is the box sealed? 11 A If you look at the end of the box there's a 12 label over it. You have to cut through the 13 label to get into the gun. 14 Q Oh, so when you purchased the Glock pistol, 15 until you pay the money and make the transfer, 16 you don't open the box? No one opens the box? 17 A That's how it is in some stores. Other stores 18 you can open the box and look at it. 19 Q You have to open the box, do you not, because 20 you've got to put the serial number on the 4473. 21 Would you agree with that? 22 A The serial number is on the exterior of the box. 23 Q Isn't it a requirement that the federal firearms 24 licensee confirm that the serial number on the 25 box is the same as the serial number on the	Page 237 1 There's something that needs to be criticized. 2 BY MR. RENZULLI: 3 Q Sir, not my question. 4 Are you critical of Glock when a case is 5 resolved that they have confidentiality 6 agreements? 7 MR. LEWIS: Form and foundation. 8 A Yes. 9 BY MR. RENZULLI: 10 Q Have you been involved in litigation before? 11 A As a witness? 12 Q As a witness. 13 A Yes. 14 Q And have those cases resolved? 15 A I assume so. I don't always find out. 16 Q Have there been settlement agreements? 17 A I've been informed by the attorneys that there 18 are often confidential settlement agreements. 19 Q Okay. So it's not just Glock. If every 20 defendant that gets sued generally had as 21 confidentiality agreement would you agree with 22 that? 23 MR. LEWIS: Form and foundation. 24 A I don't know. 25

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Page 238 1 BY MR. RENZULLI: 2 Q And in cases that you've been involved in, I'm 3 sure you recognize that even those cases that 4 you provided expert testimony on, have also been 5 subject to confidentiality agreements; right? 6 MR. LEWIS: Form and foundation. 7 A I'm aware that some have, but I'm not aware that 8 all of them have. 9 BY MR. RENZULLI: 10 Q Do you know of any that haven't? 11 A No. I don't. I don't ask the attorney about 12 the results of the case unless I happen to be 13 talking to them at some point and they disclose 14 it. But I usually don't ask. 15 Q You're never critical of them for doing 16 confidentiality agreements; correct? 17 A I may be. I think it's a safety issue that the 18 public need to be informed. 19 Q Have you ever had that in any of your cases? 20 A I'm pretty sure I have. I just don't recall 21 which ones. I don't always ask, as I said. 22 Q Okay. Bottom of 48 you talk about ammunition 23 may have been manufactured in another country 24 using materials of unknown specification using 25 unknown procedures and little or no quality	Page 240 1 through a well-designed handgun with adequate 2 chamber support would likely fire without 3 adverse consequences, and the user would not 4 notice any ammunition deficiency. 5 What is your support for that? 6 MR. LEWIS: Form and foundation. 7 A As we discussed a little while ago, if you have 8 a cartridge case with a crack, if it's in a 9 fully supported chamber, it has nowhere to go. 10 So it will only fail if it's in an unsupported 11 area. 12 BY MR. RENZULLI: 13 Q No matter where the crack is? 14 MR. LEWIS: Form and foundation. 15 A That would be an unsupported area with the crack 16 over that area. 17 BY MR. RENZULLI: 18 Q And you also said that the VP40 was the only one 19 that you can recall that has a fully supported 20 chamber. You said other ones have less support 21 than the VP40; right? 22 MR. LEWIS: Form and foundation. 23 A I didn't say the VP40 was the only one with -- 24 it was the only one that I cited. 25
Page 239 1 control. 2 Tell me which manufacturers they are. Give 3 me some examples. 4 A I'm just saying it may have been. I don't have 5 any particular company in mind. 6 Q Okay. Then you talk about the lack of 7 standardization in production and the 8 deficiencies and the variations. And you have a 9 laundry list, case wall thickness, bullet 10 diameter. Can you tell me any firearm -- 11 I'm sorry. 12 Withdrawn. 13 Can you tell me any ammunition 14 manufacturers who have produced cartridges that 15 are deficient and have variations as you've 16 listed here in paragraph 48? 17 A There are obviously differences. I don't know 18 that I can name you any manufacturers 19 specifically. 20 Q Have you fired any of these deficient rounds of 21 ammunition through a Glock pistol? 22 MR. LEWIS: Form and foundation. 23 A Not that I recall. 24 BY MR. RENZULLI: 25 Q You say the same round of ammunition, fired	Page 241 1 BY MR. RENZULLI: 2 Q What other ones had it? 3 MR. LEWIS: Form and foundation. 4 A I think the Smith and Wesson M&P was either 5 fully supported or very close to it. 6 BY MR. RENZULLI: 7 Q So if it's very close to it, that means it's not 8 fully supported. 9 MR. LEWIS: Form and foundation. 10 A It's fully supported under the definition that 11 the part of the case that has a thin wall is 12 supported. 13 BY MR. RENZULLI: 14 Q Have you done any testing, though? Have you 15 done any testing of ammunition with these 16 problems, whether it's a crack or any of these 17 other defects? Have you ever done any testing 18 on those in either a Glock pistol or one of 19 these other manufacturers? 20 MR. LEWIS: Form and foundation. 21 A By definition, you've got to section the case to 22 find the cracks. When you do that, you can't 23 fire it. So it's very difficult to test that. 24 BY MR. RENZULLI: 25 Q I don't know if you can answer this question,

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Page 242 1 and it may be -- appropriately go to Mr. Bosch. 2 What is the frequency of cracks, you know, 3 in factory rounds aligning with what you call 4 unsupported chamber? 5 MR. LEWIS: Form and foundation. 6 A I don't know. 7 BY MR. RENZULLI: 8 Q So you never really seen that, though; right? 9 MR. LEWIS: Form and foundation. 10 A By definition -- sorry. 11 MR. LEWIS: Go ahead. 12 A By definition, you wouldn't see it because you 13 don't know where the crack is. 14 BY MR. RENZULLI: 15 Q This is your theory? This is your hypothesis? 16 MR. LEWIS: Form and foundation. 17 A Yes. I think it's a valid supposition based on 18 engineering knowledge and logic. 19 MR. RENZULLI: Let's take a few-minute 20 break, then we can wrap it up. 21 MR. LEWIS: How long you want? 22 THE VIDEOGRAPHER: We're off the record at 23 6:32 p.m. 24 (A recess was taken.) 25 THE VIDEOGRAPHER: We are back on the	Page 244 1 on it. 2 Q No worries. Just let us know when you want us 3 to scroll down. 4 A Scroll down a little more. 5 Page 3 the end of it? Oh, there's more. 6 All right. I've reached the bottom of 7 page 4. 8 Right. I've reached the bottom of that 9 one, I think. 10 Okay. 11 Okay. I've reached the end. 12 Q Okay. Now that you've had a chance to look at 13 it, have you brought all of those materials with 14 you or provided them to your counsel, and 15 counsel has provided them to me? 16 A I think Number 5 and Number 12 were things that 17 I didn't -- I didn't do. 18 Q 5 and 12. Okay. So what's up with Number 5? 19 A Yeah. Those things are listed in my CV, but I 20 didn't provide copies. 21 Q But they would all be in your CV? 22 A Yes. 23 Q What's 12? 24 A All the cases I've worked on in the past ten 25 years.
Page 243 1 record at 6:53 p.m. 2 BY MR. RENZULLI: 3 Q Clean up some loose ends. 4 Put the notice up of the dep. I'm going to 5 mark this as Exhibit 6. 6 (Deposition Exhibit 6 was presented for 7 identification.) 8 Q We'll scroll it down in a second. 9 Have you seen this notice before, 10 Mr. Nixon? 11 A I possibly have. 12 Q More importantly -- 13 A I've seen the previous version of this. 14 Q More importantly, the next page, the schedule of 15 what you were to bring. You have seen that 16 before? 17 A I think I seen the previous version. If this is 18 the same -- 19 Q Let's assume it's the same. Have you produced 20 everything that was asked in the schedule? 21 MR. LEWIS: Form and foundation. 22 A If you slow down a little. 23 BY MR. RENZULLI: 24 Q Okay. You don't have a copy? 25 A I probably do, but I just haven't got my hands	Page 245 1 Q Okay. 2 A I didn't provide those. There should be a list 3 of testimony for the last four years, but I 4 didn't provide the ten years. A lot of the 5 cases I work on, like in this case, there's a 6 confidentiality agreement. A lot of the cases I 7 do, I sign up to say that not only will I not 8 release information on the case, but I won't 9 tell anyone that I'm actually working on it 10 either. 11 Q Are you critical of your clients for making you 12 do that? 13 A Doesn't really bother me any. I'm a quiet 14 person, so I don't really talk about it much 15 anyway. 16 Q Let me get this straight. You're okay when 17 someone makes you sign a confidentiality 18 agreement when they pay you, but you're not okay 19 when others sign confidentiality agreements? 20 MR. LEWIS: Form and foundation. 21 A I don't think I've ever said that, but I'm 22 generally okay with confidentiality agreements. 23 BY MR. RENZULLI: 24 Q Okay. Okay. You're okay? 25 A There's nothing objectionable.

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Page 246 1 Q You're okay with them. That's fine with me. 2 I assume you didn't bring all the guns with 3 you, Number 9? 4 A No. That's right. Dr. Bosch still has all the 5 guns. 6 Q But I do have all your notes concerning your 7 inspections on all of these different guns that 8 are here; right? 9 A Yes. I'm assuming that they were all supplied 10 to you, all the documentation and all the notes 11 and photographs, videos. 12 Q I want all of your, though -- 13 Withdrawn. 14 You gave them all to Mr. Lewis? 15 A Yes. He has everything that I've done. 16 Q And he has everything for all the information -- 17 MR. RENZULLI: Rob, I think you provided 18 everything to me that you received from 19 Mr. Nixon; right. 20 MR. LEWIS: Yeah, I believe so. 21 (Deposition Exhibit 22 BY MR. RENZULLI: 23 Q Let's take a quick look at your case list, then. 24 (A discussion was held off the record to 25 correct technical issues.)	Page 248 1 an evidentiary hearing in a criminal case? 2 A Yes, it was. 3 Q And the same with the pretrial hearing, same 4 thing? 5 A Yes. 6 Q You were representing the defendant in that one? 7 A Yes. 8 Q And what was that case about? 9 A I would say I don't really represent anyone. 10 It's just -- I was called by the defense. 11 Q The defense, defense expert? 12 A Yes. I was called to give testimony by the 13 defense. 14 Q Sure. 15 A The issue was toolmark analysis. 16 Q What was your opinion? 17 A Well, it was a very lengthy process. Probably 18 had a lot of opinions. I don't recall what they 19 were. 20 Q Was it that you did some analysis of a firearm 21 and, based upon your inspection and analysis of 22 the firearm, you came up with an opinion? 23 A I think what it was. It was an evidentiary 24 hearing on the admissibility of firearm toolmark 25 analysis.
Page 247 1 Q Here's a list of the four years. You can scroll 2 down if you're not familiar with it. 3 But do any of these trial or deposition 4 testimony -- did any of them concern 5 catastrophic failures at all? 6 A I'll have to read down and see if I can 7 remember. 8 Q Sure. 9 A No, I don't think any of those involved 10 catastrophic failures. 11 Q The first one, Steyer v. Sig, that was an IP 12 case, intellectual property matter? 13 A Yes, it was. 14 Q And Indiana v. Morgan, that was a criminal 15 matter? 16 A Yes. 17 Q Did that involve a Glock pistol? 18 A No. 19 Q Who did you provide testimony on behalf of, 20 morgan or Indiana? 21 A Morgan. 22 Q What was your testimony there? What was your 23 opinion, basically? 24 A I really don't recall. 25 Q Oregon v. Barquet, pretrial hearing. That was	Page 249 1 Q How did that go? 2 A I don't know what the result was. It looks like 3 I never got called to testify at trial. I 4 think -- 5 I don't recall talking to the attorneys, 6 but I think the issue was resolved at the 7 pretrial hearing, so I wasn't needed at trial. 8 Q Gotcha. Maybe they took a plea? 9 A Something like that. I really don't remember. 10 I know a lot of cases, they settle before trial 11 or they take a plea. 12 Q Sig v. SB Tactical. You were retained on behalf 13 of SB Tactical? 14 A No. Sig. 15 Q Sig. What was your testimony about there? 16 A That was regarding pistol braces on rifles. 17 Q What was your opinion? 18 A I don't recall. It was an intellectual property 19 case, and it was a dispute between the two 20 parties. 21 Q Gotcha. 22 A I don't even recall what the details of that 23 were. 24 Q No worries. 25 Indiana v. Gilbert. Was it a criminal case

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Page 250 1 again? 2 A Yes, it was. 3 Q What did that concern? 4 A A drug dealer was murdered -- no. A drug dealer 5 allegedly murdered someone. 6 Q You will provide testimony on behalf of the drug 7 dealer? 8 A Yes. 9 Q What was the testimony you provided on behalf of 10 the drug dealer? 11 A Actually, I didn't testify at trial. I 12 submitted a report. I think it was largely 13 stipulated to. I did an incident scene 14 reconstruction diagram. 15 Q What did you testify to in your deposition? 16 A I really don't remember. Just, I think there 17 were some bullet holes in a car. It was what 18 direction they came from. I'm not a hundred 19 percent sure on that. It was a while ago. 20 Q It was three years ago; right? Not even? 21 A Yes. 22 Q And you -- 23 Ultimately, was your opinion that Gilbert 24 didn't murder the guy? 25 A I don't know. I would have to read the	Page 252 1 involved in the Crisp v. Iowa. I'm not sure 2 that was a criminal case. That was a civil case 3 as well. 4 Q What was the facts of that case? 5 A Two people got into a shootout inside a vehicle. 6 One of them had -- I think it was a Glock, and 7 the other one had -- I can't remember what the 8 other guy had. I'm pretty sure one of them had 9 a Glock, though. 10 Q Okay. What was your opinion? 11 A Yeah. I don't recall what I opined on that. It 12 was something to do with the proximity of the 13 shooting and the safety of the guns. 14 Q What about the safety of the guns? 15 A I don't recall exactly. I think the safety was 16 maybe an issue. I just can't remember. I'd 17 have to look in my report. 18 Q Do you recall -- 19 For the record, I think that's 20 Exhibit Number 7. 21 We can pull that down and pull up the 22 report. 23 You've had some criticisms of Mr. Watkins' 24 testing where he did dimple testing. Do you 25 remember that?
Page 251 1 deposition or look at my report. 2 Q Sure. 3 Ohio v. Morrison. Another criminal case? 4 A Yes, it was. 5 Q What did that concern? 6 A A wife was alleged to have shot at her husband 7 while he was sitting on a toilet. 8 Q Ouch. What was your testimony there? 9 A Well, the husband said that she fired 30 rounds 10 from an AR15. I remember this case. She 11 allegedly fired -- well, he said 32 rounds from 12 a AR15. He was sitting in a bathroom that was 13 fully tiled, and there was no damage to any of 14 the tiles and no damage to him. So my testimony 15 would be that it didn't happen. 16 Q Gotcha. 17 New York v. McBride. 18 A Yeah. That was a criminal, but I don't recall 19 what the issue was. 20 Q Is it fair to say that all the other listings 21 here are all criminal cases? 22 A Yes, they are. 23 Q And do any of them involve Glock pistols? 24 A Yeah. I don't remember the details of all of 25 them. There may have been a Glock pistol	Page 253 1 A That was the one where he drilled some holes in 2 the cartridge cases? 3 Q Correct. Do you remember that? 4 A Yes, I do. 5 Q Can you tell me what authority you can point to 6 that says that a circular hole in a pressure 7 vessel will prevent it from rupturing? 8 MR. LEWIS: Form and foundation. 9 A In this case we're talking about propagation of 10 cracks or defects in a case. It's standard 11 engineering practice across the whole of 12 engineering that if you have a crack in 13 something, you drill a hole at the end of it and 14 it stops the crack propagating. 15 BY MR. RENZULLI: 16 Q And that's what you think that Mr. Watkins did, 17 he drilled a hole at the end of the crack and it 18 stopped it? 19 MR. LEWIS: Form and foundation. 20 A By definition, you won't know if there was a 21 crack there or not. But if there was a crack 22 that would normally have caused it to fail, by 23 drilling the hole, he's prevented that from 24 happening. He's actually making the situation 25 better, not worse.

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Page 254 1 BY MR. RENZULLI: 2 Q Do you know if there was a crack where he 3 drilled the holes? 4 A Nobody would know. But if there was one and it 5 normally have failed, by drilling the hole it 6 wouldn't fail. 7 Q Have you done any testing on -- 8 MR. LEWIS: Form and foundation. 9 A Don't need to. It's a standard engineering 10 practice. 11 BY MR. RENZULLI: 12 Q You never drilled holes in cartridges to see if 13 they fail or don't fail in pistols? 14 A That's correct. 15 Q How do you explain that the holes were made at 16 various levels of depth, and it went from 17 non-failing to failing when the hole was 18 increased significantly? 19 MR. LEWIS: Form and foundation. 20 A I don't recall that level of detail. 21 BY MR. RENZULLI: 22 Q Don't recall that level of detail. So you don't 23 recall the actual testing Mr. Watkins did? 24 MR. LEWIS: Form and foundation. 25 A No. It's a while since I looked at that.	Page 256 1 A Long way off in the distance. 2 Q Yeah. Did you review that deposition testimony 3 recently? 4 A I have it, but I haven't read it. It's quite 5 lengthy. You tend to do very long depositions. 6 Q Are you being critical of me or being 7 complimentary? 8 A Just an observation of you being very good for 9 your client. 10 Q Thank you very much. I take that as a 11 compliment, sir. 12 So when's the last time you read it? 13 A It would have been 2006. 14 Q Okay. Is there anything that you said in that 15 deposition that was wrong? 16 MR. LEWIS: Form and foundation. 17 A I really don't know. It's been a long time, and 18 I haven't read it recently. So my opinions may 19 have developed since then. May have changed 20 opinions on things in the light of more 21 information. 22 BY MR. RENZULLI: 23 Q But you just haven't read it since -- 20 years 24 almost? 25 MR. LEWIS: Form and foundation.
Page 255 1 BY MR. RENZULLI: 2 Q So you haven't done any specific testing to show 3 that what Mr. Watkins did, his testing was 4 wrong; correct? 5 MR. LEWIS: Form and foundation. 6 A That's correct. 7 BY MR. RENZULLI: 8 Q These fissures that you talk about, can you see 9 those with a CT? 10 MR. LEWIS: Form and foundation. 11 A By CT you mean an X-ray examination? 12 BY MR. RENZULLI: 13 Q CT. 14 A It depends on their orientation and their size. 15 But generally it wouldn't be a good technique to 16 use. 17 Q You can't. 18 So you also produced -- hold on here. Let 19 me see. 20 You also produced a copy of your deposition 21 testimony in the Smith case. Do you remember 22 that? 23 A Yes. That was approximately 198- -- sorry. 24 2006. 25 Q Quite a few years ago, huh?	Page 257 1 A That's correct. 2 BY MR. RENZULLI: 3 Q You represented the ammunition manufacturer in 4 that case? 5 A I think I was employed by the insurance company 6 who insured the ammunition manufacturer. 7 Q That's the American Ammunition? 8 A Yes. 9 Q We talked about them earlier, and you went to 10 the plant for a day? 11 A Yes. That's correct. 12 Q And way back then, you were familiar with 13 Dean Speer; right? 14 A Yes. I was looking at the website at that time, 15 before that time. 16 Q Before that. Were you aware at that time of the 17 claim of an unsupported chamber; right? 18 MR. LEWIS: Form and foundation. 19 A Yes, I was. 20 BY MR. RENZULLI: 21 Q In that case you could determine the reason for 22 the failure; right? 23 MR. LEWIS: Form and foundation. 24 A I think I came up with a number of options. 25 Again, when something fails catastrophically,

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Page 258 1 it's very difficult to determine because, by 2 definition, your evidence is destroyed. 3 BY MR. RENZULLI: 4 Q And a lot of the evidence was missing in that 5 case, I guess; right? 6 A Yeah. I don't recall as I sit here now. 7 Q If a case head were to separate completely, 8 shear off the cartridge case, would you agree 9 with me that's a significant high-pressure 10 event? 11 MR. LEWIS: Form and foundation. 12 A It could be. It could be an out-of-battery 13 firing. 14 BY MR. RENZULLI: 15 Q Let me jump around a little here. 16 Do you think that other firearm 17 manufacturers or any firearm manufacturers 18 consider the natural variance in cartridge 19 cases? 20 A I don't know. I haven't asked them. 21 Q So you don't know what the industry standard is 22 then; right? 23 MR. LEWIS: Form and foundation. 24 A I think it would be prudent to do so, but I've 25 not asked anyone.	Page 260 1 common. 2 Q You would agree that not everyone follows the 3 manufacturer's recommendations; right? 4 MR. LEWIS: Form and foundation. 5 A What recommendations would they be? 6 BY MR. RENZULLI: 7 Q As far as reloading ammunition. 8 MR. LEWIS: Form and foundation. 9 A Which manufacturers would that be? The 10 manufacturers of the reloading equipment? 11 BY MR. RENZULLI: 12 Q It could be the reloading equipment, it could be 13 the reloading supplies, it could be the brass, 14 primers, powder? 15 A I think certainly scope -- you have certainly 16 scope for people to make errors. 17 Q I'm sorry, Mr. Nixon. I'm having a hard time 18 hearing you. 19 A There's certainly scope for people to make 20 errors. 21 Q There's certainly scope? 22 A Yes. This equipment is sold to people who are 23 not -- they are not engineers, they are not 24 industry specialists. So you may have somebody 25 who is a doctor who is reloading ammunition and
Page 259 1 BY MR. RENZULLI: 2 Q And shouldn't ammunition manufacturers be held 3 to a standard of manufacturing sufficiently 4 strong -- standard of manufacturing -- 5 Let me start that over. Sorry. 6 Should ammunition manufacturers be held to 7 the standard of manufacturing sufficiently 8 strong cartridge cases? 9 MR. LEWIS: Form and foundation. 10 A It would be good if there was a standard, but at 11 the moment there seems to be a lack of 12 standards. 13 BY MR. RENZULLI: 14 Q But you agree that they should be held to a 15 certain standard so that they have sufficiently 16 strong cartridge cases; right? 17 MR. LEWIS: Form and foundation. 18 A If they make ammunition which is obviously 19 defective to a dangerous degree, then they would 20 be held liable. 21 BY MR. RENZULLI: 22 Q You agree that there are customers out there who 23 reload ammunition; right? 24 A Yes. It's a very popular -- I don't know if you 25 call it a hobby or a vocation, but it's very	Page 261 1 makes a mistake. 2 Q Gotcha. 3 Have you ever been found unqualified to 4 provide expert opinion? 5 MR. LEWIS: Form and foundation. 6 A No. 7 MR. LEWIS: I didn't hear. I didn't hear 8 your question. I'm sorry, Chris. Can you 9 repeat that question? 10 MR. RENZULLI: Yeah, sure. Sure. 11 BY MR. RENZULLI: 12 Q Have you ever been found unqualified to provide 13 expert opinions? 14 A No. I'm assuming I can answer it. 15 Q Yes. 16 What about firearms expert specifically? 17 MR. LEWIS: Form and foundation. 18 A No. 19 BY MR. RENZULLI: 20 Q Weren't you found unqualified to provide expert 21 opinions in the case of State of Indiana v. 22 Darryl Jeter? 23 A No. 24 Q Okay. Did you submit an application to join 25 AFTE at some point after that case?

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Page 262 1 A I think it was before that case. 2 Q What is -- I apologize. 3 What is AFTE? 4 MR. RENZULLI: For the court reporter, it 5 is A-F-T-E. All caps. 6 BY MR. RENZULLI: 7 Q What is that? 8 A That's the Association of Firearm and Tool Mark 9 Examiners. 10 Q Are you a member of AFTE? 11 A No, I'm not. 12 Q And did you ever put in an application for 13 membership to AFTE? 14 A Yes, I did. 15 Q What happened to that application? 16 A It was subsequently rejected. 17 Q In fact, you filed a lawsuit against AFTE and 18 some of its members right there in Indiana; 19 right? Southern District? 20 A Yes. I think that's correct. 21 Q The case was called Nixon v. Haag; correct? 22 A Probably some other people too. 23 Q Some other people too. 24 And you claimed that there was defamation 25 related to comments made about your	Page 264 1 A I had an attorney client who wanted me to be a 2 member. 3 Q Okay. So you had a client who was an attorney, 4 and he said to you, Become a member of AFTE. 5 But you didn't want to do it because, why? 6 A I didn't especially not want to do it, but on my 7 own I wouldn't have bothered joining. But he 8 seemed to think it would be a good idea. 9 Q Yet, you filed a lawsuit against AFTE after it 10 wouldn't let you become a member, huh? 11 A The lawsuit was not related to them not allowing 12 me to be a member. 13 Q It was about a defamation action you filed 14 against them and Lucien Haag and others related 15 to comments that were made about you being 16 disqualified in the Jeter case. 17 Is that fair to say? 18 A I was not disqualified in the Jeter case. 19 Q That was your argument. You said that statement 20 was false because you weren't disqualified; 21 right? 22 A Yes. 23 Q The court, though, disagreed with you; right? 24 MR. LEWIS: Form and foundation. 25 A I'm not sure about that. The best thing to do
Page 263 1 disqualification in the Jeter case; right? 2 A I don't recall the exact circumstances, but I 3 have a document that I can submit as an exhibit 4 which explains it very clearly. 5 Q What is the document? 6 A It's a compilation of documentation from the 7 case which spells out exactly what went on. 8 Q Let's say we can get through these questions 9 first, and then you can provide that to 10 Mr. Lewis and we can look at that as well. 11 You claimed that the statements were false 12 in your lawsuit; right? 13 MR. LEWIS: Form and foundation. 14 A Yeah, I'm not a hundred percent clear on this. 15 It was quite a while ago. That's why I have the 16 document which explains it clearly. 17 BY MR. RENZULLI: 18 Q Look, you filed a lawsuit against AFTE. Now, 19 AFTE is a pretty well-established and reputable 20 group; correct? 21 MR. LEWIS: Form and foundation. 22 A I disagree with that. 23 BY MR. RENZULLI: 24 Q Nonetheless, you put in an application because 25 you wanted to be a member; right?	Page 265 1 is to look at the documentation that I have. 2 BY MR. RENZULLI: 3 Q Let's go with your memory. Is it your memory 4 that the court granted summary judgment against 5 you and found that Lucien Haag's statement that 6 Nixon was disqualified as a firearms expert is 7 substantially true and, accordingly, not 8 defamatory. 9 Do you recall the court saying that? 10 MR. LEWIS: Form and foundation. 11 A I'm not sure if I recall it or not, but I 12 wouldn't argue it. It just wasn't correct. 13 BY MR. RENZULLI: 14 Q The court also found you gave false testimony in 15 that case regarding membership with AFTE; 16 correct? 17 A The documentation that I have shows that I did 18 not give false testimony. 19 Q Are you aware that the Seventh Circuit found 20 your testimony objectively false? 21 A It may well have done, but it was not. 22 Q So the Seventh Circuit and the trial court were 23 both wrong? 24 MR. LEWIS: Form and foundation. 25 A The documentation will clearly show that.

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Page 266 1 BY MR. RENZULLI: 2 Q Can you provide that to Mr. Lewis, and he can 3 provide it? 4 A I'll do that now. 5 Q Before we get there, is there any other testing 6 you plan on doing before trial? 7 A I'll defer to my client if they want more 8 testing done. 9 Q Any as you sit here? Do you know of any, or you 10 have to wait to hear from Mr. Lewis? 11 A I will wait until I hear from the client. 12 Q Okay. 13 A I don't make the decision on what gets done. 14 Q I understand that. But the client is Mr. Lewis, 15 though; right? 16 A Yes, the client is Mr. Lewis. 17 Q Have you told me as you sit here all your 18 opinions, at least so far that you have, that 19 you plan to talk to the jury about? 20 A Between my report and what we discussed today 21 and what's in my notes from the 3rd and 4th of 22 January, that would encompass my opinions to 23 date. 24 MR. RENZULLI: I appreciate your time. 25 Thank you.	Page 268 1 charge put in one particular case; correct? 2 MR. RENZULLI: Objection to form. 3 A Yes. 4 BY MR. LEWIS: 5 Q So can that happen if there's static in the 6 shoot? Explain to me how that would happen. 7 MR. RENZULLI: Objection to form. 8 A One way it can happen is if the propellant is 9 coming down the shoot, if there's static 10 electricity, the charge intended for one case 11 can be hung up. And when the next case comes 12 along, you get two charges deposited. So you 13 can get a double charge. 14 BY MR. LEWIS: 15 Q This can happen -- 16 That can happen and does happen with 17 factory ammunition; right? 18 A Yes. 19 Q Does it have to be a double charge, or can it 20 be, you know, a charge that's less or more than 21 that in a factory setting? 22 MR. RENZULLI: Objection to form. 23 A It could be. It's somewhere between a single 24 charge and a double charge. 25
Page 267 1 THE WITNESS: Just about to send Mr. Lewis 2 this document. 3 MR. RENZULLI: Sure. He will forward it to 4 Mr. Schilsky. 5 THE WITNESS: We probably need it as an 6 exhibit to the testimony. 7 MR. RENZULLI: I don't need it. 8 MR. LEWIS: I'm trying to find it here. 9 MR. RENZULLI: Why don't you go forward 10 with Mr. Lewis, and we'll deal with that. 11 THE WITNESS: It's on its way now. 12 MR. RENZULLI: Thank you. 13 CROSS-EXAMINATION, 14 QUESTIONS BY ROBERT K. LEWIS: 15 Q Mr. Nixon, John, earlier, several hours ago now, 16 I guess, Mr. Renzulli asked you some questions 17 about, you know, whether overcharged ammunition 18 can occur in factory ammunition. 19 Do you recall that testimony? 20 A Yes. I do. 21 Q And if I understand correctly, it's your opinion 22 that that can happen; correct? 23 A Yes. 24 Q So and you gave some examples. You can have a 25 mechanical failure where there is an excessive	Page 269 1 BY MR. LEWIS: 2 Q So when you did testing with a series of 3 overcharges for one and a quarter, one and a 4 half, 1.75, and a double charge, those are 5 occurrences and conditions that can exist in 6 reality with factory ammunition that's produced 7 here in this country? 8 MR. RENZULLI: Objection to form. 9 A Yes, that could happen. 10 BY MR. LEWIS: 11 Q So your testing mimics real-life potential 12 events; correct? 13 MR. RENZULLI: Objection to form. 14 A Yes, it does. 15 BY MR. LEWIS: 16 Q That's why you did it; right? 17 MR. RENZULLI: Objection to form. 18 A Yes, that's correct. 19 BY MR. LEWIS: 20 Q Mr. Renzulli asked you a number of questions, 21 and he would use the word "defect in 22 ammunition." Do you recall the hours of 23 questioning about using the word "defect in 24 ammunition"? 25 A Yes.

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Page 270 1 MR. RENZULLI: Objection to form. 2 BY MR. LEWIS: 3 Q There can be a natural variance in ammunition; 4 correct? 5 MR. RENZULLI: Objection to form. 6 A Everything that's manufactured has a tolerance, 7 so that would be the variance. 8 BY MR. LEWIS: 9 Q We just spoke about that. I mean, you can have 10 a variance where there is a hotter load in one 11 round; correct? 12 A (Indiscernible) 13 MR. RENZULLI: Objection to form. 14 Variance. 15 Mr. Nixon, like we were talking before, 16 just give me a minute -- 17 THE WITNESS: Okay. 18 MR. RENZULLI: -- after Mr. Lewis asks 19 his -- 20 BY MR. LEWIS: 21 Q Let me back up and ask it again because I don't 22 know that I got it out, and I don't know if 23 there's an objection or whatever. 24 One variance that can occur in factory 25 ammunition is you might have a hotter load in	Page 272 1 BY MR. LEWIS: 2 Q And Mr. Guavara said that there could be tens of 3 thousands of rounds of overcharged ammunition 4 that is, you know, pumped into the stream of 5 commerce in a year; correct? 6 MR. RENZULLI: Objection to form. 7 A Yes. There's a lot of ammunition made and sold 8 in the U.S. in a year. It was a small 9 percentage. There would be a lot of individual 10 rounds. 11 BY MR. LEWIS: 12 Q You don't disagree with Mr. Guavara, do you, 13 that there can be tens of thousands of rounds of 14 overcharged ammunition that is introduced in the 15 stream of commerce, do you? 16 MR. RENZULLI: Objection to form. 17 A No. 18 THE WITNESS: Sorry. I'm too quick again. 19 MR. RENZULLI: That's okay. 20 BY MR. LEWIS: 21 Q It's foreseeable. It's foreseeable for a 22 manufacturer of firearms. I mean, Mr. Guavara 23 knew that there's tens of thousands of rounds of 24 overcharged ammunition that's introduced in the 25 stream of commerce; correct?
Page 271 1 one round as opposed to the next; is that a 2 correct statement? 3 MR. RENZULLI: Objection to form. 4 A Yes, that would be correct. 5 BY MR. LEWIS: 6 Q Okay. And that's a fact that you know just 7 from, you know, 37 years of experience in the 8 industry; correct? 9 MR. RENZULLI: Objection to form. 10 You're testifying. 11 A Yes. The propellant is metered out by volume, not 12 by weight. So if the bulk density of the 13 propellant varies, you can get a variance in the 14 charge. 15 BY MR. LEWIS: 16 Q You saw -- 17 I mean, you saw Mr. Guavara's deposition 18 when he was testifying in this case as a 19 30(b)(6) deponent, and then Mr. Kroyer's 20 deposition as well, correct? 21 A Yes. 22 MR. RENZULLI: Objection to form. 23 THE WITNESS: Sorry. I was a bit quick 24 there. 25 MR. RENZULLI: That's okay.	Page 273 1 MR. RENZULLI: Objection to form. 2 A Yes. 3 BY MR. LEWIS: 4 Q There's other variances that are -- 5 Let me back up. 6 I think you put in your report -- and I can 7 pull it back up if it's helpful and you want to 8 look at it again, Mr. Nixon. 9 But I think you put in your report that 10 there is no standard regulatory body that 11 regulates the production of ammunition; is that 12 correct? 13 MR. RENZULLI: Objection to form. 14 A Yes. That was something that I put in my 15 report. 16 BY MR. LEWIS: 17 Q And, in fact, Mr. Renzulli just asked you some 18 questions about that; right? 19 A Yes. 20 MR. RENZULLI: Objection to form. 21 BY MR. LEWIS: 22 Q So as a result of no -- 23 I think you testified just half an hour ago 24 that there's no standard, there's no written 25 standards that regulate or governmental entity

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Page 274 1 that regulates and requires standards for 2 different aspects of ammunition manufacturing; 3 is that correct? 4 MR. RENZULLI: Objection to form. 5 A Yes, it is. 6 BY MR. LEWIS: 7 Q And I think you testified that some 8 manufacturers have different annealing processes 9 for their brass. Did I understand that 10 correctly? 11 MR. RENZULLI: Objection to form. 12 A Yes. I've had an ammunition manufacturer tell 13 me the difference between profit and loss is how 14 many annealing cycles that you have when you 15 manufacture the ammunition. 16 BY MR. LEWIS: 17 Q And although that might not be known -- 18 Well, as a consumer -- 19 Would a consumer know how many annealing 20 cycles one particular manufacture would use? Is 21 there any way to know that? 22 A No. 23 MR. RENZULLI: Objection to form. 24 BY MR. LEWIS: 25 Q In the industry, is it understood that there are	Page 276 1 MR. RENZULLI: Objection to form. 2 You're testifying again. At your peril. 3 A I'm just stating that these things exist. I'm 4 not trying to quantify them. 5 BY MR. LEWIS: 6 Q Fair enough. So it's a -- 7 This is a well-accepted fact like the sky 8 is blue or a ball will roll downhill. But 9 Mr. Renzulli doesn't seem to understand that; 10 right? 11 MR. RENZULLI: Objection to form. 12 A Yes. I don't need to test to prove that it is 13 there. I know it is there. 14 BY MR. LEWIS: 15 Q In fact, there's -- 16 It's not even something that is unique to 17 small pistol ammunition. I think it's across 18 the board. It can be rifle ammunition or other 19 types of ammunitions as well; is that correct? 20 MR. RENZULLI: Objection to form. 21 A Yes. It's not limited by size. 22 BY MR. LEWIS: 23 Q Did you feel you needed to do testing on the 24 hardness gradients of different ammunition 25 cartridge cases to prove a fact that's well
Page 275 1 natural variations of values in the 2 manufacturing of brass cartridge cases? 3 MR. RENZULLI: Objection to form. 4 A Could you repeat that? 5 BY MR. LEWIS: 6 Q Sure. 7 I understand -- 8 A minute ago I asked you questions about 9 consumers. Consumers wouldn't know there's 10 variations in brass manufacturing techniques. 11 Is it that a fact that's accepted and 12 understood in the industry that there's a 13 natural variation in manufacturing processes of 14 brass cartridge cases? 15 MR. RENZULLI: Objection to form. 16 A Yes, it is. 17 BY MR. LEWIS: 18 Q So Mr. Renzulli asked you a bunch of questions 19 about did you test the gradient hardness on this 20 particular brass, or name all of the brass 21 cartridges that you tested the hardness 22 gradients on. What we're talking about are 23 facts that are well understood by an expert or 24 well understood by entities and people in the -- 25 in this industry; right?	Page 277 1 accepted and well known in your industry? 2 MR. RENZULLI: Objection to form. 3 A No. I didn't need to do any testing. 4 BY MR. LEWIS: 5 Q On the topic of testing -- 6 Let me back up. 7 Mr. Nixon, do you see the copy of your 8 report that I've shared with the group? 9 A Yes, I do. 10 Q And this is -- 11 This is a slide -- I think you called it a 12 slide -- from the armorer force earlier in the 13 deposition; correct? 14 A Yes. 15 Q It says here: 16 "Depending on the cartridge case material, 17 the cartridge will burst at a gas pressure of 18 200 percent." 19 That is what they describe as the special 20 safety valve. Correct? 21 A That's correct. 22 Q Okay. And you understand that this is Glock's 23 own slide explaining the intended design concept 24 of their special safety valve? 25 MR. RENZULLI: Objection to form.

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Page 278 1 A Yes. It has the Glock logo in the bottom right 2 corner. 3 BY MR. LEWIS: 4 Q Well, when you were doing your opinions, you 5 understood this was produced by Glock, and this 6 was a description of their design concept of 7 their special safety valve; right? 8 MR. RENZULLI: Objection to form. You're 9 testifying. 10 A Yes, that's correct. 11 BY MR. LEWIS: 12 Q The special safety valve is special because it's 13 unique to Glocks; correct? 14 MR. RENZULLI: Objection to form. 15 A Yes. That's certainly true from everything I've 16 looked at. 17 BY MR. LEWIS: 18 Q Have you ever seen in any of the textbooks that 19 were in your file or any of the materials that 20 you've cited or reviewed, any other manufacturer 21 or any other engineer say that in a small arm or 22 a small pistol, a semiautomatic pistol, 23 recommend the implication of a safety valve over 24 the feed ramp like this? 25 MR. RENZULLI: Objection to form.	Page 280 1 BY MR. LEWIS: 2 Q And so, the safety valve, as a design concept, 3 is substantially similar, if not identical, in 4 all material respects among all Glock guns and 5 all generations of Glock guns with the exception 6 of the G44; correct? 7 MR. RENZULLI: Objection to form. 8 A Yes. The concept is identical. 9 BY MR. LEWIS: 10 Q And the risk of harm to the user of the safety 11 valve is, in all material respects across all 12 models, identical and among all generations; 13 correct? 14 MR. RENZULLI: Objection to form. 15 A Yes. 16 BY MR. LEWIS: 17 Q A minute ago Mr. Renzulli was really critical 18 about testing the hypothesis of the special 19 safety valve when there is a variance or a flow 20 fold or fissure in the case. 21 Do you recall that? Those questions? 22 MR. RENZULLI: Objection to form. 23 A Yes. 24 BY MR. LEWIS: 25 Q It says right here in Glock's own document
Page 279 1 A No. I've seen statements to the contrary. They 2 all say you want the cartridge case to be fully 3 supported. 4 BY MR. LEWIS: 5 Q You saw that in textbooks that are in your file? 6 MR. RENZULLI: Objection to form. 7 A Yes. 8 BY MR. LEWIS: 9 Q So the Glock special -- 10 Is it your opinion that the Glock special 11 safety valve directly contradicts basic interior 12 ballistic engineering principles as announced in 13 common textbooks? 14 MR. RENZULLI: Objection to form. 15 A Yes. I think this would normally be considered 16 to be a design defect. 17 BY MR. LEWIS: 18 Q Now the safety valve is in all -- 19 I think you testified earlier when 20 Mr. Renzulli was asking you questions that the 21 safety valve exists in every gun that Glock has 22 manufactured except the G44 22 caliber long 23 rifle; correct? 24 MR. RENZULLI: Objection to form. 25 A That's correct. Yes.	Page 281 1 "depending on the cartridge case material." 2 Does that indicate to you that the 3 cartridge case material might be a value to 4 consider on whether the safety valve gets to 5 200 percent before it vents? 6 MR. RENZULLI: Objection to form. 7 A Yes, it does. 8 BY MR. LEWIS: 9 Q And Mr. Renzulli asked you some questions 10 earlier and pointed to the Glock G21 internal 11 testing documents where they intentionally 12 overpressurized rounds of ammunition and got 13 case ruptures and bulges. Do you recall that? 14 MR. RENZULLI: Objection to form. 15 A Yes, I do. 16 BY MR. LEWIS: 17 Q And you don't dispute that Glock's own internal 18 testing showed that when you overpressurized 19 rounds of ammunition, that the safety valve had 20 a rupture at the 6:00 position, do you? 21 MR. RENZULLI: Objection to form 22 (indiscernible.) 23 A No, I don't -- 24 MR. RENZULLI: Objection to form. 25 Overpressurized.

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Page 282 1 A Could you repeat that question? I lost track. 2 BY MR. LEWIS: 3 Q Sure. I'm jumping ahead. Let me see if I can 4 take smaller bites. Maybe that will relieve the 5 objections and all of that. 6 Mr. Renzulli asked you a number of 7 questions about Glock's internal testing 8 documents on the G21 45 caliber ACP. 9 Do you recall that? 10 A Yes, I do. 11 Q I've got it here on the screen. The Bates label 12 is GGES000014. 13 This shows that if you overpressurize the 14 ammunition, that you can get a case rupture at 15 the 6:00 position; correct? 16 MR. RENZULLI: Objection to form. 17 A Yes, it does. 18 BY MR. LEWIS: 19 Q And in a different -- 20 In a different test with a different feed 21 ramp, it can show that at 3,000 bar, it can 22 actually have a bulge over the feed ramp; right? 23 A Yes. 24 Q So this testing actually supports your opinion 25 that an overpressurized round over the feed ramp	Page 284 1 BY MR. LEWIS: 2 Q And that's just basic scientific principles and 3 physics; right? 4 MR. RENZULLI: Objection to form. 5 A It's basic engineering. If you have an 6 unsupported area, it's going to rupture at a 7 lower pressure than if you have a supported 8 area. 9 BY MR. LEWIS: 10 Q It's textbook engineering; correct? 11 MR. RENZULLI: Objection to form. 12 A That's correct. 13 BY MR. LEWIS: 14 Q A safety valve like the ones that you see in the 15 Glock handguns increase the likelihood -- 16 significantly increase the likelihood of 17 experiencing an explosion for the -- during 18 ordinary use by a consumer; correct? 19 MR. RENZULLI: Objection to form. 20 A Yes. 21 BY MR. LEWIS: 22 Q It doesn't actually mean that the -- 23 If you have a variance in a cartridge case, 24 it doesn't necessarily mean it's defective, does 25 it?
Page 283 1 could call a rupture or bulge; correct? 2 MR. RENZULLI: Objection to form. 3 A Yes. 4 BY MR. LEWIS: 5 Q And it also supports the fact that if there is 6 a -- depending on the material used in the brass 7 case, there can be a rupture over the 6:00 8 position; correct? 9 MR. RENZULLI: Objection to form. 10 A Yes. 11 BY MR. LEWIS: 12 Q So, Mr. Nixon, if you have a gun that has a 13 fully supported chamber, and you have a gun like 14 a Glock that has a safety valve or an 15 unsupported chamber, and you take all other 16 values and hold them constant, being the 17 material of the case, fissures, the amount of 18 pressure in the round of ammunition, is it your 19 opinion to a reasonable degree of scientific 20 certainty that it's more likely to have an 21 explosion with a gun with an unsupported chamber 22 and safety valve? 23 MR. RENZULLI: Objection to form. 24 A Yes, it is. 25	Page 285 1 MR. RENZULLI: Objection to form. 2 A It could just be different. One may be stronger 3 or weaker than the other, but they still may be 4 acceptable. 5 BY MR. LEWIS: 6 Q I mean, just because the way the brass is 7 formulated -- or manufactured, I should say, 8 that necessarily causes, in some brass casings, 9 whether we call it a flow fold or a fissure or a 10 crack, it causes some imperfections; correct? 11 MR. RENZULLI: Objection to form. 12 A Yes. With every component, you can have an 13 acceptable level of imperfections. 14 BY MR. LEWIS: 15 Q And so if you take -- 16 If you take a round of ammunition that's 17 manufactured by, say, Sellier & Bellot that has 18 a crack, a fissure, a flow fold on the case wall 19 above the web, and that lines up in a Glock 45 20 ACP, can you have an explosion even if the round 21 is not overpressurized? 22 MR. RENZULLI: Objection to form. 23 A Yes. That's been testified to by Glock 24 representatives. 25

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Page 286 1 BY MR. LEWIS: 2 Q And you relied upon their testimony and their 3 testing and their documents and their design 4 criteria and their warranty documents in 5 formulating your opinions here today; right? 6 MR. RENZULLI: Objection to form. 7 A Yes, I did. 8 MR. LEWIS: Just give me a five-minute 9 break, and then we'll back in a second. Okay? 10 MR. RENZULLI: Take your time. 11 THE VIDEOGRAPHER: We're off the record at 12 7:50 p.m. 13 (A recess was taken.) 14 THE VIDEOGRAPHER: We're back on the record 15 at 8:00 PM. 16 BY MR. LEWIS: 17 Q Just quickly. Mr. Renzulli asked you some 18 questions about confidentiality agreements. Do 19 you recall that, Mr. Nixon? I think he 20 suggested that you're okay with confidentiality 21 agreements when they benefit you but not for 22 Glock. 23 Do you recall that questioning? 24 A I recall questioning along those lines, yes. 25 Q In fairness, it's your criticism of Glock that	Page 288 1 some figures in the Vienna Proof House data. I 2 don't recall as I sit here now. 3 MR. RENZULLI: Can you guys hear and see 4 me? There you go. I heard what you said, but 5 the video stopped. Is the video still going in? 6 THE VIDEOGRAPHER: I saw no lapse. 7 MR. RENZULLI: You can hear me fine? 8 THE VIDEOGRAPHER: Yes. 9 MR. RENZULLI: Perfect. 10 BY MR. RENZULLI: 11 Q Would you have any reason to doubt, sir, that 12 there can be three times the SAAMI maximum 13 average pressure? 14 MR. LEWIS: Objection. Form and 15 foundation. 16 A I don't know what it would be, but I wouldn't be 17 surprised by it depending on the propellant 18 type. 19 BY MR. RENZULLI: 20 Q And SAAMI, those are industry standards; right? 21 MR. LEWIS: Form and foundation. 22 A Yes. That's voluntary industry standard for 23 pressure. 24 BY MR. RENZULLI: 25 Q Has SAAMI --
Page 287 1 they use confidentiality to hide from the public 2 a known safety issue; correct? 3 MR. RENZULLI: Objection to form. 4 A That's correct. Yes. 5 BY MR. LEWIS: 6 Q I mean, that's what you wrote here in your 7 report on paragraph I -- paragraph 46, 8 Subsection I; correct? 9 MR. RENZULLI: Objection to form. 10 A Yes. That's what it says. 11 BY MR. LEWIS: 12 Q Okay. 13 MR. LEWIS: That's all I have. Thanks. 14 For now. 15 THE VIDEOGRAPHER: Do you have further 16 questions, Mr. Renzulli? 17 MR. RENZULLI: I do. 18 REDIRECT EXAMINATION, 19 QUESTIONS BY CHRISTOPHER RENZULLI: 20 Q Sir, what would the pressures be if you 21 discharged a double-charged round of 45 ACP 22 ammunition through a Glock pistol? 23 MR. LEWIS: Form and foundation. 24 A I don't know. It would vary depending on what 25 kind of propellant you're using. But there may	Page 289 1 That is standards for maximum average 2 pressures; right? 3 A I don't know whether it's maximum average 4 pressure. 5 Q Do you know if they have standards to say 6 maximum probable sample means? 7 A No, I couldn't hear what you said there. Could 8 you just repeat that. 9 Q Are you aware of any standards with regard to 10 maximum probable sample means? 11 MR. LEWIS: Objection. Form and 12 foundation. 13 A No, I'm not. 14 BY MR. RENZULLI: 15 Q Sir? 16 A No, I'm not aware. 17 Q Are you aware there are SAAMI standards with 18 regard to minimums for proof loads? 19 A I've been on their website quite often. I don't 20 recall seeing it. 21 Q Are you aware that there are standards for 22 maximum proof loads? 23 MR. LEWIS: Form and foundation. 24 A No. 25

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Page 290 1 BY MR. RENZULLI: 2 Q Are you aware that if you double up the charge 3 on a 45 ACP cartridge, that could be double the 4 proof load maximum? 5 MR. LEWIS: Form and foundation. 6 A I'm not aware of that. 7 BY MR. RENZULLI: 8 Q You talked a few minutes ago about variances 9 with ammunition. Do you recall that? 10 A Yes. 11 Q But you don't know the specific tolerances for 12 the variances for ammunition; correct? 13 MR. LEWIS: Form and foundation. 14 A I'm not sure what you're asking me there. 15 BY MR. RENZULLI: 16 Q You said there's variances with ammunition; 17 correct? You testified about it for a few 18 minutes with plaintiff's counsel. You remember 19 that; right? 20 A Yes. 21 Q Every variance can have a tolerance, too. Like 22 a plus or minus. Don't go over a certain point, 23 don't go below a certain point; right? 24 A That's correct. 25 Q And do you have in your opinion --	Page 292 1 MR. LEWIS: Form and foundation. 2 A You asked me this earlier. I don't know. I 3 would have to look it up. 4 BY MR. RENZULLI: 5 Q If the pressure is 1.75 times the propellant, 6 the TG max was 116,000 psi, that would be 7 334 percent more than allowed by SAAMI; correct? 8 MR. LEWIS: Form and foundation. 9 A I don't know. 10 BY MR. RENZULLI: 11 Q And you've done no testing to determine how the 12 cartridge case material would need to be 13 manufactured to fail at less than two times 14 maximum average pressures; correct? 15 MR. LEWIS: Form and foundation. 16 A That's correct. 17 BY MR. RENZULLI: 18 Q You have done no testing and you don't know what 19 the appropriate support should be in the chamber 20 of a semiautomatic pistol; correct? 21 MR. LEWIS: Form and foundation. 22 A I say it should be fully supported to the point 23 where you meet the -- go past the web of the 24 case so that the case head is the only part 25 that's exposed.
Page 291 1 Do you have any opinion on what those 2 tolerances should be for the different 3 variances? 4 MR. LEWIS: Form and foundation. 5 A No, I don't. 6 BY MR. RENZULLI: 7 Q You were never able to get any cartridge case 8 material and what it's made of in any Glock 9 pistol to fail with less than two times maximum 10 average pressures; correct? 11 MR. LEWIS: Form and foundation. 12 A 1.75 was the charge overload. I don't know what 13 the pressure was. 14 BY MR. RENZULLI: 15 Q And if I told you that 1.75 times the max of TG 16 ammunition is about 116,000 psi, do you have any 17 reason to doubt that? 18 MR. LEWIS: Form and foundation. 19 BY MR. RENZULLI: 20 Q In a 40? 21 A I wouldn't know where that data came from. 22 Q Do you have any reason to doubt it? 23 A Yes. I don't know the source. 24 Q What is the maximum average pressure for a 40 25 Smith and Wesson cartridge?	Page 293 1 BY MR. RENZULLI: 2 Q What testing have you done to reach the 3 conclusion that if it's not fully supported, as 4 you say, it's defective? 5 MR. LEWIS: Form and foundation. 6 A You don't need to test it. It's engineering 7 principles. 8 BY MR. RENZULLI: 9 Q You can't tell me the dimensions of the 10 cartridge case and the jumps are -- 11 You can't tell me the dimensions of the 12 chamber that you feel is not defective? 13 MR. LEWIS: Form and foundation. 14 A I'm not sure exactly what you're asking me 15 there. 16 BY MR. RENZULLI: 17 Q Can you tell me what the dimensions are of a 18 chamber for a semiautomatic pistol which in your 19 mind is not defective? 20 MR. LEWIS: Form and foundation. 21 I don't think you're asking the same -- 22 I don't think you're asking the question 23 you are thinking you're asking, Chris. 24 MR. RENZULLI: He can answer the question, 25 Rob. Thank you.

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Page 294 1 MR. LEWIS: Okay. Objection. Form, 2 foundation. Asked and answered three or four 3 times now. 4 A I assume the dimension you're interested in is 5 the length of the chamber? 6 BY MR. RENZULLI: 7 Q The length of the chamber? You mean -- 8 A The chamber itself. 9 Q Okay. What should the length of the chamber be? 10 A It should be a dimension equivalent to the 11 distance from the case mount to the inside of 12 the case head. 13 Q So it should be fully supported? That cartridge 14 case should be fully supported like in a cannon; 15 right? 16 MR. LEWIS: Objection. Asked and answered 17 several times. He's answered that question over 18 and over now, Chris. So you're out of time, and 19 it's time to end the deposition if you can't 20 think of something else to ask that you haven't 21 asked ten times. 22 MR. RENZULLI: Robert, is that -- 23 MR. LEWIS: Look. Make your objection, but 24 go ahead. At some point I'm just going to 25 like --	Page 296 1 case is more likely to fail in a Glock pistol 2 versus any other semiautomatic pistol; correct? 3 MR. LEWIS: Form and foundation. 4 A Could you define what you mean by what degree? 5 BY MR. RENZULLI: 6 Q What degree? Give me a percentage. Give me a 7 degree. Give me any way you can quantify it for 8 the court how it's more likely to fail in a 9 Glock pistol than any other semiautomatic 10 pistol. 11 A I can tell you it's more likely to fail. I 12 don't know by what percentage. 13 Q Did you say that you read testimony that a Glock 14 representative -- 15 I apologize. I think Mr. Lewis was 16 testifying on this one. 17 Withdrawn. 18 Did you testify that you thought a Glock 19 representative said that if a fissure is lined 20 up at the feed ramp it will explode? Did you 21 read that testimony? 22 MR. LEWIS: Form and foundation. 23 A He was under the impression that that was in one 24 of the deposition transcripts. 25
Page 295 1 At some point we're just going to hang up 2 on you. 3 MR. RENZULLI: Robert, Robert. You can do 4 so at any point. You're free to do that. 5 You're free to hang up. 6 MR. LEWIS: Quit harassing everybody. 7 Stop. Just ask the question and be done with it 8 now. 9 MR. RENZULLI: I think you're just getting 10 annoyed. 11 BY MR. RENZULLI: 12 Q Can you answer the question, sir? Or you 13 probably don't even remember it. 14 A I thought I just did answer it. 15 MR. RENZULLI: Okay. We'll go there. 16 Tara, can you read the question and answer so we 17 can make sure we're on the same page. 18 (The requested text was read by the 19 reporter.) 20 Q And the answer was? 21 MR. LEWIS: Foundation. 22 A Yes. I don't know which cannon you're referring 23 to, so I can't answer the question. 24 BY MR. RENZULLI: 25 Q You've not determined to what degree a cartridge	Page 297 1 BY MR. RENZULLI: 2 Q He was under the impression, meaning Mr. Lewis? 3 MR. LEWIS: Form and foundation. 4 A No, I was under the impression. 5 BY MR. RENZULLI: 6 Q You were under the impression? 7 MR. LEWIS: Form and foundation. 8 A Yes. 9 BY MR. RENZULLI: 10 Q Okay. You said a number of times to Mr. Lewis 11 that this was a known safety issue with the 12 Glock; correct? 13 A Yes. 14 Q And it was a known safety issue such that back 15 in 2006 it was all over Mr. Dean Speer's 16 website; right? 17 A We don't know if it was 2006, but it was around 18 this time. Early to mid-2000s. 19 Q And if I said to you that Mr. Kroyer testified 20 to something along the lines of there would be 21 no damage to the pistol -- 22 Withdrawn. 23 A Could you repeat that? I didn't hear the last 24 part. 25 Q No.

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Page 298 1 MR. RENZULLI: I appreciate your time here 2 today. Thank you. 3 THE WITNESS: Thank you. 4 THE VIDEOGRAPHER: Anything further, 5 Mr. Lewis? 6 MR. RENZULLI: I think he hung up. 7 MR. LEWIS: We'll read. I'm here. We'll 8 read and sign. 9 THE REPORTER: Do you want a copy of this? 10 MR. LEWIS: We ordered a copy and said we 11 would read and sign. 12 THE VIDEOGRAPHER: This, then, concludes 13 the deposition of John Nixon on January 31, 14 2024. The time is 8:16 p.m. Eastern, and we are 15 now off the record. 16 (Time noted: 8:16 p.m.) 17 AND FURTHER THE DEPONENT SAITH NOT. 18 19 20 21 22 23 24 25	Page 300 1 interested in the event of this action, and am not 2 in the employ of the attorneys for either party. 3 IN WITNESS WHEREOF, I have hereunto set my 4 hand and affixed my notarial seal this 5th day of 5 February, 2024. 6 7 8 <i>Tara Gandel Hudson</i> 9 Tara Gandel Hudson 10 Seal 11 Notary Public, State of Indiana 12 Commission No. 682534 13 My Commission Expires March 27, 2024 14 15 16 17 18 19 20 21 22 23 24 25
Page 299 1 STATE OF INDIANA) 2) SS: 3 COUNTY OF HANCOCK) 4 I, Tara Gandel Hudson, RPR, CRR, a Notary 5 Public in and for the County of Hancock, State of 6 Indiana at large, do hereby certify that the 7 deponent, JOHN NIXON, was by me remotely sworn to 8 tell the truth, the whole truth, and nothing but 9 the truth in the aforementioned matter; 10 That the foregoing deposition was taken on 11 behalf of the Defendants, with the witness located 12 in Bippus, Huntington County, Indiana, on the 31st 13 day of January, 2024, scheduled to commence at 9:00 14 a.m., pursuant to the Federal Rules of Civil 15 Procedure; 16 That said deposition was reported 17 stenographically and transcribed to English under 18 my direction, and that the transcript is a true 19 record of the testimony received remotely of said 20 deponent; and that the signature of said deponent 21 to his deposition was requested; 22 That the parties were represented by their 23 counsel as aforementioned. 24 I do further certify that I am a disinterested 25 person in this cause of action; that I am not a relative or attorney of either party, or otherwise	Page 301 1 Robert K. Lewis 2 rob@lewislawfirm.com 3 February 5, 2024 4 RE: Johnson, Steven C., Et Al. v. Glock, Inc., Et Al. 5 1/31/2024, John Nixon (#6430057) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-ny@veritext.com 16 Return completed errata within 30 days from 17 receipt of testimony. 18 If the witness fails to do so within the time 19 allotted, the transcript may be used as if signed. 20 21 22 Yours, 23 Veritext Legal Solutions 24 25

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Page 303 1 Johnson, Steven C., Et Al. v. Glock, Inc., Et Al. 2 John Nixon (#6430057) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, John Nixon, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 _____ 11 _____ 12 John Nixon Date _____ 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 _____ 17 _____ 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25	

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[things - time]

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[time - true]

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[want - witness]

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[witness - zinc]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXHIBIT P

Hannah Wilcox

From: Jess Pekarski
Sent: Monday, July 10, 2023 11:02 AM
To: Hannah Wilcox
Subject: FW: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

From: Jeff Hoffman <jeff@black-hills.com>
Sent: Monday, July 10, 2023 10:54 AM
To: Jess Pekarski <jpekarski@costelloporter.com>
Subject: FW: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

From: Joseph Chiarello <jjc@jcinsco.com>
Sent: Wednesday, April 20, 2022 6:12 AM
To: Jeff Hoffman <jeff@black-hills.com>; 'assignedclaims' <assignedclaims@athensadmin.com>; 'Kim Tague' <ktague@athensadmin.com>; 'Michael Sillman' <msillman@athensadmin.com>; Guy Mastrangelo <gmastrangelo@athensadmin.com>
Cc: 'Ryan Liu' <rliu@athensadmin.com>
Subject: RE: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

Jeff,

You have already gone above and beyond your responsibility in this situation. It seems clear that this was not BHA manufactured ammunition. You have replaced the firearms and paid some of the medical expenses. Each situation is different. Returning the damaged firearm is not recommended. Another small payment and a signed release may be the most efficient way to bring this issue to a close. Please keep track of any expenses you have incurred to date. At this point, I think it is best for Athens to take lead and get this wrapped up.

Kind regards,

Joseph J. Chiarello
Joseph Chiarello & Co., Inc.
25 DeForest Ave
Suite 208
Summit, NJ 07901

From: Jeff Hoffman <jeff@black-hills.com>
Sent: Tuesday, April 19, 2022 4:38 PM
To: 'assignedclaims' <assignedclaims@athensadmin.com>; 'Kim Tague' <ktague@athensadmin.com>; 'Michael Sillman' <msillman@athensadmin.com>; Claims <claims@jcinsco.com>; Maria Marques <mrm@jcinsco.com>; Joseph Chiarello <jjc@jcinsco.com>
Cc: 'Ryan Liu' <rliu@athensadmin.com>
Subject: RE: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

All,

Do you have a relatively standard form for complete release of all potential liability in situations like this where we can reach an equitable agreement, or is each one different enough that it should be tailored? Jeff

BH Production 000224

From: Jeff Hoffman [mailto:jeff@black-hills.com]
Sent: Tuesday, April 19, 2022 11:31 AM
To: 'assignedclaims'; 'Kim Tague'; 'Michael Sillman'; 'claims@jcinsco.com'; 'mrm@jcinsco.com'; 'Joseph Chiarello'
Cc: 'Ryan Liu'
Subject: RE: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22
Importance: High

All,

Update to current. Our evaluation so far has shown that not only were the primers in the ammo sent to us not a match to the production records, the powder type and charge weights not a match, but additionally, the projectiles do not match. Our production records show the lot of ammunition that should have been in that ammunition box loaded was loaded with conventional jacketed projectiles. The projectiles in the sample were totally metal jacketed (plated projectiles) not conventionally jacketed projectiles.

Further, our production records show that the brass that we loaded that lot with was Starline brand brass. There were several loaded rounds in the returned ammunition however that were loaded in Underwood headstamp brass. My research and recollection from being in this business for 41 years shows that Underwood did not exist in 1998 when that lot number indicates the ammunition would have been produced.

My conclusion is that it is not our ammunition and we can prove it. I believe that someone fired the ammunition we loaded, then reloaded the casings (or other Starline brass)refilling our ammunition box which was then eventually sold at a Gun show to Mr. Brown.

When I convinced Mr. Brown to let us investigate, and to send us the damaged firearm, I agreed that the firearm would remain his property until the situation was resolved, and that at any time he wanted it back I would send it to him. This was , in my opinion, far preferable to encourage Mr. Brown's cooperation with the investigation than letting him send the weapon to Glock, where it would be completely unavailable for examination.

On Friday 04/15/22 Mr. Brown indicated he wished to have the firearm returned. Per our agreement, we sent his firearm back to his local dealer for return to Mr. Brown yesterday 04/18/22, via FEDEX. I notified Mr. Brown via text that it was on the way and asked him to call me at his convenience. I did not mention to him the reason, but I wished to let him know that we have determined the ammunition was not ours.

He called me on my cell phone this morning. I asked him to confirm that the ammunition involved in this incident was purchased, per his prior information, at a gun show and that that ammunition is what was sent to us.

My intent was to verify the ammunition we have in our possession (still) is the ammunition that was involved in the incident, and to confirm the source. He confirmed that it was. I then explained to him that our examination shows the ammunition involved was NOT our ammunition.

I mentioned some detail of our findings but did not give him specifics of the differences. I do not think Mr. Brown is unscrupulous, but I feel that no one should know how to recreate exactly what should have been in that box of ammunition. In the conversation, I did learn that he purchased TWO boxes of that ammunition at the same time and that he still has one box. I advised him that I felt it most likely from our examination that whoever reloaded the ammunition and put it into the BHA box probably double charged one round (as a possible cause of the incident) and that he should NOT shoot ammunition from the other box.

I told Mr. Brown that the firearm we sent as a replacement was his to keep, as well as the two payments for his medical visits, and that we would still send him some 10mm ammunition as agreed in appreciation of his cooperation with the investigation. He was appreciative and commented that we had also been great to work with , especially in comparison to his contact with the firearm company. He was not contentious on any detail. He did ask whether we would be able to help on any other medical expenses.

NOTE: I did not take offense at this, and I think it was an honest question. I told him he had been great to work with and I appreciated his cooperation but I had already contacted our insurance carrier and I therefore cannot make any decisions on things like that without consultation. His cooperation made this a much easier deal to investigate than it could have been.

If he decided to seek legal counsel, even now, he is in a very poor position to prevail against BHA, but that would lead to costs for a legal defense. I request your guidance and opinion.

Options would be:

- 1) Tell him, No, it is not our ammunition that was at fault or even involved, or,
- 2) Make him an offer of perhaps \$2000.00 (payable by BHA not insurance proceeds) contingent, of course, upon a (professionally drafted and executed) complete release of liability and we would ask for return of the other box of ammunition to make sure that this deal cannot reoccur.

Your thoughts? Timing is important. I would like to close this deal while he is amenable and gets any "advice from well meaning friends".

V/R,
Jeff

From: Jeff Hoffman [mailto:jeff@black-hills.com]

Sent: Thursday, April 14, 2022 4:25 PM

To: 'assignedclaims'; 'Kim Tague'; 'Michael Sillman'; 'claims@jcinsco.com'; 'mrm@jcinsco.com'; 'Joseph Chiarello'

Cc: 'Ryan Liu'

Subject: RE: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

Kim,

Thanks for your time today to discuss this potential claim. To document the additional information, I submit the following.

I had noted in correspondence previously that while the ammunition sent to us by Mr. Gary Brown appeared correct, but with some anomalies. The anomalies were visual and dimensional inconsistencies compared to how we build BHA ammunition. Today we dissected 2 of the rounds sent to us. We found significant discrepancies in the ammunition sent to us, compared to the BHA production records we were able to access using our lot number on the ammunition box.

- 1) The propellant charge and appearance does not match the charge weight and the type of propellant we used in production of the ammunition that was shipped in that ammunition box.
- 2) The primers in the ammunition sent to us also are not consistent in appearance with the primers used in the manufacture of the BHA produced ammunition of that lot number.

We are in process of documenting the visual and dimensional inconsistencies and will include that information in the next report.

It appears to me that the ammunition that was originally shipped in that BHA ammunition box had been fired, then reloaded, using the same BHA packaging. Mr. Brown had stated in his initial report to us that he had purchased the ammunition at a gun show. I will follow up with Mr. Brown to obtain more detailed information on his source for that ammunition. My reason for believing that the initial ammunition was reloaded using the same brass generally is that the head stamps mostly match the headstamp of the original brass used when that BHA lot# ammunition was produced.

After we conclude analysis of the ammunition I intend to contact Mr. Brown and advise him of our findings. We have maintained a good relationship with Mr. Brown. I do not feel it probable that he is being untruthful with us, or trying to defraud us. I feel it is probable that he did buy the ammunition at a gun show. We have done our best to maintain a good relationship with Mr. Brown. It is still my impression that he likely has not sought legal counsel.

From the beginning I assured him that if it is our ammunition we would do our best to make sure he is satisfied with the resolution of the situation. To that end, without admitting responsibility while investigation was ongoing, we replaced his firearm and reimbursed him for two medical invoices (\$90.00 and \$92.30).

As mentioned, our intent is now to do additional documentation on the anomalies of the ammunition sent to us vs our production records and methods. I will contact Mr. Brown and discuss his progress and condition with his hand injury. I will inquire about the specific source and time of acquisition of the ammunition. I will point out the anomalies of the ammunition. I will provide a follow up report at that time.

Please advise any comments, recommendations or direction from Athens or Joseph Chiarrello experience and policy.

V/R,
Jeff

Jeff Hoffman
President
Black Hills Ammunition
605-348-5150

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From: assignedclaims [<mailto:assignedclaims@athensadmin.com>]
Sent: Wednesday, April 13, 2022 1:16 AM
To: Kim Tague; Michael Sillman; 'claims@jcinsco.com'; 'mrm@jcinsco.com'; 'jeff@black-hills.com'; Joseph Chiarello
Cc: Ryan Liu
Subject: NEW Claim / FD223620 / Black Hills Ammunition Inc / DOL: 02/09/22

Thank you for contacting Athens.

Athens Program Insurance Services, LLC is the authorized claim handler for the Granite State Insurance Company.

The named insured for this matter is Black Hills Ammunition Inc.

This will acknowledge receipt of your loss materials.

Our claim/matter number is FD223620 and has been assigned to Kim Tague.

Kim can be reached at
407-395-0213 O
407-386-7642 F
ktague@athensadmin.com

Thank you, and have a nice day.



Property Casualty Claims

Athens Program Insurance Services, LLC

800.677.7896



PLEASE NOTE: UNTIL FURTHER NOTICE DUE TO THE COVID-19 PANDEMIC, ATHENS IS NOT RECEIVING PHYSICAL MAIL IN ANY OF OUR OFFICES EXCEPT FOR CONCORD, CA. ATHENS REQUESTS THAT ALL DOCUMENTS BE SENT ELECTRONICALLY VIA EMAIL. IF YOU MUST SEND PHYSICAL MAIL, PLEASE DIRECT TO: PO BOX 4111, CONCORD, CA 94524.

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**SETTLEMENT RELEASE, INDEMNITY, CONFIDENTIALITY AND HOLD HARMLESS
AGREEMENT**

This Release, Indemnity, and Hold Harmless Agreement (the "AGREEMENT") is entered into by and between GARY BROWN ("CLAIMANT"), and BLACK HILLS AMMUNITION, INC. ("BLACK HILLS"). CLAIMANT and BLACK HILLS collectively shall be referred to herein as the "PARTIES."

WHEREAS CLAIMANT GARY BROWN allegedly sustained personal physical injuries as the result of a discharge of a certain Glock Model 29 serial number BTDT439 (the "PISTOL") on or around February 9, 2022 with ammunition, which Black Hills specifically denies that it manufactured (the "SUBJECT AMMUNITION"); and

WHEREAS CLAIMANT wishes to resolve and settle any and all of his claims and disputes, and potential claims and disputes, with BLACK HILLS and RELEASEES (as defined below), upon the terms and conditions set forth below;

THEREFORE, in consideration of the foregoing recitals, the mutual covenants and promises and other good and valuable consideration hereafter set forth, the following Agreement is hereby made and confirmed between the parties:

1. **FOR THE SOLE CONSIDERATION OF** Five Thousand Dollars (\$5,000.00), to be paid on behalf of BLACK HILLS to CLAIMANT within 30 days after receiving both a fully executed version of this agreement, the Pistol, and all ammunition packaged as Black Hills brand purchased together with the SUBJECT AMMUNITION, which Black Hills specifically denies it manufactured, CLAIMANT does hereby **RELEASE, ACQUIT AND FOREVER DISCHARGE**, BLACK HILLS AMMUNITION, INC., and its owners, parent companies, subsidiaries, predecessors, successors, heirs, executors, assigns, agents, directors, officers, shareholders, employees, former employees, representatives, attorneys, insurers, reinsurers, and any wholesaler, distributor, or any other entity or

<https://mail-attachment.googleusercontent.com/attachment/u/0/?view=att&th=181269b68e3...> 6/6/2022

persons in the chain of distribution of the SUBJECT AMMUNITION involved in the Incident (hereinafter "RELEASEES"), from any and all claims, actions, causes of action, demands, losses, damages, special damages, costs, loss of services, expenses and controversies of every kind and description, whether known or unknown, and whether in law or equity which he has or has had, or which CLAIMANT or his successors and assigns, hereafter can, shall or may have arising out of the Incident. The total amount of \$5,000.00 is consideration for both the release of all claims and for the covenants contained in the Agreement, including, but not limited to, the indemnity, confidentiality, and return of product provisions.

2. It is expressly understood and agreed that the acceptance of the consideration set forth in Paragraph "1" is in full accord and satisfaction of disputed claims, and the payment of this sum is not an admission of liability. BLACK HILLS expressly denies any liability to CLAIMANT, denies that it manufactured the Subject Ammunition, and neither this document nor any consideration given hereunder is to be construed as an admission of liability, express or implied, on the part of BLACK HILLS.

3. CLAIMANT agrees to be solely responsible for the reimbursement and satisfaction of any and all liens, including but not limited to medical, government, worker's compensation and health insurer liens, and any outstanding and/or future medical costs and expenses to all health care providers for medical treatment and other services of any kind rendered to CLAIMANT, attributable to this incident. At the same time he transmits a fully-executed copy of this agreement, CLAIMANT GARY BROWN will provide his social security number and date of birth to counsel for BLACK HILLS, and such information will be used by BLACK HILLS's insurer for purposes of confirming any applicable Medicare reporting obligations.

4. CLAIMANT expressly agrees to **INDEMNIFY AND HOLD HARMLESS** BLACK HILLS and RELEASEES (including costs, expenses and reasonable attorneys' fees) for any and all claims or lawsuits relating to the Incident and brought by, through or on behalf of CLAIMANT, any person related to CLAIMANT who may make a claim for loss of consortium, loss or services or other

derivative claims arising from the INCIDENT, or any person or entity purporting to act on behalf of the CLAIMANT for purposes of seeking reimbursement of prior payments. This **INDEMNITY AND HOLD HARMLESS** provision specifically includes any and all claims for reimbursement of medical costs and expenses arising out of this incident by any other party. This **INDEMNITY AND HOLD HARMLESS** provision also specifically includes, but is not limited to, any claims arising from the Incident brought by any party, person, firm, corporation or municipality, seeking indemnity or contribution against BLACK HILLS or RELEASEES. This **INDEMNITY AND HOLD HARMLESS PROVISION** also specifically includes, but is not limited to, any subrogation claims or liens for reimbursement of wages, medical expenses, or any doctor, hospital, insurance company, or his agents, subsidiaries or assigns, or attorney(s) claiming a right to attorneys' fees, because of the Incident. Should any such further claim be made by any person or entity for which BLACK HILLS or RELEASEES might be liable, directly or indirectly, CLAIMANT AGREES TO AND WILL HOLD HARMLESS AND INDEMNIFY BLACK HILLS and RELEASEES, their attorneys, and their insurer(s) from any and all liability for any such claims. It is the express intention of the parties that this indemnity provision applies even if the Incident was caused, in whole or in part, by the alleged negligence, gross negligence, breach of warranty, violation of statutory or common law, defective product, or other culpable conduct of BLACK HILLS or its respective employees or insurers.

5. CLAIMANT represents that all liens, charges, subrogation interests, loss of consortium claims or other such claims or liabilities arising out of the Incident, including, but not limited to, any statutorily created lien, and those of any hospital, health insurer or provider, Medicare, Medicaid, attorney, or any other person or entity, have been paid or will be paid by or on behalf of CLAIMANT. CLAIMANT will indemnify and defend BLACK HILLS and RELEASEES and all others released under this Agreement from any breach of this representation and further agree to defend, indemnify, and hold harmless BLACK HILLS and RELEASEES and all others released under this Agreement from any and all other claims, bills, or medical expenses, doctors' bills, hospital bills, health care insurer or provider liens, or Medicare and Medicaid liens and claims incurred by them, including, but not limited to, attorneys' fees, as a result of the assertion of any claim, action, cause of

action, right, or obligation which is released and discharged by this Agreement or which is in any way related to the Incident.

6. CLAIMANT GARY BROWN represents and agrees that he is not currently a Medicare beneficiary. If, however, CLAIMANT GARY BROWN becomes a Medicare beneficiary in the future, and in the unlikely event that he seeks future medical care related to the INCIDENT, CLAIMANT covenants and agrees to pay any and all such claims or reimbursements for medical bills or expenses out of the proceeds of this settlement.

7. The parties have considered Medicare's interests in this settlement and have determined that an allocation for future Medicare covered expenses is not required pursuant to the policy and procedure established by the CMS Memoranda to protect Medicare's interests, as required by the Medicare Secondary Payer Statute.

8. Notwithstanding his representations in this Agreement, CLAIMANT agrees to hold harmless, defend, and indemnify BLACK HILLS and RELEASEES, their attorneys, and all others released under this Agreement for any Medicare conditional payment reimbursement demanded or required in the future by Medicare, the Medicare Secondary Payer Recovery Contractor (MSPRC), CMS, any other governmental entity, or any collection agency resulting from the Incident.

It is understood and agreed that CMS (Medicare) does not have a formal voluntary review program in place for non-WCMSAs (Workers' Compensation Set-Aside Arrangements) and has not issued guidance for the proper way to consider Medicare's interests in a liability settlement, but CLAIMANT and BLACK HILLS have acted in good faith in protecting Medicare's interests and in substantially complying with current applicable law and guidance. CLAIMANT represents that he understands and agrees that any requirement for an allocation of funds for such future Medicare covered expenses for injuries resulting from the Incident is the responsibility of CLAIMANT to create and maintain such a fund out of the proceeds of this Settlement Agreement, if CLAIMANT deems it necessary.

9. CLAIMANT expressly acknowledges and warrants that he has carefully read this Agreement, is not under duress of any kind or nature, and voluntarily signs this Agreement of his own free will and judgment for the purpose of making a full, final and complete settlement, adjustment and compromise of any and all claims arising out of the Incident in question relating to the Pistol, Ammunition, and the INCIDENT. In executing the Agreement, CLAIMANT hereby states that he has not relied upon any statement or representation pertaining to this matter made by the person, firms, organizations, or corporations who are hereby released, or by any other person representing them. Moreover, in making this settlement, CLAIMANT has had the opportunity to seek the advice of attorneys of his own choosing to the extent he so desired.

10. CLAIMANT represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations or causes of action referred to in this Agreement, and that he has the sole right and exclusive authority to execute this Agreement and receive the sums specified in it, and that he has not sold, assigned, transferred, conveyed or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Agreement.

11. CLAIMANT expressly agrees not to divulge in any way to anyone, including the press or media, the substance of the negotiations that led to this settlement, the terms, conditions and/or monetary amount of the settlement reached herein with BLACK HILLS, and shall not disparage BLACK HILLS orally or in writing by reciting the Incident or events in question with any indication that BLACK HILLS was a cause or was at fault for CLAIMANT's injuries and damages, without the express written consent of BLACK HILLS or unless compelled by court order. CLAIMANT shall be permitted to divulge the amount of the settlement and related information only to his accountant(s) or tax preparer(s), the Internal Revenue Service, and financial or governmental agencies only as necessary for tax purposes, financial planning, and to establish and effectuate any trusts. If any such persons or entities are provided with the information sought to be maintained as confidential pursuant to this paragraph, CLAIMANT agrees to advise such persons or entities, when possible, that this information is the subject of a confidentiality agreement and that they are not permitted to divulge it in any way to anyone without the express written consent of BLACK HILLS or unless compelled by

court order, statute or rule of law. In the event CLAIMANT determines that a Court is to be presented with a request for the confidential information of this settlement agreement, CLAIMANT will immediately notify all counsel of record in this matter to allow BLACK HILLS an opportunity to intervene. It is specifically understood and agreed to by the CLAIMANT that the obligations imposed by this section are ongoing and shall survive the consummation of the settlement.

12. CLAIMANT agrees to transfer ownership of the Pistol and ammunition to BLACK HILLS and will effectuate the transfer of possession of the Pistol to a person or entity designated by BLACK HILLS.

13. This Settlement Agreement shall be interpreted, applied, and enforced in accordance with South Dakota state law, as applicable. It is agreed that if, after the date hereof, any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, such provision shall be fully severable. In lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

IN WITNESS HEREOF, intending legally bound hereby, I have set my hand this 5th day of July, 2022.

CLAIMANT:

BY: Gary Brown GARY BROWN

SIGNED AS TO CONFIDENTIALITY:

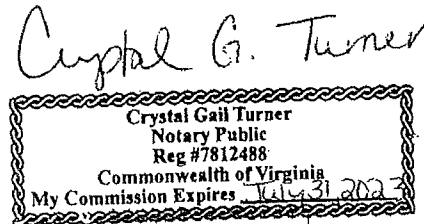
BY: *Gary Brown*

GARY BROWN

STATE OF VIRGINIA)

) SS

COUNTY OF Page)



On this 5th day of July, 2022, before me, __, a Notary Public duly commissioned and sworn, personally appeared GARY BROWN known to me to be the persons whose name is subscribed to the within instrument and acknowledged that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Page, the day and year in this certificate first above written.

NOTARY PUBLIC

Crystal G. Turner

My Commission Expires: *July 31, 2023*

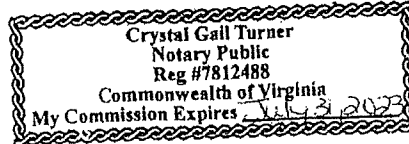


EXHIBIT Q

EXHIBIT Q

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEVEN C. JOHNSON, an individual,)
on behalf of himself and all)
others similarly situated)

Plaintiff,)

vs.)

) Case No.

) 3:20-cv-08807-WHO

GLOCK, INC., a Georgia)
corporation; GLOCK Ges.m.b.H., an)
Austrian entity; JOHN and JANE)
DOES I through V; ABC CORPORATION)
I-X, XYZ PARTNERSHIPS, SOLE)
PROPRIETORSHIPS and/or JOINT)
VENTURES I-X, GUN COMPONENT)
MANUFACTURERS I-V,)

Defendants.)

VIDEO-RECORDED DEPOSITION OF
STEVEN C. JOHNSON
Thursday, September 7, 2023
Volume I

Reported by:

CARLA SOARES

CSR No. 5908

Job No. 6083250

Pages 1 - 328

Page 2 1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN FRANCISCO DIVISION 4 5 STEVEN C. JOHNSON, an individual,) 6 on behalf of himself and all) 7 others similarly situated) 8 Plaintiff,) 9 vs.)Case No. 10)3:20-cv-08807-WHO 11 GLOCK, INC., a Georgia) 12 corporation; GLOCK Ges.m.b.H., an) 13 Austrian entity; JOHN and JANE) 14 DOES I through V; ABC CORPORATION) 15 I-X, XYZ PARTNERSHIPS, SOLE) 16 PROPRIETORSHIPS and/or JOINT) 17 VENTURES I-X, GUN COMPONENT) 18 MANUFACTURERS I-V,) 19 Defendants.) 20 21 22 23 24 25 VIDEOTAPED DEPOSITION OF STEVEN C. JOHNSON, Volume I, taken on behalf of Defendants, beginning at 9:39 a.m., and ending at 5:43 p.m., on Thursday, September 7, 2023, before CARLA SOARES, Certified Shorthand Reporter No. 5908.	Page 4 1 APPEARANCES (Continued): 2 3 For the Defendants: 4 RENZULLI LAW FIRM, LLP 5 BY: CHRISTOPHER RENZULLI, Attorney at Law 6 BY: HOWARD B. SCHILSKY, Attorney at Law 7 One North Broadway, Suite 1005 8 White Plains, New York 10601 9 014.285.0700 10 crenzulli@renzullilaw.com 11 hschilsky@renzullilaw.com 12 13 14 ALSO PRESENT: Peter Yaroschuk, Video Operator 15 --o0o-- 16 17 18 19 20 21 22 23 24 25
Page 3 1 APPEARANCES: 2 3 For the Plaintiffs: 4 NICHOLAS & TOMASEVIC, LLP 5 BY: ALEX TOMASEVIC, Attorney at Law 6 225 Broadway, 19th Floor 7 San Diego, California 92101 8 619.325.0492 9 atomasevic@nicholaslaw.org 10 11 12 LEWIS AND LEWIS TRIAL LAWYERS, PLC 13 BY: ROBERT K. LEWIS, Attorney at Law 14 (via Zoom) 15 BY: AMY M. LEWIS, Attorney at Law 16 (via Zoom) 17 28150 N. Alma School Road, Suite 103-637 18 Scottsdale, Arizona 85262 19 602.889.6666 20 rob@lewisandpokora.com 21 amy@lewisandpokora.com 22 23 24 25	Page 5 1 INDEX 2 WITNESS 3 STEVEN C. JOHNSON EXAMINATION 4 Volume I 5 BY MR. RENZULLI 12 6 7 EXHIBITS 8 NUMBER DESCRIPTION PAGE 9 Exhibit 1 36 10 Plaintiff Steven C. Johnson's 11 Responses to Defendant Glock, Inc.'s 12 Interrogatories 13 14 Exhibit 2 37 15 Plaintiff Steven C. Johnson's 16 Supplemental Responses to Defendant 17 Glock, Inc.'s Interrogatories 18 19 Exhibit 3 38 20 Plaintiff Steven C. Johnson's 21 Responses to Defendant Glock, Inc.'s 22 Requests for Production of Documents 23 24 25

Page 6 1 EXHIBITS 2 NUMBER DESCRIPTION PAGE 3 Exhibit 4 39 4 Third Amended Class Action Complaint 5 6 Exhibit 5 70 7 Amended Notice of Deposition of 8 Plaintiff Steven C. Johnson 9 10 Exhibit 6 193 11 Document headed "Dealer's Record 12 of Sale of Firearm," 13 Bates JOHNSON_000001 - 0002 14 15 Exhibit 7 196 16 Document entitled "The Basic Rules 17 of Firearm Safety," 18 Bates JOHNSON 000003 - 0050 19 20 Exhibit 8 211 21 Letter To Whom It May Concern from 22 Custodian of Records, dated 1-13-23, 23 with attachments 24 25	Page 8 1 EXHIBITS 2 NUMBER DESCRIPTION PAGE 3 Exhibit 15 306 4 Document entitled "FBS485" 5 6 Exhibit 16 309 7 Document entitled "YWK822" 8 9 --o0o-- 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 7 1 EXHIBITS 2 NUMBER DESCRIPTION PAGE 3 Exhibit 9 237 4 Document headed "Declaration of 5 Custodian of Records" 6 7 Exhibit 10 245 8 Document headed "New Employee 9 Summary Information" 10 11 Exhibit 11 250 12 Document headed "PFC Training PSOC 13 Protective Pistol Skills," 14 Bates JOHNSON_000052 - 0055 15 16 Exhibit 12 258 17 Glock manual 18 19 Exhibit 13 288 20 Document entitled "Smith & Wesson 21 Owner's Manual" 22 23 Exhibit 14 295 24 Document headed "Glock Handgun Defect 25 Class Action Lawsuit Investigation"	Page 9 1 REFERENCED EXHIBITS 2 (None) 3 4 5 INSTRUCTIONS NOT TO ANSWER 6 PAGE LINE 7 304 4 8 9 10 --o0o-- 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

3 (Pages 6 - 9)

Page 10 1 San Francisco, California 2 Thursday, September 7, 2023 3 9:39 a.m. 4 5 --o0o-- 6 P R O C E E D I N G S 7 THE VIDEO OPERATOR: Good morning. We are 8 going on the record at 9:39 a.m. on September 7th, 9 2023. 10 Please note that microphones are sensitive 11 and may pick up whispering, private conversations, 12 and cellular interference. Please turn off all cell 13 phones or place them away from the microphones as 14 they can interfere with the deposition audio. 15 Audio- and video-recording will continue 16 to take place unless all parties agree to go off the 17 record. 18 This is Media No. 1 of the video-recorded 19 deposition of Steven Johnson, taken by counsel 20 for defendant, in the matter Steven C. Johnson 21 vs. Glock, Incorporated, et al., filed in the United 22 States District Court for the Northern District of 23 California, Case No. 3:20-cv-08807-WHO. 24 This deposition is being held at 25 101 Montgomery Street, Suite 450, San Francisco,	Page 12 1 Would the court reporter please swear in 2 the witness. 3 STEVEN JOHNSON, 4 having been administered an oath, was examined and 5 testified as follows: 6 EXAMINATION 7 BY MR. RENZULLI: 8 Q Good morning, Mr. Johnson. How are you? 9 A Good morning. 10 Q Doing all right? 11 A Um-hum. 12 Q Do you understand that you just gave an 13 oath? 14 A Yes, I do. 15 Q And you understand what that oath means? 16 A Yes, I do. 17 Q Do you understand that although you gave 18 the oath in this informal conference room, that 19 anything you testify here today can be used at the 20 trial of this matter? 21 A Yes, I understand. 22 Q So what's important to me is that you and 23 I -- when I ask you a question, you understand my 24 question and you answer it honestly and truthfully, 25 okay?
Page 11 1 California 94104, and on Zoom video conference. 2 My name is Peter Yaroschuk from the firm 3 Veritext. I am the videographer. The court 4 reporter is Carla Soares from the firm Veritext. 5 I am not related to any party in this 6 action, nor am I financially interested in the 7 outcome. 8 Counsel, all present in the room, everyone 9 attending remotely, please now state your 10 appearances and affiliations for the record. 11 If there are any objections to proceeding, 12 please state them at the time of your appearance, 13 beginning with the noticing attorney. 14 MR. RENZULLI: Christopher Renzulli on 15 behalf of Glock, Inc., and Glock Ges.m.b.H. 16 MR. SCHILSKY: Howard Schilsky on behalf 17 of Glock, Inc., and Glock Ges.m.b.H. 18 MR. TOMASEVIC: Good morning. Alex 19 Tomasevic on behalf of the witness. 20 THE WITNESS: Steven Johnson. 21 MR. LEWIS: Rob Lewis, Lewis and Lewis, on 22 behalf of Steven Johnson. 23 MS. LEWIS: Amy Lewis, of Lewis and Lewis, 24 on behalf of plaintiff Steven Johnson. 25 THE VIDEO OPERATOR: Thank you.	Page 13 1 A Okay. 2 Q That's because you just took an oath and 3 we want to make sure we don't screw that up. 4 A Yes. 5 Q Do me a favor. If there's any question in 6 your mind as to what I'm asking, just tell me to 7 stop. Call me Chris. Just say, "Chris, I don't 8 understand what you mean. I don't understand what 9 you're saying. I want to answer your question 10 truthfully; so please rephrase." 11 And I'll do the best I can to rephrase 12 that question. Okay? 13 A Okay. 14 Q Any question, you let me know. Okay? 15 The other issue is, you nodded your head 16 before when I asked you a question. Everything has 17 to be verbal so that Carla can take down everything 18 you say. Okay? 19 A Okay. 20 Q I appreciate that. 21 Now, you've had your deposition taken 22 before, haven't you? 23 A I have. 24 Q Was it twice or three times? 25 A I do not remember how many times.

4 (Pages 10 - 13)

Page 14 1 Q All right. You had some in civil cases, 2 and you had some in law enforcement, correct? 3 A That's correct. 4 Q How many in civil? 5 A I don't remember. I can't tell you. 6 Q Best approximation? 7 A Two. 8 Q Two? When were they? 9 A Maybe 25, 30 years ago. 10 Q Okay. And what did they concern? 11 Automobile accidents? 12 A Yes. 13 Q Motorcycle accidents? 14 A Yes. 15 Q Which one? 16 A Motorcycle accident. 17 Q Were there automobile as well? 18 A There might have been. As I said, I don't 19 remember how many there were. 20 Q How many lawsuits have you been involved 21 with other than this one? 22 MR. TOMASEVIC: It's vague. 23 MR. RENZULLI: What's vague about it? 24 MR. TOMASEVIC: You want to go back and 25 forth? Because --	Page 16 1 A I can't say for sure. Yes. 2 Q And your best approximation, could it be 3 ten? 4 A I don't think so. 5 Q Five? 6 A Possibly. 7 Q Okay. So possibly five cases you brought 8 as a plaintiff. 9 Can you give me any information, as you 10 sit here today, as to those five cases, anything at 11 all? 12 A No. I can recall one. 13 Q You can recall one? Tell me what you can 14 recall about that one. 15 A It was a motorcycle accident. 16 Q Okay. And you were the plaintiff in that 17 one, correct? 18 A I was. 19 Q And what happened, briefly? 20 A I was riding my police motorcycle and was 21 struck by a civilian person in their vehicle. 22 Q So you sued the civilian? 23 A Yes. 24 Q Okay. And how did that end up? 25 A We won.
Page 15 1 MR. RENZULLI: I'm just asking -- 2 MR. TOMASEVIC: -- "involved with" is 3 inherently a vague question. 4 You asked me; so I'm telling you. 5 MR. RENZULLI: Okay. Let's start this off 6 the right way. 7 MR. TOMASEVIC: I agree. 8 MR. RENZULLI: Let's try and get through 9 it. I have an obligation to follow up to make sure 10 that I can satisfy your objection so I can rephrase 11 my question. That's all. I don't mean to -- I 12 don't mean to stymie you at all. 13 Q Do you understand what I mean? 14 A Not particularly. 15 Q Okay. How many lawsuits have you brought 16 where you were a plaintiff? 17 A I don't know. 18 Q Do you know what a plaintiff is? 19 A Yes, I do. 20 Q What is a plaintiff in your mind? 21 A A person who is proceeding against another 22 person or entity. 23 Q And as you sit here today, you don't know 24 how many cases you've brought as a plaintiff; is 25 that fair to say?	Page 17 1 Q You won? Did you go to trial? 2 A No, we did not. 3 Q You settled the case? 4 A Yes. 5 Q Okay. And what year was this? 6 A I believe it was 1996. 7 Q And where was the action pending? 8 A What do you mean? 9 Q Okay. And that's a very good response, 10 sir. 11 Again, if you don't know what "action 12 pending" means, just let me know, and I'll try to 13 rephrase it. 14 Where did you file the lawsuit? 15 A In Oakland. 16 Q In Oakland State Court? 17 A I don't understand what you're asking me. 18 Q That's okay. 19 Do you know the difference between a state 20 court and a federal court? 21 A Yes, I do. 22 Q Okay. Was it filed in a state court, or 23 was it filed in a federal court? 24 A I believe it was state court. 25 Q Okay. Who was the judge?

5 (Pages 14 - 17)

Page 18 1 A I do not know. 2 Q Okay. Who was your attorney? 3 A I can't remember his name. 4 Q Was it any of the attorneys in this case? 5 A No, it was not. 6 Q Okay. So you know about one. Is that 7 the -- do you know any other information -- can you 8 tell me any other information about this plaintiff's 9 case that you brought perhaps sometime in 1996? 10 Anything else you remember? 11 A As in what? 12 Q What were your injuries? 13 A I sustained an injury to my lower back, 14 the L4-L5 disk. 15 Q Did you go -- did you lose some time from 16 work because of that? 17 A Yes, I did. 18 Q How much time? 19 A I was retired. 20 Q I'm sorry. You were retired because of 21 the accident? 22 A Yes. 23 Q Okay. So you couldn't work anymore? 24 A That's correct. 25 Q All right. And then you sued the person	Page 20 1 could tell me who the plaintiff's attorney was, your 2 attorney? 3 A No, I don't. 4 Q Do you have any information at home at all 5 about this case? 6 MR. TOMASEVIC: It's vague, overbroad. 7 BY MR. RENZULLI: 8 Q Anything, any documents at home. 9 MR. TOMASEVIC: Same objections. 10 THE WITNESS: Not that I know of. 11 BY MR. RENZULLI: 12 Q Not that you know of. 13 Do you have any documents at home from 14 Oakland Police Department which concern your 15 retirement as a result of this accident? 16 MR. TOMASEVIC: It's vague and overbroad. 17 THE WITNESS: I might. I'm not sure. 18 BY MR. RENZULLI: 19 Q You might? Okay. 20 I mean, if you went out on retirement 21 because of this accident, would you -- would you 22 suspect that you would have those documents at home? 23 MR. TOMASEVIC: Vague, calls for 24 speculation. 25 MR. RENZULLI: "Form." Just say "form."
Page 19 1 who hit you? 2 A That's correct. 3 Q Do you get retirement benefits from the 4 department? 5 A Yes, I do. 6 Q And just so that I'm clear -- I 7 apologize -- you retired because of the injuries you 8 sustained in that accident? 9 A That's correct. 10 Q Anything else you remember about the 11 accident or the lawsuit? 12 A Again, as in what? 13 Q Did you give a deposition? 14 A Yes, sir. 15 Q Did you read that deposition? Did you 16 read it? 17 A What do you mean, did I read it? 18 Q Did you get a copy of the transcript after 19 you gave the testimony? 20 A I believe I did. 21 Q Okay. Was it all truthful and honest? 22 A Yes, it was. 23 Q Okay. Do you have a copy of that? 24 A No, I don't. 25 Q Do you have any information at home that	Page 21 1 MR. TOMASEVIC: Thanks. I've done this 2 before. I appreciate that. 3 BY MR. RENZULLI: 4 Q Sir? 5 A Ask the question again. 6 MR. RENZULLI: Ma'am, can you repeat the 7 question? Carla. Sorry. 8 (Record read as follows: 9 "Question: I mean, if you went out on 10 retirement because of this accident, would 11 you -- would you suspect that you would have 12 those documents at home?") 13 MR. TOMASEVIC: Same objections. 14 THE WITNESS: I don't know if I have them. 15 BY MR. RENZULLI: 16 Q Okay. Do you have any documents at home 17 with regard to your employment with Oakland Police 18 Department? 19 MR. TOMASEVIC: Same objections. 20 THE WITNESS: I believe I do. 21 BY MR. RENZULLI: 22 Q What documents do you believe you have? 23 A I can't be sure of exactly what documents, 24 but I'm sure I have something. 25 Q Okay. I'm going to ask you to preserve

Page 22 1 them, meaning don't throw them away. Okay? 2 A Okay. 3 Q All right. Any documents with regard to 4 your handgun training while at Oakland Police 5 Department? 6 A I do not know if any of those documents 7 pertained to that. 8 Q Did you look? 9 A I believe I did. 10 Q When did you look? 11 A Maybe a year or two ago. 12 Q Okay. And what did you find? 13 A I do not think I found anything as far as 14 for my firearm training. 15 Q Firearms training, firearms use, anything 16 to do with firearms. 17 A From the Oakland Police Department? 18 Q Correct. 19 A I don't think so. 20 MR. RENZULLI: You don't think so, but 21 there's some doubt? 22 I'm going to leave a space in the record. 23 _____ 24 _____ 25 _____	Page 24 1 at home regarding the Oakland Police Department? 2 A Not that I can recall. 3 Q All right. Is there anything else that 4 you recall about these other plaintiff's lawsuits, 5 as you sit here today, that you and I haven't spoken 6 about already? 7 MR. TOMASEVIC: Same objection. Vague and 8 overbroad. 9 THE WITNESS: Basically what he just said. 10 I don't -- what are you asking me? 11 BY MR. RENZULLI: 12 Q Anything. Do you have any information 13 about all these other plaintiff's cases that you 14 brought? Any information about them? 15 A No. 16 Q Were they personal injury? Were they 17 other issues? 18 MR. TOMASEVIC: Asked and answered. 19 THE WITNESS: I don't have any of the 20 information. 21 BY MR. RENZULLI: 22 Q So you don't know? 23 A I do not recall. 24 Q Okay. Just so that we're clear and I can 25 move on, you have other plaintiff's cases that you
Page 23 1 BY MR. RENZULLI: 2 Q And if you find that there are any 3 documents with regard to firearms training -- 4 firearms at all -- during your tenure at the Oakland 5 Police Department, can you provide those to your 6 counsel? 7 A Yes. 8 MR. TOMASEVIC: Well, we're not going to 9 stipulate to that right now. 10 MR. RENZULLI: I didn't ask you to 11 stipulate to anything. I asked him a question. 12 MR. TOMASEVIC: Well, I'm going to make a 13 record here. Thank you very much. 14 Why don't you send any requests you have 15 for follow-up discovery to my office in writing at 16 the conclusion of the deposition, and we will 17 consider them in due course. 18 We're not agreeing to anything right now 19 on the record, but we will, of course, work with you 20 on it. 21 MR. RENZULLI: I didn't ask you to agree. 22 I was talking to the witness. 23 Q Anything -- any other documents, as you 24 sit here today, that you can recall -- and if you 25 can't recall any, that's fine -- that you may have	Page 25 1 brought in courts, but as you sit here today, you 2 have absolutely no understanding of what those cases 3 were about? 4 MR. TOMASEVIC: Asked and answered, 5 argumentative, misstates his prior testimony. 6 MR. RENZULLI: It's got to be "Form." 7 It's got to be "Form." 8 MR. TOMASEVIC: No, it doesn't. It 9 doesn't. 10 BY MR. RENZULLI: 11 Q Sir, can you answer the question, please? 12 A Ask the question again, please. 13 MR. RENZULLI: Ma'am, can you read -- I'm 14 sorry. Carla, can you read that back? 15 (Record read as follows: 16 "Question: Okay. Just so that we're 17 clear and I can move on, you have other 18 plaintiff's cases that you brought in courts, 19 but as you sit here today, you have absolutely 20 no understanding of what those cases were 21 about?") 22 MR. TOMASEVIC: And compound. 23 THE WITNESS: I still -- I'm confused 24 here. You said what the cases are about? 25 ///

7 (Pages 22 - 25)

Page 26 1 BY MR. RENZULLI: 2 Q Yeah. Why did you sue someone else? 3 A I said it was accidents. 4 Q Accidents, with an S? Multiple? 5 A I've had a couple of accidents. Yes. 6 Q How many? A couple? Two? 7 A At least two. 8 Q Okay. And we talked about one. 9 A Um-hum. 10 Q So there was another one. 11 A Yes. 12 Q Was that on your bike as well? 13 A No, it was not. 14 Q Was it in a car? 15 A Yes. 16 Q What do you remember about that accident? 17 What do you remember about it? 18 A A car ran into the back of the vehicle I 19 was in. 20 Q Police vehicle? 21 A Yes, it was. 22 Q And then you brought a lawsuit? 23 A Yes, I did. 24 Q How did that lawsuit end? 25 A The same thing.	Page 28 1 BY MR. RENZULLI: 2 Q Did you review any documents to prepare 3 for today's deposition? 4 A Yes, I did. 5 Q What did you review? 6 A The documents that were filed for this 7 case. 8 Q What documents were they? 9 A I believe they were interrogatories. 10 Q Okay. What else? 11 A That's it. 12 Q So you looked at interrogatories to 13 prepare for the deposition? 14 A I looked over them. 15 Q Okay. And how many documents were there 16 that you looked at? 17 A Are you asking how many pages or -- 18 Q No. Documents. 19 A I believe there were three. 20 Q Three. 21 How many pages each? 22 A They varied. 23 Q When did you look at them? 24 A The last time I looked at them? 25 Q Um-hum.
Page 27 1 Q You settled it? 2 A Yes, it settled. 3 Q Who was your attorney in that case? 4 A I don't remember. 5 Q What year was it? 6 A I can't give you the exact year. 7 Q Did you give a deposition? 8 A I can't recall that. 9 Q Are there any other lawsuits that you 10 recall? I have two so far: One you were in a car; 11 one you were on a bike. 12 A That's correct. 13 Q Do you remember anything about the others 14 that you brought? 15 A No, I do not. 16 Q Okay. Can you provide me with your date 17 of birth, sir? 18 A 03-29-59. 19 Q The last four digits of your Social 20 Security are 8534? 21 A That's correct. 22 Q Did you review any documents to prepare 23 for today's deposition? 24 MR. TOMASEVIC: Can you repeat that? Did 25 you say --	Page 29 1 A This morning. 2 Q This morning. 3 Any other documents other than these 4 interrogatories that you reviewed to prepare for 5 today's deposition? 6 A No. 7 Q Are there -- did you speak to anyone to 8 prepare for today's deposition? 9 A What do you mean? 10 Q Did you speak to anyone about the 11 deposition? 12 A Yes. 13 Q Who did you speak to? 14 A My attorneys. 15 Q Who is your attorney? 16 A This gentleman sitting to my left. 17 Q What is his name? 18 A Alex. 19 Q What's Alex's last name? 20 A I do not know Alex's last name. 21 Q That's okay. 22 Did you speak to any other attorneys to 23 prepare for the deposition? 24 A The other attorneys involved, the Lewises. 25 Q The Lewises.

Page 30 1 Do you know the Lewises' first name? 2 A Not offhand. 3 Q There are two Lewises? 4 A I do believe so. 5 Q Did you speak to any other attorneys to 6 prepare for the deposition? 7 A I believe there's one other attorney, but 8 I can't recall his name. 9 Q Was it someone with the Lewises' firm? 10 Alex's firm? Someone else? 11 A I can't tell you that. I don't know. 12 Q When did you speak to this person? 13 A Yesterday. 14 Q Was that the first time you had spoken to 15 this person? 16 A I don't believe so. 17 Q So you had spoken to this person 18 previously? 19 A Yes. 20 Q When? 21 A I can't recall the exact dates. 22 Q So multiple times? 23 A Yes. 24 Q And you're not sure if it's with the Lewis 25 firm or Alex's firm or somewhere else?	Page 32 1 maybe four or five times; you spoke to folks at 2 Alex's firm maybe two times? 3 A Approximately. 4 Q Okay. And during those two times -- how 5 long were those -- those discussions? 6 A Each discussion was a different amount of 7 time. 8 Q Yeah, but best approximation. 9 This is not a memory test, sir. I'm not 10 trying to trap you in memory. I just want to know 11 your best recollection. 12 A 20 minutes. 13 Q 20 minutes each? Okay. That's fine. 14 And this other person -- we don't know 15 who it is -- how many times did you talk to that 16 person? 17 A Maybe once or twice. 18 Q And for how long did you speak to that 19 person? 20 A Probably the same thing. 20 minutes. 21 Q 20 minutes? Okay. That's fair. 22 To confirm, the only thing you read to 23 prepare for today's deposition was your 24 interrogatories, correct? 25 A Correct.
Page 31 1 A That's correct. 2 Q Okay. How many times have you spoken to 3 folks at the Lewis firm? 4 A I believe four or five times maybe. 5 Q Four or five times. 6 And over what period of time were those 7 four or five conversations? 8 MR. TOMASEVIC: That's vague. 9 BY MR. RENZULLI: 10 Q Sir? 11 A From the start of the case until now. 12 Q Okay. And how long have you spent 13 speaking to the Lewis firm? 14 A What do you mean? 15 Q Amount of time. 16 A No. Do you mean how long -- 17 Q Minutes, hours, days, weeks. 18 A Each time we spoke for maybe 20, 30 19 minutes. 20 Q Okay. And how many times have you spoken 21 to Alex, as you say, or people at his firm? 22 A I'm unsure. 23 Q Okay. Best approximation? 24 A Maybe two or three times. 25 Q So you spoke to folks at the Lewis firm	Page 33 1 MR. TOMASEVIC: Objection to the extent it 2 misstates his prior testimony. 3 BY MR. RENZULLI: 4 Q Did you review anything further to prepare 5 for the deposition? 6 A No. 7 MR. RENZULLI: You're wasting time, 8 Counsel. 9 Q Have you reviewed any other documents in 10 this case over the years that it's been here other 11 than your interrogatories? 12 A Not that I know of. 13 Q Like, there was a -- do you know what a 14 complaint is? 15 A A little bit. You can explain it to me. 16 Q No, no. Well, that's a poor question, and 17 I withdraw it. 18 Do you know what a complaint is in a legal 19 suit? 20 A Not the legal definition, no. 21 Q Okay. Have you seen a complaint that was 22 filed in this case? 23 A Yes. 24 Q Okay. When did you see that? 25 A I believe that's part of what I was

Page 34 1 reading this morning. 2 Q Okay. I thought you said 3 "interrogatories." 4 A That's what I called them. 5 Q Okay. No worries. Let's see what we 6 can -- we can figure out here. Let me just show you 7 what I think you're talking about. 8 While he's pulling out those documents, 9 how many attorneys do you have for this case? 10 A I do not know. 11 Q You don't even know? Okay. 12 Did you choose any of them? 13 MR. TOMASEVIC: It's vague. 14 THE WITNESS: I did not. 15 BY MR. RENZULLI: 16 Q Okay. So you didn't say, "I want you as 17 my attorney, I want you as my attorney"? 18 MR. TOMASEVIC: Also vague. 19 BY MR. RENZULLI: 20 Q They chose you? 21 MR. TOMASEVIC: Also vague and compound. 22 THE WITNESS: The first attorneys that 23 contacted me were the first attorneys that contacted 24 me. 25 ///	Page 36 1 last question? 2 (Record read as follows: 3 "Question: Did they contact you or did 4 you contact them originally?") 5 MR. TOMASEVIC: Same objections. 6 THE WITNESS: Actually, I contacted them. 7 BY MR. RENZULLI: 8 Q Do you know who you contacted first? 9 A It's hard for me to answer that question 10 because I -- I filled out a form. 11 Q And then who contacted you after you 12 filled out the form? 13 A I believe it was attorneys from the Lewis 14 firm. I'm not sure. 15 Q Okay. That's fine. 16 I'm just going to put some documents in 17 front of you, and you'll see it says 18 "Interrogatories." So I want to see if that's what 19 you meant when you told me you reviewed 20 interrogatories. Okay? 21 A Okay. 22 MR. RENZULLI: We're going to mark this 23 first one as Johnson 1. 24 (Exhibit 1 was marked for identification 25 and is attached hereto.)
Page 35 1 BY MR. RENZULLI: 2 Q Did they contact you or did you contact 3 them originally? 4 MR. TOMASEVIC: It's vague as to 5 "originally." 6 MR. RENZULLI: Just for the record, you 7 can object to every question. You can have a 8 running objection. I don't care. 9 The problem is you're just filling up the 10 time here. I see what you're doing. But I'm just 11 noting it for the record. I would use my objections 12 wisely, and that's just for me for timing-wise. 13 MR. TOMASEVIC: I'm going to do my job. 14 And if we're talking about timing, I don't see the 15 value in asking someone who the judge was from a 16 personal injury case that happened close to 30 years 17 ago. 18 MR. RENZULLI: That's not a proper 19 objection. That's not a proper objection. 20 MR. TOMASEVIC: Okay. Well, objection to 21 your statement. 22 MR. RENZULLI: Alex, stop. Come on. 23 Let's go forward, please. We've got to get through 24 this. 25 I'm sorry. Carla, can you read back my	Page 37 1 MR. TOMASEVIC: Do you have an extra copy, 2 or do you want me to share his? 3 MR. SCHILSKY: There should be an extra 4 copy. Do you want to give it to him? 5 MR. RENZULLI: Sorry. 6 MR. TOMASEVIC: No worries. Thank you. 7 BY MR. RENZULLI: 8 Q Does that look like the interrogatories 9 you were just talking about? 10 A These look like -- 11 Q Look like what you reviewed? 12 A Yes. 13 Q Was that the -- were there more than just 14 that? 15 Let me show you what's been marked as 16 Exhibit 2. 17 (Exhibit 2 was marked for identification 18 and is attached hereto.) 19 BY MR. RENZULLI: 20 Q Is that another document you may have 21 reviewed today? 22 A This looks like it. 23 Q Are there any others that you reviewed 24 today that aren't in front of you? 25 MR. TOMASEVIC: Asked and answered.

Page 38 1 THE WITNESS: I think there were three. 2 MR. RENZULLI: You think there were three? 3 This doesn't say "Interrogatory," but 4 maybe this is something you were talking about. 5 (Exhibit 3 was marked for identification 6 and is attached hereto.) 7 BY MR. RENZULLI: 8 Q We've just marked for the record 9 Johnson 3, which is plaintiff Steven Johnson's 10 responses to defendant Glock, Inc.'s request for 11 production of documents. 12 Is that the third one, perhaps? 13 A It's possible. 14 Q Possible? Okay. 15 And when you were reviewing those 16 documents that are in front of you, did you notice 17 any problems with any of them? 18 A Not that I noticed. 19 Q Okay. You didn't read something and say, 20 "Wait, wait. That's not right, I want to change 21 it," right? 22 A No. 23 Q Did you review those documents before they 24 were finalized? 25 A Excuse me. Clarify that.	Page 40 1 A I could not tell you. 2 Q Was it within the last year? Two years? 3 Any idea? 4 A No, sir. It looks like the rest of the 5 documents. 6 Q They kind of all jumble together, huh? 7 A Yes. 8 Q Yeah. All right. Did you participate at 9 all in the crafting of the complaint for this case? 10 A Can you clarify that? 11 Q Sure. 12 Did you -- did you know that the attorneys 13 were putting together a complaint? 14 A Yes. 15 Q And did you help them draft -- write the 16 complaint? 17 A I didn't write anything. 18 Q Did you help them write it? 19 A I would assume that when speaking to them, 20 that helped them to write it. 21 Q Okay. You assumed that? Okay. That's 22 fine. 23 You can keep those in front of you for a 24 little bit. 25 Are there any other documents that you
Page 39 1 Q That's all right. 2 When is the first time you saw them? 3 A The very first time I saw them was when I 4 signed for them. 5 Q Okay. So did you review them before you 6 signed them? 7 A Yes, I did. 8 Q Okay. And did you make any changes to 9 them before you signed them? 10 A Not that I can recall. 11 Q Okay. So the attorneys put it together, 12 and you signed it? 13 A Yes. 14 MR. RENZULLI: Gotcha. 15 (Exhibit 4 was marked for identification 16 and is attached hereto.) 17 MR. TOMASEVIC: Thanks. 18 BY MR. RENZULLI: 19 Q I've put in front of you what's been 20 marked as Johnson 4, which is the third amended 21 complaint. 22 Have you ever seen that? 23 A I believe I have. 24 Q You believe you have? 25 When was the last time you saw that?	Page 41 1 have seen with regard to this lawsuit since its 2 inception, since it was brought, that you can 3 remember as you sit here today? 4 A No. 5 Q Did you review any documents that Glock, 6 Inc., produced in this case? 7 MR. TOMASEVIC: Object to the extent it 8 calls for speculation. 9 Why are you laughing? 10 MR. RENZULLI: Counsel, stop. 11 MR. TOMASEVIC: No. You laugh, you -- 12 MR. RENZULLI: Counsel, stop. 13 MR. TOMASEVIC: -- rap your knuckles on 14 the table. It's a little bit of theater, but it's 15 not professional. 16 MR. RENZULLI: Counsel, Counsel, stop. 17 You're embarrassing yourself. 18 Q Sir, did you review any documents that 19 were produced by Glock, Inc., in this case? 20 A I do not know. I can't recall that. 21 Q Did you review any documents that were 22 produced by Glock Ges.m.b.H. in this case? 23 MR. TOMASEVIC: Objection to the extent it 24 calls for speculation. 25 THE WITNESS: I do not know for sure.

Page 42 1 BY MR. RENZULLI: 2 Q Can you recall any other documents at 3 all -- anything, no speculation -- anything at all 4 that you saw with regard to this case, whether it's 5 something someone produced, whether it's something 6 that the court said, whether it was something that 7 went to the court -- anything at all -- have you 8 reviewed any other documents? 9 MR. TOMASEVIC: Objection. Vague, asked 10 and answered. 11 THE WITNESS: Not to my knowledge. 12 BY MR. RENZULLI: 13 Q Okay. Have you seen the testing that 14 Glock pistols go through in Austria? 15 A No. 16 Q Have you seen the testing that Glock 17 pistols go through in the United States? 18 A No. 19 Q Have you seen users lists of law 20 enforcement agencies across the country that use 21 Glock pistols? 22 A No. 23 Q Have you ever seen anything on the 24 internet about Glock pistols? 25 A Yes.	Page 44 1 Q And you saw -- do you know what model 2 pistol that was? 3 A No, I do not. 4 Q Do you know what kind of ammunition was 5 being used in that gun? 6 A I do not. 7 Q What else do you know -- what else do you 8 recall, as you sit here, about that one time on the 9 internet where you saw a Glock pistol explode? 10 A I'm confused. What are you asking? 11 Q That's okay, sir. 12 What else do you remember? 13 A Nothing else that I can think of. 14 Q Okay. So you don't know what kind of 15 ammunition was used, correct? 16 A No. 17 Q You don't know what model pistol it was? 18 A I do not. 19 Q You don't know the caliber of the pistol? 20 A Not that I can recall. 21 Q You don't know where -- what's the URL? 22 Where did this come from? Where on the internet? 23 A I don't know. 24 Q You don't know? 25 Were there any people?
Page 43 1 Q What did you see on the internet? 2 A The "Kaboom." 3 Q You saw "Kaboom"? 4 A Yes. 5 Q Tell me what that means, sir. 6 A From what I saw, it was a Glock pistol 7 that exploded, basically. 8 Q When did you see this? 9 A Maybe a couple years ago. 10 Q When? 11 A I couldn't tell you the exact date. 12 Q So you saw on the internet a Glock pistol 13 exploding? 14 A I believe that's what it was. 15 Q Was it live? Did you actually see it 16 explode? 17 A I don't recall if it was actually live or 18 a photograph of it after it had exploded. 19 Q Okay. Was it before you contacted the 20 plaintiffs' attorneys in this case? 21 A No. 22 Q It was after? 23 A Yes. 24 Q How long after? 25 A I couldn't say for sure.	Page 45 1 MR. TOMASEVIC: People where? 2 BY MR. RENZULLI: 3 Q People that you saw on the internet with 4 regard to this Glock pistol, allegedly. 5 A I believe so. 6 Q How were the people? How many people? 7 A I do not know, sir. 8 Q Male? Female? White? Black? 9 A As I recall, male, white. 10 Q So, a male, white. 11 And did this person say anything? Did 12 they show pictures? What did they do? 13 Give me everything you remember about this 14 one time you were on the internet and saw a Glock 15 pistol that was exploded. 16 A As I said, I just recall that. I do not 17 recall the entirety of what it was I was looking at. 18 Q Have you told me everything you remember 19 about it? 20 A Yes. 21 Q All right. Any other times that you were 22 on the internet with regard to Glock pistols? 23 Looking up Glock pistols, anything at all. 24 A I may have, but I can't recall anything. 25 Q Can't recall.

Page 46 1 And why did you -- did you go on the 2 internet and saw this, what you call the Glock 3 pistol that exploded, because the plaintiffs' 4 lawyers told you to do that? 5 A No. 6 Q Why did you do it? 7 A Because I saw the ad about the Glock 8 pistol being defective, and I wanted to check into 9 that because I own a Glock. 10 Q Okay. You saw -- let me understand if I 11 heard you, and I apologize. 12 You saw an ad from the attorneys that said 13 that the Glock pistol was defective; is that what 14 you said? 15 A I saw an ad. Yes. 16 Q And then you wanted to -- to what? To 17 investigate that? 18 A Yes. 19 Q And you investigated it by going on the 20 internet, and you saw one Glock pistol that 21 exploded? 22 A That's what I recall. 23 Q Did you do any other investigation? 24 A As far as? 25 Q Any other investigation to determine	Page 48 1 exploded -- withdrawn. 2 Have you spoken to any law enforcement 3 officers about what the plaintiffs' attorneys say is 4 a defect? 5 A No. 6 Q Have you spoken to any Glock armorers 7 about what the plaintiffs' attorney says is a 8 defect? 9 A No. 10 Q Have you spoken to anyone other than the 11 plaintiffs' attorneys about what you -- about what 12 they say is a defect? 13 A No. 14 Q Do you have any support that the Glock 15 pistol is defective other than what you were told by 16 the plaintiffs' attorneys and what you saw on the 17 internet with this one pistol? 18 MR. TOMASEVIC: It's vague and 19 argumentative. You're talking about him personally? 20 BY MR. RENZULLI: 21 Q Can you answer the question? 22 A The things that were written in these 23 documents. 24 Q The things that were written in the 25 documents?
Page 47 1 whether the plaintiffs' attorney was right that 2 Glock pistols are defective. 3 MR. TOMASEVIC: Objection. Argumentative 4 and vague. 5 THE WITNESS: Not that I can think of. 6 BY MR. RENZULLI: 7 Q Did you talk to anyone to find out whether 8 or not Glock pistols are defective? 9 A No. 10 MR. TOMASEVIC: Just a -- okay. Just a 11 bit of caution that when he says "talk to anyone," 12 don't include the substance of communications with 13 lawyers, okay? 14 BY MR. RENZULLI: 15 Q Unless I say something. If I say 16 something, then we can talk about it. But he's 17 correct. 18 So have you talked to -- that's confusing 19 to you? 20 A No. I'm -- 21 Q All right. That's all right. 22 Other than -- I'm sorry. We had a little 23 break there. 24 Other than looking on the internet and 25 seeing the one Glock pistol that you said	Page 49 1 A Yes. 2 Q The things that were given to you by the 3 plaintiffs' lawyers? 4 MR. TOMASEVIC: For the record, he was 5 referring to Exhibits 1 through 4. 6 BY MR. RENZULLI: 7 Q The things that the plaintiffs' lawyer 8 gave to you? 9 A Yes. 10 Q Did you do any investigation, sir, other 11 than what we spoke about, or you just relied upon 12 what the plaintiffs told you -- plaintiffs' counsel 13 told you? 14 MR. TOMASEVIC: Asked and answered, 15 compound and argumentative. 16 THE WITNESS: I did not do any 17 investigation. 18 BY MR. RENZULLI: 19 Q All right. And you've spoken to no one? 20 Withdrawn. 21 Have you spoken to any other pistol -- 22 Glock pistol owners out there, anywhere in 23 California or elsewhere, about the defect that you 24 learned from the plaintiffs' lawyer, that the 25 plaintiffs' lawyer claims is a defect?

Page 50 1 A Yes. 2 Q Who have you spoken to? 3 A A friend of mine. 4 Q Who is your friend? 5 A Tony. 6 Q Who is Tony? 7 A Tony is my friend. 8 Q Give me Tony's last name. 9 A Martin. 10 Q Tony Martin. 11 Where does Tony Martin live? 12 A In Davis. Dixon. Excuse me. 13 Q Dixon, where? California? 14 A California. 15 Q How long have you known Tony? 16 A 30, 32 years. 17 Q Good friend, huh? 18 A Yes. 19 Q Were you in the department with him? 20 A No. 21 Q How do you know Tony? 22 A Military. 23 Q Okay. And are you close with his family? 24 A No. 25 Q Just him?	Page 52 1 A No, I didn't. 2 Q Okay. Anything else you talked about with 3 Tony with regard to Glock pistols? 4 A No. 5 Q Are you being compensated at all for your 6 agreement in this case to be a plaintiff? 7 A No. 8 Q You're not being paid at all? 9 A No. 10 Q Any written agreements with the 11 plaintiffs' lawyers in this case? Do you have any 12 written agreements with them? 13 A I believe I agreed to have them represent 14 me. 15 Q And it's a written agreement? 16 A I don't recall. 17 Q You don't recall? 18 A No. 19 Q You don't recall if you signed any 20 agreements or anything like that? 21 A I would believe I did, but I can't recall 22 exactly. 23 Q Do you have any financial investment at 24 all in this case? 25 A No.
Page 51 1 A Yes. 2 Q What's his relationship with you other 3 than good friend? Anything else? 4 A No. 5 Q You guys were in the military together? 6 A Yes. 7 Q Tell me about your conversation with Tony. 8 A As in what? 9 Q What did you talk about? Did you talk to 10 Tony about this case? 11 A About the case itself, no. 12 Q Did you talk to Tony about Glock pistols? 13 A Yes. 14 Q What did you talk to him about? Tell me 15 your conversation. 16 A I told him that there was a problem with 17 Glock pistols. 18 Q This is the problem that the plaintiffs' 19 attorneys told you about? 20 A Correct. 21 Q And what did he say? 22 A He said he didn't know about it. 23 Q Okay. Does Tony own a Glock? 24 A I'm not sure. 25 Q Did you ask him?	Page 53 1 MR. TOMASEVIC: It's vague. 2 BY MR. RENZULLI: 3 Q Any out-of-pocket expenses? Anything you 4 had to pay for? 5 A My Uber ride. 6 Q Your Uber ride. All right. 7 Anything else with regard to the case, 8 whether it's -- I don't know -- experts, filing 9 fees, you know, the cost for Carla here today, is 10 any of that coming out of your pocket? 11 A No. 12 Q If a jury were to find for Glock in this 13 case, are you willing to reimburse us, Glock, for 14 the costs it incurs in defending this case? 15 A No. 16 MR. TOMASEVIC: Objection. Assumes facts. 17 MR. RENZULLI: Carla, did you get the 18 answer? 19 THE REPORTER: Yes. 20 MR. TOMASEVIC: Objection. Assumes facts. 21 BY MR. RENZULLI: 22 Q You're not paying that bill, right? 23 A No. 24 Q Let me see -- and this is just background 25 info. Let me see if I can go quickly through some

Page 54 1 addresses and confirm that these were yours, okay? 2 A Okay. 3 Q That's where I'm going here now. 4 You've got an address at 23 Alan Way in 5 Martinez, California. 6 A Yes. 7 Q Did you live there? 8 A Yes. 9 Q Fair to say between 1992 and 2021, 10 perhaps? 11 A No. 12 Q Okay. When did you live there? 13 A I think I left there in 2008. 14 Q Who did you live there with? 15 A No one. 16 Q No one. 17 You have an address at 257 Mariner Drive. 18 When did you live there, if at all? 19 A That's been a while ago. 20 Q If I said "1995," does that help? 21 A Possibly. 22 Q Through when? When did you sell that 23 or -- 24 A I'm not even sure. 25 Q Ten years? 20 years? Something less?	Page 56 1 Q How long were you there? 2 A I think maybe four years. 3 Q Okay. Was that back in the early 2000s? 4 A No. 5 Q When was that? 6 A That was prior to that. 7 Q Okay. 1990s? 8 A Possibly. Yes. 9 Q Did you also live at 619 Center in 10 Martinez, or just 719? 11 A 719. 12 Q Not 619? 13 A No. 14 Q 1617 Eighth Street in Alameda? 15 A Yes. 16 Q How long were you there for? 17 A About a year. 18 Q 3272 Central Avenue in Alameda? 19 A Yes. 20 Q How long were you there? 21 A About a year. 22 Q Union Street in Alameda? 23 A Yes. 24 Q About a year? 25 A No.
Page 55 1 Something more? 2 A I do not believe I lived there too long. 3 Q Not too long? 4 MR. TOMASEVIC: Just for the record, the 5 pages with the addresses, his Social Security 6 number, even if partial, and his date of birth will 7 be marked by us as "Confidential" under our 8 stipulated protective order, which I can provide a 9 copy to you for. 10 MR. RENZULLI: Sometime afterward you can 11 go through it. It's no problem. We'll follow the 12 protective order in the case. No problem there. 13 Q 719 Center Avenue, Martinez, is that 14 another one of your properties? 15 A Yes. 16 Q How long were you there? 17 A Eight years. 18 Q Eight years? 19 A Maybe. 20 Q Starting when? Ending when? 21 A I can't -- 22 Q Long time ago? 23 A Yes. 24 Q 260 Toledo Court in Vallejo? 25 A Yes.	Page 57 1 Q How long? 2 A About 12 years. 3 Q What 12-year period, approximately, are 4 you talking about? 5 A From now, go back 12. 6 Q So you're living there now? 7 A Yes. 8 Q My next question. 9 Does anyone live with you now? 10 A No. 11 Q Ever married? 12 A Yes. 13 Q How many times? 14 A Twice. 15 Q Who were you married to? 16 A LaTanya Langston. 17 Q LaTanya Langston, L-A-N-G-S-T-O-N? 18 A Correct. 19 Q Where does -- where does she live? 20 A I can't tell you that. 21 Q You can't tell me? 22 A I don't know. 23 Q You don't know. 24 When is the last time you had any contact 25 with her?

Page 58 1 A About 25 years ago. 2 Q Do you have any children with her? 3 A No. 4 Q Divorced? 5 A Yes. 6 Q Contentious divorce? 7 MR. TOMASEVIC: It's vague. 8 BY MR. RENZULLI: 9 Q Did you fight a lot? 10 A No. 11 Q Was there any claim by her that you -- 12 that you lied? 13 A Not that I know of. 14 Q Any claim by her that you were untruthful? 15 A Not that I know of. 16 Q What's your best understanding of where 17 she -- do you know whether she's still in 18 California? 19 A I do not know. 20 Q Okay. And you haven't heard from her in 21 25 years? 22 A Correct. 23 Q Okay. Langston was her maiden name? 24 A That's correct. 25 Q Did she get remarried?	Page 60 1 Q What's Tammy's date of birth? I'm asking 2 too much? 3 A 1965. 4 Q No children? 5 A Yes. 6 Q You have children? I apologize. 7 How many children do you have? 8 A One. 9 Q What's your child's name? 10 A Ashley. 11 Q What's Ashley's last name? 12 A Johnson. 13 Q Where does Ashley live? 14 A She's probably in Texas right now. 15 Q And who is Ashley's mom? 16 A Tammy. 17 Q Tammy. 18 And how old was Ashley when you guys broke 19 up? 20 A About four, five. 21 Q And did Ashley go live with Mom? 22 A Yes, she did. 23 Q And has Ashley ever lived with you? 24 A Yes. 25 Q When did she live with you?
Page 59 1 A I believe so. 2 Q Who did she get remarried to? 3 A I do not know. 4 Q Okay. What's her date of birth? 5 A She was born in 1960 in March. 6 Q I'm asking too much for the date, huh? 7 A Yes, you are. 8 Q All right. And who was the second wife? 9 A Tammy Belt. 10 Q How do you spell Tammy's last name? 11 A B-E-L-T. 12 Q Belt. 13 How long were you married to Tammy? 14 A About a year and a half. 15 Q And did you divorce? 16 A Yes. 17 Q How long were you married to Ms. Langston? 18 A I think about four and a half years. 19 Q And where does Tammy live now? 20 A I don't know that, either. 21 Q When is the last time you spoke to her? 22 A About 12 years ago. 23 Q And is that when you were married to her, 24 about 12 years ago? 25 A Approximately, yes.	Page 61 1 A From the time she was about 13 and a half 2 until 16 and a half. 3 Q And then what happened when she was 16 and 4 a half? 5 A She went to live with her godmother. 6 Q Godmother. Okay. 7 How old is Ashley now? 8 A 28. 9 Q And what's her date of birth? 10 A 9 January '96. 11 Q Any other children? 12 A No. 13 Q Highest level of education, sir? 14 A Associate's degree. 15 Q Is that in physical education? 16 A Yes, it is. 17 Q From which school is that? 18 A Diablo Valley College. 19 Q And where did you get that associate's? 20 A I can't remember exactly. 21 Q What's kinesiology? 22 A Study of human movement. 23 Q Human movement. 24 So you did some of that in college as 25 well?

Page 62 1 A Yes. 2 Q What college did you go to? 3 A I went to Diablo Valley College and -- do 4 you want to know colleges for that or all colleges 5 or what? 6 Q Well, we talked about two so far. You 7 went to Diablo Valley College. 8 Did you get any degrees from there or -- 9 A That's what I said. I got an associate's 10 degree from there. 11 Q Associate's from there? 12 A Yes. 13 Q I'm sorry. All right. Thank you. 14 You also went to school for kinesiology? 15 A Yes. 16 Q What school was that? 17 A San Francisco State. 18 Q Did you get any degrees from there? 19 A I did not. 20 Q All right. How many credits did you get 21 there? 22 A Enough to be a senior. 23 Q What is a senior? Four years of 24 schooling? 25 A No. It's a combination of so many	Page 64 1 Anything else? 2 A Florida State University. 3 Q Did you live in Florida? 4 A I did not. 5 Q And what kind of a degree did you get from 6 Florida State? 7 A I did not. 8 Q Okay. What type of schooling did you get 9 from Florida State? 10 A What do you mean? 11 Q You said you went to Florida State 12 University. Please explain what that means. 13 A I did not go to Florida State University. 14 I got class from Florida State University. 15 Q Where? 16 A On the ship. 17 Q On the ship. 18 So on the ship, you got some schooling. 19 Anywhere else that you've gotten schooling? 20 A Contra Costa Community College. 21 Q What happened there? Did you get any 22 degrees? 23 A I did not. 24 Q How many classes did you take there? 25 A I don't remember how many classes.
Page 63 1 credits. So it was enough to be a senior. 2 Q Okay. But didn't get a -- just so I'm 3 clear, you didn't get any degrees? 4 A I did not. 5 Q Any other college that you attended? 6 A For what? 7 Q Anything. 8 A Chicago City College. 9 Q You lived in Chicago for a while? 10 A No. 11 Q Chicago, California? 12 A No. 13 Q Nevada? 14 A No. Chicago. The city in Illinois. 15 Q Did you live there at all? 16 A I did not. 17 Q Did it online? 18 A I did not. 19 Q How do you attend a college without being 20 there? I apologize. 21 A Professor comes on the ship when you're in 22 the Navy and -- 23 Q So with the Navy? 24 A Yes. 25 Q That's it. Perfect.	Page 65 1 Q Was that on the ship as well? 2 A It was not. 3 Q Do you have any hobbies? 4 A Yes. 5 Q What are your hobbies? 6 A Cars. 7 Q Cars. Building them? 8 A Yes. 9 Q How many cars do you own? 10 A Right now? Five. 11 Q More personal. What types of cars? 12 A Do you want a brand? 13 Q Yeah, just generally. Do you like the 14 muscle cars? Do you like the Vettes? What do you 15 like? 16 A I like all cars. 17 Q You like all cars. 18 What have you got? 19 A A '65 Thunderbird, a '66 convertible 20 Thunderbird, a '62 Pontiac LeMans convertible, a '75 21 Datsun 280Z, an F250 camper special pickup truck, 22 and a Mercedes. 23 Q Did you purchase these cars? 24 A Yes. 25 Q With cars like this, do you have to spend

Page 66 1 more money to purchase them if they're in better 2 condition than if they're not? 3 A Yes. 4 Q So you're going to pay more if something 5 is in better condition, correct? 6 A Yes. 7 Q Like looking at the mileage on some of 8 these cars and trucks, if it has a lot more miles on 9 it, would you agree with me it's probably worth 10 less? 11 A Not always. 12 Q Generally speaking? 13 A Yes. 14 Q And if it's in better condition, it's not 15 used as much, would you generally agree with me that 16 it's probably worth more? 17 MR. TOMASEVIC: Objection. Vague, 18 incomplete hypothetical. 19 THE WITNESS: Yes. 20 BY MR. RENZULLI: 21 Q If the Mercedes, you know, had more bells 22 and whistles, you know, more after-market things 23 attached to it, would you pay more for the Mercedes? 24 MR. TOMASEVIC: Same objections. 25 THE WITNESS: Not necessarily.	Page 68 1 A For a classic car. 2 Q Got it. Got it. For a classic car. 3 But if we're talking modern day, you know, 4 2023, you're going to pay more for a car that has 5 more safety features than one that doesn't, correct? 6 MR. TOMASEVIC: Vague. Vague, incomplete 7 hypothetical. 8 THE WITNESS: I don't know if I would pay 9 more. 10 BY MR. RENZULLI: 11 Q But other people would? 12 A I guess. I don't know. 13 Q All right. When is the first time you 14 picked up a firearm? 15 A Probably when I was ten years old. 16 Q Tell me about that. 17 A My great-uncle let me shoot a rifle. 18 Q Where was -- 19 MR. TOMASEVIC: Chris, sorry. Whenever is 20 a good time, our first break. You're in charge. 21 Just let me know when is a good time. 22 MR. RENZULLI: Okay. 23 Q What year are we talking about? 24 A 1969. 25 Q And where did this occur where you handled
Page 67 1 BY MR. RENZULLI: 2 Q It depends on what they are, right? 3 A Yes. 4 Q What about if it's a safety-related bell 5 and whistle in the Mercedes? Would you pay more for 6 it because it's safety-related? 7 MR. TOMASEVIC: Same objections. 8 THE WITNESS: I don't understand. Clarify 9 a little more. 10 BY MR. RENZULLI: 11 Q Like, you're going to pay more for a car 12 with airbags than a car without airbags, right? 13 Because it's an additional safety component, right? 14 A Again, I'm confused here, because you 15 can't buy a car of a certain year without airbags. 16 Q Understood, and I'm just using that as an 17 example. 18 Just in general, if a car has more 19 components, more safety features, than one that 20 doesn't, would you be willing to pay more for it? 21 A No. 22 Q You wouldn't? You'd still pay the same 23 amount no matter what it has? 24 A In some circumstances. 25 Q Like what type of circumstances?	Page 69 1 a rifle? 2 A Ohio. 3 Q You were born in Detroit? 4 A Yes. 5 Q How long did you live in Michigan? 6 A Total? 7 Q Yes. 8 A 21 years. 9 Q From birth until when did you leave 10 Michigan originally? 11 A From birth until 17 and about three 12 quarters. 13 Q So during that time period, were you in 14 Ohio with your uncle? 15 A No. 16 Q You picked up a rifle when you were ten 17 years old? 18 A Correct. 19 Q Where did you pick it up? 20 A That was in Ohio. 21 Q All right. And what was in Ohio that you 22 picked it up? What was -- where were you? 23 A On my grandfather's farm. 24 Q Gotcha. All right. 25 Did you fire that rifle?

Page 70

1 A Yes.

2 Q Did your uncle give you the basic firearm

3 safety rules?

4 A I don't remember.

5 Q Don't remember?

6 How many rounds did you shoot? Tell me

7 about that.

8 A Maybe two.

9 Q Did your uncle give you any rules about

10 ammunition or anything of that nature?

11 A Not that I can recall.

12 MR. RENZULLI: Okay. Take a break?

13 MR. TOMASEVIC: Sure. Thanks very much.

14 THE VIDEO OPERATOR: I'm going to switch

15 media.

16 This marks the end of Media No. 1 in the

17 deposition of Steven Johnson. The time is

18 10:34 a.m. We are off the record.

19 (Recess, 10:34 a.m. - 10:49 a.m.)

20 (Exhibit 5 was marked for identification

21 and is attached hereto.)

22 THE VIDEO OPERATOR: This marks the

23 beginning of Media No. 2 in the deposition of Steven

24 Johnson. The time is 10:49 a.m. We are on the

25 record.

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1 BY MR. RENZULLI:

2 Q Sir, I've just shown you what's been

3 marked as Exhibit No. 5 for identification.

4 Can you take a look at that, please?

5 For the record, it's the amended notice of

6 deposition of plaintiff Steven Johnson, and I think

7 the date is wrong because it was changed to today,

8 of August 23rd, 2023, for the record.

9 Have you ever seen that before?

10 A It looks like one of the documents I've

11 seen.

12 Q Okay. Were you asked to bring your

13 firearms here today?

14 A No.

15 Q Okay. Where are your two Glock pistols

16 right now?

17 A With the attorneys.

18 Q With the attorneys.

19 Do you know where, what state they're in?

20 A I believe in Arizona.

21 Q Arizona.

22 And which attorneys come from Arizona?

23 A The Lewises.

24 Q Lewises.

25 And when is the last time you saw those

Page 72

1 guns?

2 A Possibly a year ago. I'm not sure. Maybe

3 less.

4 Q Where were you when you saw them?

5 A In my home.

6 Q In your home.

7 Then at some point you gave it to the

8 attorneys?

9 A I gave it to an investigator.

10 Q An investigator.

11 Who did you give the guns to?

12 A The attorneys' investigator.

13 Q What was the attorneys' investigator's

14 name?

15 A I can't recall it offhand.

16 Q You got a card, I assume, correct,

17 something from them?

18 A Yes.

19 Q Okay. Do you have that at home?

20 A Yes.

21 Q Okay. And you just -- you handed it to

22 them?

23 A Yes, I did.

24 Q Okay. And how did the attorneys get the

25 guns?

Page 73

1 A I don't know from that point on.

2 Q Okay. And you haven't seen them since?

3 A No.

4 Q When is the last time you fired either one

5 of them?

6 A It's been years.

7 Q How many?

8 A Since I first saw this case about them.

9 Q To clarify, since you saw the posting by

10 plaintiffs' attorney about this case?

11 A Correct.

12 Q Okay. And since then, you haven't fired

13 either one of them?

14 A That's correct.

15 Q Okay. Do you know if anyone has fired

16 them since?

17 A I do not, to my knowledge.

18 Q Okay. Do you have any experts in this

19 case? Do you have any experts that are going to

20 help with you this case?

21 A No.

22 Q Do you know if anyone has shot those guns

23 since this case has started?

24 A I do not know independently.

25 Q Okay. Next time you picked up a firearm

Page 74 1 after you were ten years old with your uncle? When 2 was the next time? 3 A I think when I was a teenager. 4 Q Teenager. 5 What type of firearm did you pick up? 6 A It was a rifle. 7 Q What type of rifle? What was the 8 manufacturer? 9 A It was a .22. 10 Q A Winchester? Something like that? 11 A I do not know. I don't remember. 12 Q When you were ten years old, what type of 13 rifle was that? 14 A I have no idea. 15 Q Okay. How many times did you fire that 16 .22 when you were a teenager? 17 A Maybe two or three times. 18 Q And who were you with? 19 A My cousins. 20 Q Did your cousins give you any basic 21 firearm safety rules? 22 A "Don't point it at anything that you don't 23 want to shoot." 24 Q So they did give it to you or you knew it 25 already?	Page 76 1 Q Is there a difference between automatic 2 and semi-automatic? 3 A Yes, there is. 4 Q What's the difference? 5 A Well, as I understand it, when I say 6 "automatic," I mean semi-automatic, meaning that you 7 fire, and it recoils, and it's ready to fire again, 8 versus automatic, where if you hold the trigger and 9 fire, it continues to fire until you either release 10 the trigger or it's empty. 11 Q And when you were 21 or 22 years old, how 12 many rounds did you put through that pistol? 13 A None. 14 Q None? Okay. So you just picked it up? 15 A Yes. 16 Q And, I apologize, you don't know the 17 manufacturer? 18 A I do not. 19 Q And this was -- again, was this with your 20 uncle. 21 A Yes. 22 Q Same uncle? 23 A No. 24 Q Different uncle. 25 He just showed it to you?
Page 75 1 A I knew it, but they told me. 2 Q Okay. Anything else you remember them 3 telling you? 4 A No. 5 Q What type of ammo did you use in that .22? 6 A .22. 7 Q There you go. 8 Do you know who the manufacturer was? 9 A No. 10 Q Next time you picked up a firearm was 11 when? 12 A Are you talking after that? 13 Q Correct. 14 A Maybe when I was about 21, 22. 15 Q Sure. What were the circumstances 16 surrounding that? 17 A My uncle handed me a .25 automatic. 18 Q When you say "automatic," what does that 19 mean? 20 A It means it's a pistol versus a revolver. 21 Q So "automatic" means pistol, and revolver 22 is something different? 23 A Yes. 24 Q Okay. What type of .25 automatic pistol? 25 A I don't know.	Page 77 1 A Yes. 2 Q When is the next time you picked up a 3 firearm, shot one? 4 A Police department. 5 Q PD. 6 Any firearms in the Navy? 7 A No. 8 Q You never handled a firearm in the Navy? 9 A No. 10 Q No? Okay. 11 Any firearms training in the Navy? 12 A No. 13 Q Had you received any training with 14 firearms at all up until the point that you went to 15 the PD? 16 A No. 17 Q Did you grow up around firearms in the 18 home? 19 A My father had a firearm. 20 Q What did he have? 21 A I believe it was a .38. 22 Q Was Dad in law enforcement? 23 A No, he was not. 24 Q Did he ever show you his .38? 25 A He must have. I knew he had it.

20 (Pages 74 - 77)

Page 78 1 Q Sometimes parents hide those things. 2 Any specific recollection? 3 A As far as what? 4 Q Of him showing you his firearm. 5 A No. 6 Q You don't know who the manufacturer was? 7 A I do not. 8 Q And the .38, is that an automatic or is 9 that a revolver? Something else? 10 A His was a revolver. 11 Q Revolver. 12 Do you know what type of ammunition he 13 used? 14 A I do not. 15 Q So you said the next time you picked up a 16 firearm was when you went to the Oakland PD. 17 A Correct. 18 Q What year was that? 19 A I believe it was 1986. 20 Q What made you go into the PD? 21 A They recruited me. 22 Q Recruited you from where? 23 A The Navy. 24 Q Gotcha. 25 How did they go about recruiting you?	Page 80 1 What type of firearms training did you 2 receive in 1986 when you started with the 3 department? 4 A Training in the academy. 5 Q And which academy was that? 6 A The Oakland Police Academy. 7 Q Okay. And what type of firearms training 8 did you receive? 9 A I don't understand what you're asking. 10 Q Sure. 11 Did you -- did they provide you with a 12 firearm? 13 A Yes, they did. 14 Q What did they provide you with? 15 A It was a .357. 16 Q Was that a semi-automatic or was that -- 17 A Revolver. 18 Q They provided that to you on your first 19 day? 20 A They did not. 21 Q When did they provide that to you? 22 A At some point in time during our academy 23 training. 24 Q Okay. How long was the academy? 25 A I believe it was nine weeks. I could be
Page 79 1 A I was at a festival at Lake Merritt, and 2 they had a booth there. And they talked to me, and 3 they recruited me. 4 Q Gotcha. 5 And if you started there in '86 -- and I 6 think you had different times you were with the 7 department -- when did that stint end? Does that 8 make sense or is that confusing? 9 A No. 10 Q All right. You started in '86. When did 11 you stop working there the first time? 12 A You said "the first time." What do you 13 mean, "the first time"? 14 Q When did you stop working at the Oakland 15 Police Department? 16 A I believe that was in '96. 17 Q Okay. Did you ever work for the Oakland 18 Police Department after '96? 19 A In a civilian capacity. 20 Q Okay. So that's what I meant by "the 21 first time" and later, okay? 22 So let's talk about '86 to '96 now, okay? 23 A Yes. 24 Q I know you worked with them later. I'm 25 not talking about that right now.	Page 81 1 wrong. 2 Q How much of that time was devoted to 3 firearms? 4 A I couldn't tell you. 5 Q Do you have any documents at home from the 6 police academy? 7 A I do not. 8 Q Can you give me a best approximation of 9 how much time was spent over the nine weeks dealing 10 with firearms? 11 A I really can't. 12 Q Did they teach you how to shoot? 13 A They did. 14 Q Did they go over the basic firearms safety 15 rules with you? 16 A They did. 17 Q Did everyone have a .357 revolver? 18 A Yes. 19 Q And who was the manufacturer? 20 A Smith & Wesson. 21 Q Do you remember the model number? 22 A I can't remember right now off the top of 23 my head. 24 Q And did you have to purchase that or they 25 provided it to you?

Page 82 1 A That was provided by the department. 2 Q Okay. Do you still have it? 3 A I do not. 4 Q When did you return it? 5 A When the department changed firearms. 6 Q When did they change firearms? 7 A I can't recall the exact time. 8 Q What decade? 9 A It was probably in the '80s. 10 Q What did they change to? 11 A They changed to a Smith & Wesson 12 10-millimeter. 13 Q Is that a revolver or semi-automatic, 14 automatic? 15 A Semi-automatic. 16 Q Do you have the model number? 17 A No, I do not. 18 Q And when they switched over to the 19 10-millimeter, you had to return your .357? 20 A Correct. 21 Q Did you have any say-so in the switch to 22 the Smith & Wesson 10-millimeter? Bad question. 23 Was it your choice to move to the 24 Smith & Wesson 10-millimeter? 25 A No, it was not.	Page 84 1 the range? 2 A They didn't. 3 Q They didn't? 4 How often did you train on the range? 5 A I can't recall how many times. 6 Q That's okay. That's all right. Remember, 7 it's not a memory test. 8 Best approximation? 9 A And what time period are we talking? 10 Q Between '86 and '96. 11 A Maybe two or three times other than the 12 qualification. 13 Q Couple times to practice, two or three 14 times, get proficient to get ready for your 15 qualifications? 16 A Correct. 17 Q Okay. During -- did you have training 18 exercises throughout the year where you were 19 required to use your firearm on the range, outdoor 20 range, indoor range, somewhere else? 21 A That was part of the yearly training. 22 Q Gotcha. 23 And how many rounds of ammo would you put 24 through the firearms during this yearly training? 25 A I don't remember.
Page 83 1 Q The department told you, "We are moving 2 from the .357 to the 10-millimeter," correct? 3 A That's correct. 4 Q So you started carrying that because the 5 department told you you had to? 6 A At that point, yes. 7 Q How many rounds do you think you put 8 through the .357? 9 A I have no idea. 10 Q Many? 11 A Yes. 12 Q Give me the circumstances surrounding it. 13 Did you have to do qualifications? 14 A Yes, I did. 15 Q How often did you do qualifications? 16 A First in the academy during training, and 17 you had to qualify yearly. 18 Q And you had to qualify in order to 19 graduate the academy, correct? 20 A Correct. 21 Q And then yearly, I guess between '86 and 22 '96, you had to qualify once a year? 23 A Yes. 24 Q Okay. And what about training on the 25 range? How often did they require you to train on	Page 85 1 Q Let me make sure I understand this: You 2 have yearly training, and then you have 3 qualifications, right? 4 A Correct. 5 Q Do they happen at the same time? 6 A I believe so. 7 Q Okay. So you do your training, then you 8 qualify? 9 A Correct. 10 Q How long does the training last? 11 A It was somewhere between one and five 12 days. I don't remember exactly. 13 Q Okay. So you're training every year. To 14 the best of your recollection, anyways, one to five 15 days every year, training with firearms, followed by 16 a qualification course? 17 A Yes. 18 Q Did you ever fail your qualification 19 course? 20 A No. 21 Q During your firearms training, whether 22 it's in the academy or your yearly training, did you 23 ever talk about ammunition? 24 A In what respect? 25 Q In any respect.

Page 86 1 A Yes. 2 Q Okay. Did they tell you, "Always use good 3 quality ammunition"? 4 A Yes. 5 Q Did you always use good quality 6 ammunition? 7 A Yes. 8 Q Who were the manufacturers of ammunition 9 that you would use during those ten years with the 10 .357 revolver and the 10-millimeter? 11 A The ammunition provided by the department. 12 Q There you go. 13 What type of ammunition did they provide? 14 A I don't recall. 15 Q No recollection at all? 16 A No. 17 Q Okay. Did they have separate ammunition 18 for duty use as opposed for training? 19 A Not that I know of. 20 Q You think it was the same one? 21 A I believe so. 22 Q Okay. Did you personally own any firearms 23 throughout this ten-year period? 24 A Yes, I did. 25 Q Okay. What did you own between '86 and	Page 88 1 repeat that, please? 2 (Record read as follows: 3 "Question: That there is a gap between 4 the round and the barrel where it feeds.") 5 BY MR. RENZULLI: 6 Q Where did you learn this? 7 A That was in the information within these 8 documents. 9 Q The information the plaintiffs' attorney 10 gave you? 11 A Yes. 12 Q So the plaintiffs' attorney gave you 13 information, and you said something about the round 14 and the barrel where it feeds is -- is what? Is the 15 .45 gap? 16 A I've never heard it called a .45 gap. 17 Q Okay. Let me go back to my original 18 question. 19 Have you ever heard of a .45 gap, G-A-P? 20 A A .45 gap, no. 21 Q Okay. But then you started talking about 22 a round in a barrel where it feeds, and this is the 23 information that was provided to you by the 24 plaintiffs' lawyers here, correct? 25 A Correct.
Page 87 1 '96? 2 A A Smith & Wesson .45. Let's see. A Star 3 9-millimeter. 4 I can't think of anything that I owned 5 during that time. 6 Q When did you pick up the .45, the Smith? 7 A The same time they did the changeover. 8 Q Okay. So when Smith switched over to a 9 10-millimeter, you purchased a .45 ACP? 10 A Correct. 11 Q Do we know what "ACP" stands for? 12 A Not really. 13 Q Okay. There's also something called a .45 14 gap. Do you know what that stands for? 15 A No. 16 Q Have you ever heard of .45 gap? 17 A The gap -- the only thing -- gap that I've 18 heard of is in relation to the Glock. 19 Q What is the relation? 20 A That there is a gap between the round and 21 the barrel where it feeds. 22 Q Help me out. 23 Can you explain that a little more? 24 A I can't explain it. 25 MR. RENZULLI: I'm sorry. Carla, can you	Page 89 1 Q Okay. When you got your .357 revolver, 2 did you read the manual? 3 A I don't recall. 4 Q Okay. What about the 10-millimeter? Did 5 you read the manual that came with that? 6 A I do not recall. 7 Q Do you think it's important to read 8 manuals that come with firearms? 9 A Yes. 10 Q On all the firearms that you had -- let's 11 take these two out of there -- did you read the 12 manuals on all the other ones? 13 A The ones that I purchased? 14 Q Correct. 15 A Yes. 16 Q So it's important to you to read that 17 manual? 18 A Yes. 19 Q Is it important to you to follow the 20 warnings that are in that manual? 21 A Yes. 22 Q Have you ever broken any of the warnings 23 that are in any manuals that you read? 24 MR. TOMASEVIC: Objection. Vague. 25 THE WITNESS: I don't believe so.

Page 90 1 BY MR. RENZULLI: 2 Q Okay. Have you ever failed to comply with 3 warnings from a firearm manufacturer that they put 4 in their manual? 5 A I don't believe so. 6 Q Is there any danger for not complying with 7 warnings that a firearm manufacturer puts in their 8 manual? 9 MR. TOMASEVIC: Objection. Vague, calls 10 for speculation. 11 THE WITNESS: I don't know. 12 BY MR. RENZULLI: 13 Q Could it be dangerous if you don't follow 14 the firearm manufacturer's warnings? 15 A I believe it could be. 16 Q Sure. 17 Like your cars, right? Your car. You 18 follow the warnings in the cars that you own, right? 19 A Correct. 20 Q And if you don't follow the warnings, that 21 could be dangerous as well? 22 A Correct. 23 Q That car that -- that first Thunderbird, 24 what was the year of the first Thunderbird you told 25 me about?	Page 92 1 Q Tell me what you mean by "good 2 ammunition." 3 A Recognized manufacturers. 4 Q Recognized manufacturers. 5 Can you tell me who, in your mind, are 6 recognized manufacturers? 7 A Winchester, Hornady. 8 Q Any others? 9 A There are several others, but I -- just 10 off the top of my head, those come up. 11 Q So you would only use manufacturers that 12 you've heard of before? 13 A Yes. 14 Q Okay. What about reloaded ammunition? 15 Did you put reloaded ammunition through the .357? 16 A No. 17 Q How about the Smith & Wesson 18 10-millimeter? 19 A No. 20 Q What about your .45 pistol from Smith? 21 A No. 22 Q Why not? 23 A Why would I? 24 Q I don't know. That's what I'm asking you. 25 Do you think it's dangerous?
Page 91 1 A '65. 2 Q Would people value that car differently? 3 Like, may plaintiffs' attorney value that car at one 4 number and you value that car at another number? 5 A Possibly. 6 Q So you don't recall if you read the manual 7 of the .357; you don't recall whether you read the 8 manual with the Smith & Wesson 10-millimeter, 9 correct? 10 A That's correct. 11 Q Okay. I apologize if I asked this: At 12 the academy and at Oakland PD, did they warn you, as 13 the firearm user, to only use commercial factory 14 ammunition? 15 A I don't recall. I believe they did, but I 16 don't recall that. 17 Q Do you think that's a good warning or 18 requirement? 19 MR. TOMASEVIC: Objection. Vague, 20 overbroad, calls for speculation, and incomplete 21 hypothetical. 22 THE WITNESS: I really don't know. 23 BY MR. RENZULLI: 24 Q No opinion? 25 A I don't -- I use good ammunition.	Page 93 1 A I don't really know anything about 2 reloaded ammunition. 3 Q Do you know what I mean when I say 4 "reloaded ammunition"? 5 A Yes, I do. 6 Q What does that mean? 7 A That means that somebody takes a shell, 8 fills it with powder, recaps it with a top, and 9 reuses it. 10 Q Have you ever done that? 11 A No. 12 Q Do you know the process that goes into 13 reloading? 14 A Not really. 15 Q Do you know any machines that need to be 16 used to reload? 17 A No. 18 Q Do you know anything -- you called it a 19 "shell," right? What is a shell? 20 A The brass portion of the round. 21 Q So are they all made of brass? 22 A No. 23 Q What else are they made of? 24 A I think some of them are made of steel. 25 Q Steel? Anything else?

Page 94 1 A Not that I know of. 2 Q Okay. And you cap it? What does that 3 mean, "cap it"? Any idea what that means? You "cap 4 it," you said. 5 A Did I say "cap"? 6 Q Yeah. 7 A I guess that's when you put the actual -- 8 around the bullet, the -- on the top of it. You cap 9 it off. 10 Q You put the bullet on the top of it? 11 A Yes. 12 Q How does it stay in? 13 A I don't do reloads. 14 Q Do you know anyone who does reloads? 15 A Yes. 16 Q Who do you know? 17 A Some of the people I worked with at the 18 police department. 19 Q Who? 20 A I can't give you a name offhand. 21 Q Give me one name. Anyone. 22 A I really can't give you a name offhand of 23 who did reloads. 24 Q So as you sit here today, it's your 25 testimony that some people reloaded ammunition at	Page 96 1 to anyone about reloading ammunition? 2 A No. 3 Q Okay. Do you have any idea -- withdrawn. 4 It's your understanding that with these 5 reloaders, they reuse the shell, you call it? 6 A That's from my understanding, yes. 7 Q Do you know how many times they reuse 8 these shells? 9 A I have no idea. 10 Q Okay. Do you have any understanding of 11 the types of powders that potentially go into these 12 reloaded ammunition? 13 A I do not. 14 Q Let me get to the chase. 15 If I ask a lot of questions about 16 reloading, are you just going to keep saying, "I 17 don't know"? 18 A That's correct. 19 Q So if I talk about primers and crimping 20 and all that stuff, you're going to say, "I don't 21 know anything about it"? 22 A I do not. 23 Q If I'm going to ask you about particular 24 types of presses -- do you know what a press is? 25 A I know about a printing press.
Page 95 1 Oakland PD, but you can't give me the name of one 2 person? 3 A That's correct. 4 Q Okay. And what is the difference between 5 reloading and handloading? 6 A I don't know. 7 Q Have you ever heard of the term 8 "handloading"? 9 A Not till you just mentioned it. 10 Q So the answer is no, you never heard of it 11 until today, correct? 12 A Correct. 13 Q What about remanufactured ammunition? Any 14 idea what that is? 15 A No. 16 Q Other than these unnamed persons from the 17 Oakland Police Department who I think you said did 18 reloading, do you know anyone else who does 19 reloading? 20 A I do not. 21 Q Have you ever spoken to anyone who 22 reloads -- I guess it would be these folks at 23 Oakland PD -- about reloading? 24 A No. 25 Q Since this suit was filed, have you spoken	Page 97 1 Q All right. And can you tell me why, in 2 your opinion, you wouldn't use these reloaded 3 cartridges in any of your firearms? 4 A I don't know anything about reloading, 5 so -- 6 Q So you wouldn't trust it? 7 MR. TOMASEVIC: Objection. Misstates his 8 prior testimony and argumentative. 9 THE WITNESS: I don't know. 10 BY MR. RENZULLI: 11 Q Have you ever been at a range where 12 someone else was using reloaded ammunition? 13 MR. TOMASEVIC: Objection to the extent it 14 calls for speculation. 15 THE WITNESS: I do not have the answer to 16 that. I don't know. 17 BY MR. RENZULLI: 18 Q Right. And that's a fine answer, sir. 19 Again, I don't want you to speculate about what 20 someone else had in their -- in their firearm. 21 Every question is assumed that you know. Because if 22 you don't know, you're going to tell me, "I don't 23 know." 24 Are we on the same page? 25 A Yes.

25 (Pages 94 - 97)

Page 98 1 Q All right. So do you know, then, whether 2 anyone else on the range, throughout all your years 3 of shooting, ever used reloads? 4 A I do not know. 5 Q Okay. Have you seen warnings in the 6 manuals that come with the various firearms that you 7 own where the manufacturer says, "Don't use reloads. 8 Only use good quality commercial ammunition"? 9 A Yes. 10 Q And you've always followed that rule, 11 correct? 12 A Yes. 13 Q All right. Do you have any pattern or 14 practice after you fire rounds, whether it's on the 15 range, during qualifications, where you pick up your 16 brass? 17 A During qualifications, we had to clean up 18 the range. 19 Q Broom? 20 A Correct. 21 Q Pick them up, put them in the pan? 22 A That's correct. 23 Q What did they do with them after you 24 cleaned up the range? 25 A I have no idea.	Page 100 1 What happens, if you know -- I understand 2 you're not an expert -- what happens with these 3 misfires that the ammunition doesn't go "bang"? 4 A I do not know. 5 Q You don't know. 6 And when you have this misfire, do you 7 look at the round of ammunition that you said you 8 took out of the chamber? 9 A I do not. 10 Q Have you ever looked at any of your 11 cartridge cases after firing them through your guns? 12 A No. 13 MR. TOMASEVIC: Vague. Are we still on 14 the police guns or any -- 15 MR. RENZULLI: Yeah. I didn't preface it. 16 MR. TOMASEVIC: Okay. 17 THE WITNESS: When you say "look at them," 18 please -- 19 BY MR. RENZULLI: 20 Q Pick them up off the floor. 21 A As I said, yeah, I picked them up off the 22 floor. 23 Q Did you ever see any that looked 24 suspicious? 25 MR. TOMASEVIC: It's vague.
Page 99 1 Q Did you ever have a time where you're 2 firing your gun and maybe have a failure to fire? 3 A Yes. 4 Q And did you take the ammunition out when 5 you had the failure to fire, take it out of the gun? 6 A You're going to have to be more specific 7 about that. 8 Q All right. You tell me what you think I 9 mean by "failure to fire." 10 A A misfire, failure to fire, or -- that's 11 it. 12 Q Give me an example. Tell me what 13 happened. 14 A Well, with a semi-automatic, you misfire, 15 you rack and clear that round out, reengage. 16 Q And when you say you "misfire," just 17 define what that means to me in your -- your 18 understanding. 19 A For what you were talking about, the round 20 did not go off. 21 Q Okay. Have you heard of, like, a hang 22 fire? 23 A I've heard of it, but I can't define it 24 for you. 25 Q You don't know what that means.	Page 101 1 THE WITNESS: I do not know what you mean, 2 "suspicious." 3 BY MR. RENZULLI: 4 Q There you go. 5 Did you see any that had cracks in them? 6 A Not that I know of. 7 Q Did you see any that had bulges in them? 8 A Not that I know of. 9 Q Did you see any that had a weird color? 10 MR. TOMASEVIC: Objection. Vague. 11 THE WITNESS: Not that I know of. 12 BY MR. RENZULLI: 13 Q Did you see any that were, like, missing 14 primer indents? 15 A Not that I know of. 16 Q Do you know what a "primer" is? 17 A Yes, I do. 18 Q Okay. So at least on the range when you 19 were qualifying, et cetera, they made you sweep 20 up -- pick up your brass, right? 21 A Correct. 22 Q And at any time on the range when you were 23 in law enforcement and you did that, did you see 24 anything out of the ordinary with regard to the 25 cartridge cases that you picked up?

Page 102 1 A No. 2 Q You never saw one that had a bulge in it? 3 A No. 4 Q You never saw one that was cracked? 5 A No. 6 Q When you were in the -- for the ten years 7 you were at Oakland PD, '86 to '96, did they tell 8 you to always keep your firearm clean? 9 A Yes. 10 Q Why is that, do you know? 11 A You don't want your firearm to jam. 12 Q Okay. Jam is what? 13 A Well, for a semi-automatic, there may be 14 some debris or something in the slide that would 15 cause the slide to hang up. 16 Q Okay. You always want it to be able to 17 function appropriately? 18 A Correct. 19 Q You want to make sure that when you pull 20 the trigger, there's a round of ammunition in the 21 chamber? 22 A That's correct. 23 Q Because you have to -- you trust your life 24 to the firearms that you're using when you're in law 25 enforcement, correct?	Page 104 1 A Correct. 2 Q Nonetheless, you went out and spent your 3 own hard-earned cash and bought your own firearm, 4 correct? 5 A Correct. 6 Q And that's because you liked the features 7 of the other firearm better than the one that the 8 department provided you? 9 A Correct. 10 Q What are some of the things that are 11 important for the firearm purchaser with regard to 12 firearms they choose? What are some of the things? 13 MR. TOMASEVIC: Objection to the extent it 14 calls for speculation and is vague. 15 THE WITNESS: Safety, reliability. 16 BY MR. RENZULLI: 17 Q What else? Anything else? 18 A It's suitable for the purpose that they 19 buy it. 20 Q Anything else? 21 A That's about all I can think of now. 22 Q Durability, is that important? 23 A Sure. 24 Q Polymer gun versus steel gun? 25 MR. TOMASEVIC: Same objections.
Page 103 1 A Correct. 2 Q All right. You trusted your life to the 3 .357 revolver and that Smith & Wesson 10-millimeter, 4 right? 5 A The .357, correct. 6 Q Okay. But not the 10-millimeter? 7 A No. 8 Q Why not? 9 A I used the .45. 10 Q Okay. All right. The department provided 11 you with a Smith & Wesson 10-millimeter at some 12 point during that ten-year period, correct? 13 A That's correct. 14 Q All right. But you nonetheless went out 15 and bought your own Smith & Wesson .45? 16 A Correct. 17 Q Tell me why. 18 A It had a bigger round. I liked the feel 19 of it. 20 Q Anything else? 21 A No. 22 Q And people -- let me see if I understand 23 this. 24 The department provided you with one 25 firearm for free.	Page 105 1 BY MR. RENZULLI: 2 Q Do you think that's important to some 3 users? 4 A It might be to some users. 5 Q Not to you? 6 A No. 7 Q What do you like better, polymer or steel? 8 A Well, I prefer polymer because it's 9 lighter. 10 Q So weight is an important consideration 11 for you? 12 A Sometimes. 13 Q But there's a whole lot of 1911 fans out 14 there -- do you know what a 1911 is? 15 A .45. 16 Q But there's a whole lot of 1911 fans that 17 disagree with you, right? They like the heavier 18 gun? 19 A Correct. 20 Q How about the bells and whistles on the 21 gun? That's important, too, right? 22 MR. TOMASEVIC: Objection. Vague. 23 BY MR. RENZULLI: 24 Q Like the .357 -- let's talk about your 25 .45 ACP. Did it have any manual safeties on it?

Page 106 1 A Yes, it did. 2 Q What kind of a manual safety? 3 A It had a thumb release lock and unlock. 4 Q A thumb release lock and unlock? 5 A Yes. 6 Q So kind of an on/off switch? 7 A You could call it that. 8 Q Okay. Was it on the frame or on the 9 slide? 10 A It was on the frame. 11 Q And when did you engage it and when didn't 12 you engage it? 13 A I engaged it if I was locking up the gun 14 or wasn't on duty with it. 15 Q Okay. So that firearm had that safety. 16 We'll call it a manual safety, right? 17 A Correct. 18 Q But, like, your .357 and your Glocks 19 didn't have that type of a safety on it, correct? 20 A Correct. 21 Q So that's another feature. Some people 22 may like it, some people may not, right? 23 MR. TOMASEVIC: Objection. Compound, 24 vague, calls for speculation. 25 ///	Page 108 1 BY MR. RENZULLI: 2 Q Recoil? 3 MR. TOMASEVIC: Same objections. 4 BY MR. RENZULLI: 5 Q Heavy recoil, soft recoil, do you think 6 that's important? 7 A Yes. 8 Q So you liked your .45 ACP. Okay. 9 When did you start using that? 10 A When we were allowed to carry them. 11 Sorry. I can't -- 12 Q You can't. We got it between '86 and '96, 13 though, right? 14 A Yes. 15 Q Can we do it in the first five years or 16 the last five years? 17 A I don't know when they switched over. 18 Q But everything we talked about, the 19 qualifications, the training that you did, once you 20 did switch over to the Smith .45, you used it for 21 those purposes? 22 A Yes. 23 Q What happened to the 10-millimeter? 24 A It sat in my locker. 25 Q Okay. So -- withdrawn.
Page 107 1 BY MR. RENZULLI: 2 Q Correct? 3 A Correct. 4 Q Okay. Aesthetics, the way it looks, 5 that's important to people, right? 6 MR. TOMASEVIC: Same objections. 7 THE WITNESS: I can't tell you what 8 people -- yes, I guess. 9 BY MR. RENZULLI: 10 Q You're looking at a gun. You don't want 11 to look at an ugly gun, do you? 12 A I don't know what an ugly gun looks like. 13 Q Cost? Cost is important, do you think, in 14 choosing a firearm? 15 MR. TOMASEVIC: Same objections. 16 THE WITNESS: Yes. 17 BY MR. RENZULLI: 18 Q Ability to take it apart -- withdrawn. 19 Ease of having to take it apart -- 20 withdrawn. 21 If it's easier to take apart than others, 22 do you think that would be a benefit? 23 MR. TOMASEVIC: Same objections. 24 THE WITNESS: I don't -- for me, no. 25 ///	Page 109 1 Any other firearms -- withdrawn. 2 You had a Star 9-millimeter while you -- 3 between '86 and '96 as well? 4 A Correct. 5 Q Tell me about that firearm. 6 A Subcompact, semi-automatic, 9-millimeter. 7 Q "Subcompact," what does that mean? 8 A It's very small. 9 Q Very small. 10 And your Smith & Wesson .45, was that a 11 subcompact? Full-size? 12 A Full-size. 13 Q Full-size. 14 And the .357? 15 A It was definitely full-size. 16 Q Full-size. 17 And the 10-millimeter? 18 A Full-size. 19 Q That's another thing, right? Some guns 20 come subcompact, compact, full-size; they come in 21 different sizes, correct? 22 A Correct. 23 Q And that's another choice that consumers 24 make. "Do I want a subcompact, compact, full size," 25 right?

Page 110 1 A Yes. 2 MR. TOMASEVIC: Vague. Objection to the 3 extent it calls for speculation. 4 Just slow down a little bit because I 5 might need to make an objection from time to time. 6 Thank you, Mr. Johnson. 7 BY MR. RENZULLI: 8 Q Why did you want the subcompact Star? 9 A I was working undercover. 10 Q Did you carry that -- how often did you 11 carry that? 12 A I can't give you a definitive amount. 13 Sometimes I carried it and sometimes I didn't. 14 Q Daily? Weekly? Monthly? 15 A Like I said, on a day-to-day basis, 16 sometimes I would have it on me, other times I 17 wouldn't, depending on how I felt in the situation. 18 Q When would you carry it? 19 A When I felt the need to have it and I felt 20 it would not be discovered. 21 Q When you wanted to conceal it? 22 A Correct. 23 Q Is that when you were going undercover? 24 A Yes. 25 Q What about when you weren't undercover,	Page 112 1 A No. 2 Q And that's because they were providing you 3 with ammunition that wasn't reloaded, correct? 4 MR. TOMASEVIC: Objection. Vague and to 5 the extent it calls for speculation. 6 THE WITNESS: I couldn't say for sure. As 7 I said, I used the ammunition that the department 8 issued. 9 BY MR. RENZULLI: 10 Q What happened in '96? Why did you stop 11 working at Oakland PD? 12 A I was injured. 13 Q It's when you had the accident that you 14 had the lawsuit for, and you retired? 15 A Correct. 16 Q See? It's all coming back to me. 17 At that point, you had to give back the 18 10-millimeter? 19 A That's correct. 20 Q You still kept the .45 Smith & Wesson 21 because that was yours? 22 A Correct. 23 Q And you had the Star 9-millimeter? 24 A Correct. 25 Q Are there any others that you had at this
Page 111 1 maybe as a backup? Did you carry your subcompact? 2 A No. 3 Q When you were on duty, did you carry any 4 backup firearms between '86 and '96? 5 A No. 6 Q Once again, with the Star, you would never 7 use remanufactured -- any type of ammunition other 8 than original, in the box, from an ammunition 9 manufacturer, correct? 10 A Correct. 11 Q Never reloads, correct? 12 A Correct. 13 Q And to confirm, you read the manual that 14 came with the Smith & Wesson .45 and the Star 15 9-millimeter, correct? 16 A Correct. 17 Q What happened -- okay. 18 Have you told me about a -- withdrawn. 19 During all of your training between '86 20 and '96, other than what's in the manuals for the 21 firearms, did your trainers ever warn you against 22 using reloaded, remanufactured, or handloaded 23 ammunition? 24 A No. 25 Q They never told you not to use it?	Page 113 1 time in 1996? 2 A Beretta .25 caliber. 3 Q I apologize. Beretta .25? 4 A Right. Caliber. 5 Q Caliber -- what? What was it? 6 A It was a semi-automatic. 7 Q Do you remember the model? 8 A Not offhand. 9 Q Where did you get the Smith & Wesson .45 10 from? 11 A From a gun shop. 12 Q Which gun shop? 13 A I believe it was the gun shop in 14 San Leandro, but I'm not sure. 15 Q Tell me what you know about a gun shop 16 in -- where is it? 17 A San Leandro. 18 Q -- San Leandro. 19 Tell me what you know about that place. 20 A It doesn't exist anymore. 21 Q That's not good. 22 Would you have any documentation at home 23 which would say where you purchased the gun from? 24 A I do not. 25 Q Do you have a carry permit now?

Page 114 1 A It's -- yes, and I have LEOSA. 2 Q Right. So retired law enforcement gives 3 you certain privileges? 4 A Correct. 5 Q And do they know what type of firearms you 6 own? Does anyone know what type of firearms you 7 own, meaning is it documented anywhere with the 8 state? 9 MR. TOMASEVIC: Objection. Vague and to 10 the extent it calls for speculation. 11 THE WITNESS: You'd have to clarify that 12 for me. 13 BY MR. RENZULLI: 14 Q Sure. That's fine. 15 In certain states, my state, on your 16 permit, it actually lists the firearms that you 17 have, handguns. 18 Is there any such thing here for retired 19 law enforcement in California? 20 A It does not list the firearms that I have. 21 Q Do you have to tell them -- documents, 22 affidavits -- what firearms you own, the state? 23 A No. 24 Q Do you have to tell any municipality, any 25 government agencies, which firearms you own?	Page 116 1 A Yes. 2 Q So you walked into that shop knowing that 3 you wanted a Smith & Wesson .45? 4 A That's correct. 5 Q And you knew which model number you wanted 6 as well? 7 A No. 8 Q What did you know? 9 A I knew I wanted a Smith & Wesson .45 to 10 carry on duty. 11 Q And had you done any research on the 12 appropriate one before you went there? 13 A I believe I had done some. 14 Q What did you do? 15 A Probably talked to a couple of people in 16 the department or the rangemaster. 17 Q Again, we're not sure what year it was. 18 That's fine. 19 Can you tell me about the substance of 20 those conversations? 21 A I may have asked him a recommendation for 22 which one I should get. 23 Q Gotcha. 24 Did he ask you, "Why don't you want to 25 carry the 10-millimeter?"
Page 115 1 A No. 2 Q Anything else about that gun shop that you 3 recall? 4 A No. 5 Q Had you purchased any other firearms 6 there? 7 A I might have purchased the Star there. 8 Q Okay. Any others? 9 A No, not that I can recall. 10 Q Did you purchase ammunition from there as 11 well? 12 A Possibly. 13 Q And tell me about your interaction -- 14 withdrawn. 15 Did you have an interaction with 16 someone -- a clerk -- someone behind the counter 17 when you made that transaction? 18 A Yes. 19 Q Did you talk about the Smith & Wesson? 20 A Clarify. 21 Q Did you talk about it while you were 22 purchasing it, what features you like, anything of 23 that nature? 24 A Not that I recall. 25 Q You had done your homework beforehand?	Page 117 1 A I don't recall that. 2 Q What did he carry? 3 A I do not know. 4 Q So it sounds like in that department, at 5 that time, you can choose whatever firearm you want 6 as long as you purchased it? 7 A No, you cannot choose any firearm that you 8 wanted. 9 Q Okay. How did you get to choose your .45? 10 A That was one of the firearms that you 11 could purchase and use on duty. 12 Q So they had a list? 13 A I believe so. 14 Q What else was on the list? 15 A 9-millimeters. 16 Q 9-millimeter what? 17 A I have no idea. 18 Q Okay. So there was a list -- let me step 19 back. 20 They assigned you a firearm? 21 A Correct. 22 Q They also gave you a list and said, "If 23 you don't want this firearm, choose something off 24 the list, but you have to buy it yourself?" 25 A Correct.

Page 118 1 Q Other than a 9-millimeter, can you tell me 2 any other firearms that were on that list? 3 A I cannot. 4 Q Any other manufacturers of firearms that 5 were on that list? 6 A As I recall, it was calibers of firearms 7 that you could -- that you could buy. 8 Q So it was 10-millimeter, because that's 9 what they assigned to you; it was 9-millimeter; it 10 was .45. 11 A Correct. 12 Q Which ones -- what else were there? 13 A That's the only ones I recall. 14 Q So they said you can buy any 9-millimeter 15 handgun you want, any .45 handgun you want, and use 16 it on the department? 17 A That's not what I'm saying. 18 Q What are you saying? 19 A That from what I recall, I remember that 20 you could buy .45 caliber, 9-millimeter, 21 10-millimeter. 22 Q From any manufacturer? 23 A I do not recall what limit as far as 24 manufacturers. 25 Q I gotcha.	Page 120 1 A Excuse me? For whom? What? 2 Q Why did you fire on a yearly basis? What 3 was the reason that you did that? 4 A To keep my proficiency and to qualify. 5 Q Qualify for what? 6 A So I could carry concealed. 7 Q And is that a California requirement? 8 A At that time, you can carry concealed if 9 you had your retired police ID. 10 Q But you still needed to qualify yearly? 11 A Yes. 12 Q Okay. Did you shoot any Smith & Wesson 13 .45s before you purchased your Smith & Wesson .45? 14 A I did not. 15 MR. RENZULLI: Let's take a few minutes' 16 break. 17 THE VIDEO OPERATOR: I'll switch media. 18 This marks -- 19 Did you want to go off the record? 20 MR. RENZULLI: Yeah. 21 THE VIDEO OPERATOR: And you agree, 22 Counsel? 23 MR. TOMASEVIC: Yes. That's fine. 24 THE VIDEO OPERATOR: Thank you. I need 25 two.
Page 119 1 You're not sure. There could have been a 2 qualification there for manufacturer; you're just 3 not sure? 4 A Correct. 5 Q Understood. That makes sense. 6 And you spoke to the rangemaster about 7 the .45. 8 Did you go on the internet and look when 9 you were researching which firearm you wanted to use 10 while on duty with Oakland PD? 11 A There was no internet. 12 Q Okay. Did you talk to anyone else? 13 A Not that I can recall. 14 Q Okay. Did you talk to the fellow behind 15 the counter about whether or not that was an 16 appropriate firearm for you? 17 A No. 18 Q What was the next firearm that you 19 purchased? Withdrawn. 20 You've now retired. Medical retirement in 21 1996. When is the next time you handled a firearm? 22 A On a yearly basis. 23 Q Okay. After '96? 24 A Correct. 25 Q Yearly basis for whom?	Page 121 1 This marks the end of Media No. 2 in the 2 deposition of Steven Johnson. The time is 3 11:41 a.m. We're off the record. 4 (Recess, 11:41 a.m. - 12:01 p.m.) 5 THE VIDEO OPERATOR: This marks the 6 beginning of Media No. 3 in the deposition of Steven 7 Johnson. The time is 12:01 p.m. We're on the 8 record. 9 BY MR. RENZULLI: 10 Q Getting back to '86/'96 time period, other 11 than at the range for work, did you shoot at any 12 other ranges? 13 A Yes, I did. 14 Q Where did you shoot? 15 A There's a range in -- I believe it's Dixon 16 or Davis, California. 17 Q Indoor? Outdoor? 18 A It was indoor. 19 Q Indoor? Were you a member of a club or 20 something like that or -- 21 A No. 22 Q So every time you went, you had to pay? 23 A Yes. 24 Q Okay. And how often would you go there? 25 A I only went there a couple of times.

Page 122 1 Q What's your best recollection of the name 2 of this range? 3 A I can't remember that. 4 Q And what firearms did you shoot at this 5 range? 6 A I believe I shot my .45 there. 7 Q And at this range, did you pick up your 8 brass after you shot your .45? 9 A No, I did not. 10 Q Other than the range in Dixon or Davis, 11 were there any other ranges over that ten-year 12 period that you shot your firearms? 13 A Yes. 14 Q Where? 15 A I shot in San Leandro. 16 Q What's the name of that range? 17 A I know the name of it, but -- 18 Q It's on the tip of your tongue? 19 A Right. 20 Q We'll leave a space in the record. And if 21 you remember it -- it will be as soon as you walk 22 out the door you'll remember it. 23 A Correct. 24 MR. RENZULLI: We'll leave a space in the 25 record, and you can fill it in later.	Page 124 1 A Which range? 2 Q The second range where you would go a 3 couple times a month. 4 A Okay. When you say "time period," how 5 long was I there shooting? 6 Q No. Like, what years? 7 A Oh. That's hard to say because it would 8 be when I had the .45. So it was after the 9 changeover, and -- 10 Q Okay. 11 A -- I can't narrow it down for you. 12 Q Best recollection, sometime between '86 13 and '96? 14 A Correct. 15 Q That's the best you can do for me today? 16 All right. 17 Any other ranges? 18 A We used to shoot at a range in one of the 19 parks. Again, it doesn't exist anymore, either. 20 Don't ask me what it was. It was an outdoor range. 21 MR. TOMASEVIC: He's probably going to ask 22 you anyway. 23 BY MR. RENZULLI: 24 Q And again, it was your .45 that you would 25 shoot?
Page 123 1 _____ 2 _____ 3 BY MR. RENZULLI: 4 Q How often would you go to that range? 5 A I think maybe a couple times a month. 6 Q So you went there fairly often? 7 A Yes. 8 Q What did you shoot there? 9 A .45. 10 Q The .45? And would you pick up your brass 11 after you shot there? 12 A No. 13 Q Did you ever see -- and I apologize. 14 We talked earlier about whether you ever 15 picked up your brass and saw any bulging or cracking 16 or anything out of the ordinary. 17 Remember we discussed that? 18 A Yes. 19 Q That's at any time that you've been firing 20 guns. Have you ever seen any bulging or cracking or 21 anything out of the ordinary with regard to 22 cartridge cases after you fired them? 23 A No. 24 Q Okay. What was the time period that you 25 would shoot at this range? What years?	Page 125 1 A .45, and we also shot the shotgun. 2 Q Did you own a shotgun? 3 A I did not. 4 Q Who's "we"? 5 A The Oakland Police Department. 6 Q And out in these ranges, was this 7 something that was sanctioned by Oakland Police 8 Department or something you did on your own? 9 A That was sanctioned by the Oakland Police 10 Department. 11 Q That was the park -- 12 A Correct. 13 Q -- that we don't know the name? 14 A Correct. 15 Q But the other two ranges you did on your 16 own? 17 A Yes. 18 Q Did you shoot with anyone? 19 A No, I didn't go there with anyone to 20 shoot. No. 21 Q Gotcha. 22 And you would always use your -- your .45, 23 or at one point you were using your shotgun, 24 department shotgun as well, right? 25 A Not at the San Leandro range.

Page 126 1 Q There, that was department-sanctioned? 2 Let's start over again. 3 Why not that range? 4 A Because I was shooting on my own at the 5 San Leandro range. 6 Q Correct. But you always used the .45? 7 A .45. 8 Q And that's it? 9 A Not the shotgun. 10 Q Shotgun was only for the 11 department-sanctioned shootings? 12 A Correct. 13 Q Gotcha. 14 You didn't use your Star? 15 A I -- no, I did. Yes. 16 Q You did? Okay. 17 And other than, you know, ammunition that 18 came from the ammo manufacturers, can you tell me 19 the types of ammunition, like, what type of bullets 20 you used, whether it was full metal jacket, 21 lead-based? 22 You know, can you tell me anything else 23 about the ammunition that you used over that 24 ten-year period? 25 A Full metal jacket.	Page 128 1 qualify with firearms? 2 A Yes. 3 Q How many times have you done that since 4 1996? 5 A Done what? 6 Q Qualified. 7 A Every year. 8 Q Every year? 9 So you've kept that current up until 10 today? 11 A Yes. 12 Q Okay. And who -- which ranges have you 13 used to qualify -- maybe there's been multiple -- 14 since 1996? 15 A Correct. Most of it has been San Leandro. 16 Q Tell me -- give me a little snapshot into 17 what that qualification course looks like. 18 A As I recall, I think it's -- it's only, 19 like, 30 rounds. 20 Q Okay. Anything else you recall about it? 21 Is it a certain yardage? Do you have to put holes 22 in paper? 23 A Yes. 24 Q Does it have to be a certain grouping? 25 Tell me what you remember.
Page 127 1 Q Why? 2 A That's what we used. 3 Q Okay. Did you ever use any bullets that 4 weren't FMJ? 5 A Not that I can recall. 6 Q At any point, did you ever use any bullets 7 that weren't jacketed? 8 A Not that I can recall. 9 Q Do you know what Oakland PD did with those 10 cartridge cases after you guys were firing on the 11 range and you picked them up? 12 A I do not. 13 Q And when you were at ranges on your own, 14 you didn't pick up the cases; so you don't know what 15 happened to them, right? 16 A I do not. 17 Q Okay. So now we're in 1996. I think you 18 said you had yearly qualifications. 19 A Correct. 20 Q Who would qualify you? 21 A Whoever the rangemaster was. 22 Q Okay. So you did that the first year out? 23 A Correct. 24 Q So you were retired for medical reasons 25 because of the accident, yet you were still able to	Page 129 1 A Stationary target. And I don't remember 2 what -- the actual grouping that you had to do, but 3 I shoot pretty well; so that was it. 4 Q You think you're a pretty good shot? 5 A Yes. 6 Q Have you ever done any competitive 7 shooting? 8 A No. 9 Q Why not? 10 A Not interested. 11 Q Not interested. Why not? 12 A Just didn't interest me. 13 Q Okay. But you like shooting? 14 A Yes. 15 Q Because you're good at it? 16 A No. I like it, but I am good at it. 17 Q All right. Do you like to research 18 firearms? 19 MR. TOMASEVIC: Objection. Vague. 20 BY MR. RENZULLI: 21 Q Do you like to research about firearms? 22 A No. 23 Q Do you like to know about firearms? 24 MR. TOMASEVIC: That's also vague. 25 THE WITNESS: I like to know enough about

Page 130 1 the firearm that I have. 2 BY MR. RENZULLI: 3 Q So just about the firearm that you have? 4 A Correct. 5 Q So you don't want to know about other 6 firearms; you just want to know about the one you 7 have, correct? 8 A Unless I'm trying to get another firearm. 9 Then I want to know about that one. 10 Q So you want to do -- you do your homework? 11 A Yes. 12 Q You do your research -- 13 A Yes. 14 Q -- right? 15 I'm not going to say, "Go buy a" -- no 16 offense to Ruger -- I'm not going to say, "Go buy a 17 Ruger," and you're going to go buy it, right? 18 A Correct. 19 Q You're going to go -- you're going to do 20 your research. Nowadays, with the internet, you'll 21 do some research, right? 22 A Nowadays, yes. 23 Q Yeah. Because it's important to you to 24 know as much about the firearm as you can before you 25 go and purchase it, correct?	Page 132 1 Q All right. What firearm did you use the 2 first time you qualified? 3 A The .45. 4 Q The Smith & Wesson .45? 5 A Correct. 6 Q And there's been a few. 7 Have you used any other firearms to 8 qualify with since 1996? 9 A Yes. 10 Q How many different firearms have you used? 11 A Three. 12 Q Three? 13 Give me the first one that you used after 14 the Smith & Wesson .45. 15 A The Star. 16 Q The Star. 17 You qualified with a Star? 18 A Yes. 19 Q What year was that? 20 A That was maybe 2000 or something. 21 Q Maybe 2000? 22 So when you qualify, does it matter which 23 firearm you use, or can you use any firearm, 24 qualify, and that allows you to use whatever firearm 25 you want?
Page 131 1 A Yes. 2 Q You want to make sure it's safe, right? 3 A Yes. 4 Q You want to make sure it's accurate -- 5 A Yes. 6 Q -- right? 7 You want to make sure that when you need 8 it, it's going to work, right? 9 A Yes. 10 Q Because you are going to trust your life 11 to the firearm that you purchase, correct? 12 A Yes. 13 Q Okay. Now, you've done enough 14 qualifications since 1996. Have you ever failed 15 any? 16 A No. 17 Q What is it, about five yards, the target? 18 A No, it's further than that. 19 Q Is it? 20 A Yes. 21 Q How far? 22 A I think it's 15 or 25 yards. 23 Q And in 19- -- was it 1996 was your first 24 one after you retired, or was it 1997? 25 A I can't recall.	Page 133 1 A You can qualify with any semi-automatic, 2 and that covers semi-automatics. 3 Q Gotcha. 4 A Then you have to qualify with a revolver 5 to qualify for revolvers. 6 Q Got it. 7 So it didn't really matter whether you 8 used your .45 Smith & Wesson or your Star. It 9 allowed you to carry either one or both? 10 A Correct. 11 Q So why did you use the Star in 2000? 12 A I was just shooting it. I just wanted to 13 shoot it. 14 Q Just what you picked up that day? 15 A No. I had both -- both firearms. It's 16 just a matter of which one I was shooting at the 17 time of the actual qualification. 18 Q Gotcha. 19 Now, did that -- what are the other two? 20 I think you said you had three others. 21 A Yes. Glocks. 22 Q Glocks. 23 Which was the first Glock that you used to 24 qualify? 25 A The -- the second one was the Glock SF, so

Page 134 1 the one prior to that. 2 Q Glock SF. What does "SF" stand for? 3 A I'm not sure. 4 Q You're not sure. 5 So that was the second one you qualified 6 with? 7 A Correct. 8 Q The second one, meaning there was a Glock 9 before that that you qualified with? 10 A Correct. 11 Q Okay. What was that Glock? 12 A I know what it is, but -- 13 Q Okay. So it's a different model Glock. 14 As you sit here today, you don't know what model 15 Glock it is, but you qualified with it during that 16 time period? 17 A That's correct. 18 Q Okay. Do you know what the features are 19 of that pistol? 20 A As far as? 21 Q Caliber? 22 A .45. 23 Q .45. 24 Is it a full, compact, subcompact? 25 A Subcompact.	Page 136 1 I mean, your claim is that Glock pistols 2 are defective, right? 3 A I know that the two that I have are there. 4 Q You know that the two that you have are 5 part of your lawsuit? 6 A Correct. 7 Q Do you know about any others? 8 MR. TOMASEVIC: That's also vague. 9 THE WITNESS: Not that I can call out. 10 BY MR. RENZULLI: 11 Q Okay. So if I asked you what model 12 numbers, what calibers, you can't tell me that, 13 correct? 14 A Not to an uncertainty [sic], no. 15 Q Okay. When did you start using that first 16 Glock for qualifications? 17 A I believe about 2016, 2015. 18 Q Okay. And when did you start using the 19 second Glock for qualifications? 20 A About a year later. 21 Q So -- 22 A A year later. 23 Q So 2016, 2017? Gotcha. I'm catching on. 24 And then -- I apologize. So you used the 25 first Glock only one time to qualify?
Page 135 1 Q Okay. And then the SF, what is the model 2 on that one? 3 A It's a .45. 4 Q .45 is the model? 5 A No. It's a .45 caliber. 6 Q .45 caliber. 7 Do you know what the model number is? 8 A It's a Glock SF. 9 Q Okay. So it's called a "Glock SF"? 10 A Correct. 11 Q It doesn't have a model number? 12 A It probably does. 13 Q As you sit here today, do you know whether 14 it has a model number? 15 A I said it probably does. I don't know for 16 sure. 17 Q Okay. Can you tell me how many models of 18 Glocks there are? 19 A No. 20 Q Can you tell me which Glock models are 21 subject to your lawsuit against Glock? 22 MR. TOMASEVIC: Objection. Vague. 23 THE WITNESS: I'm not sure. 24 BY MR. RENZULLI: 25 Q You don't know.	Page 137 1 A Probably. 2 Q Maybe one time. 3 Did you pass? Did you pass the 4 qualification? 5 A Yes. 6 Q Okay. Then you did the second one, you 7 called it an SF. When did you -- withdrawn. 8 How many times did you qualify with that? 9 A Every time subsequently. 10 Q Subsequent. 11 So from 2017 until today? 12 A No. 13 Q Until when? 14 A Until I found out about the defect. 15 Q Until the plaintiffs' attorney told you 16 that there was a defect? 17 MR. TOMASEVIC: Objection. Argumentative. 18 BY MR. RENZULLI: 19 Q Correct? 20 A Until -- when I found out about the 21 defect, yes. 22 Q Yeah. From the plaintiffs' attorney. 23 A Okay. 24 Q Okay. You don't disagree? 25 A No.

Page 138 1 Q Okay. When was -- have you qualified with 2 anything other than a Glock since 2015? 3 A Yes. 4 Q What other guns have you qualified with 5 since then? 6 A The Star and Smith & Wesson .38. 7 Q .38. So when did you -- when did you 8 qualify with the Star after the Glocks? 9 A That first qualification after that. 10 Q What year? 11 A I can't tell you for sure. 12 Q You're not sure what year? Okay. 13 And when did you start with the Smith & 14 Wesson .38? 15 A Maybe five years ago, maybe. 16 Q Five years ago. 17 So you stopped using the Glock pistol for 18 qualifications because the plaintiffs' attorney told 19 you there was a defect, correct? 20 A Because I saw an article that showed there 21 was a defect. 22 Q The article from the plaintiffs' attorney, 23 correct? 24 MR. TOMASEVIC: Objection. Attorney. 25 ///	Page 140 1 How long have you been away from Oakland 2 PD for the first round? 25 years? 3 A 1996. 4 Q Yeah. It's even more than that. 5 Is there any way to quantify by year how 6 often you would go to the range just to practice? 7 A No. 8 Q No? Okay. 9 More than once a year? 10 A Oh, yes. 11 Q Okay. Once a month on average? Two times 12 a month on average? 13 A On average, possibly. 14 Q Okay. Couple times a month. 15 And over the years, what ranges would you 16 go to? 17 A San Leandro. There was another one in 18 Sacramento I went one time. I think mainly those 19 two. 20 Q Okay. Are those clubs that you would go 21 to, or did you have to pay each time you went, 22 something different? 23 A Well, San Leandro is the San Leandro Rod & 24 Gun Club. I believe that's the name. I didn't have 25 to pay because I was PD.
Page 139 1 BY MR. RENZULLI: 2 Q Correct? 3 A No. Also, the internet "Kaboom" thing. 4 Q You saw what he wrote in the -- on the 5 paperwork in front of you? 6 A No. 7 Q Oh, I'm sorry. You said you did go on and 8 you saw -- 9 A Yes. 10 Q I apologize. 11 You did go on once, and you saw a Glock 12 pistol that had catastrophically failed, and we 13 talked about that earlier. 14 A Correct. 15 Q Gotcha. 16 Other than that -- that's the reason why 17 you stopped qualifying with it, correct? 18 A Correct. 19 Q During this time period from -- starting 20 in 1996 or 1997, whenever you were no longer with 21 the department, how often would you go to the range 22 to shoot other than qualifications? 23 A Sometimes I'd go a couple times a month. 24 Q And it's a long time period. I get it. 25 You know, we're talking about a 25-year span, right?	Page 141 1 Q Gotcha. 2 And the other one in Sacramento? 3 A I can't recall the name of that one. 4 Q Did you have to sign in and sign out when 5 you go to these ranges? 6 A Sometimes. 7 Q Okay. All right. And over the years, 8 what firearms would you use? 9 A I would use the 9-millimeter. When you 10 say "over the years," I mean, what years are we 11 talking about? 12 Q Yeah. We're stuck -- we're out of the 13 PD -- 14 A Okay. 15 Q -- the first time. So we're talking '97 16 until today. In general, we're talking about that, 17 when you go to the ranges. 18 A Well, from '97 up until I stopped using 19 the Glock, I would use -- I used the .45, but then I 20 got rid of the .45, the Smith & Wesson. 21 Q Gotcha. 22 When did you get rid of the Smith & Wesson 23 .45? 24 A About the time I bought the first Glock. 25 Q Why did you get rid of the Smith & Wesson

Page 142 1 .45? 2 A It was too big for me to carry concealed. 3 Q But you had your Star? 4 A Yes. 5 Q So why didn't you just use your Star 6 concealed? 7 A Because I like .45s. 8 Q Gotcha. 9 So you purchased -- when did you 10 purchase -- you called it a Glock .45. Let's say 11 the first one, right? 12 A Yes. 13 Q When did you purchase that? 14 A I believe it was 2016. 15 Q 2016. 16 And where did you purchase it from? 17 A I bought it from an internet gun site, and 18 it had to be sent to a gun dealer here. 19 Q How many times had you -- withdrawn. 20 Who is the internet gun site? Like 21 GunBroker? 22 A I don't remember which one. 23 Q Do you have any documents at home which 24 would tell you that? You must, right? 25 A I think the documents are with the	Page 144 1 A I can't recall. 2 Q Was it when you were on a range? Where 3 did you -- tell me everything you remember about it. 4 A I really don't -- it wasn't that 5 memorable. I don't remember. 6 Q Because you had known about Glocks before 7 you fired that person's -- that unnamed person's 8 pistol, right? 9 A Yes. 10 Q How did you know about it? 11 A Glock is a very popular weapon. 12 Q It's been popular for many, many years, 13 right? 14 A I don't know. 15 Q Well, it was popular back in 2016 when you 16 purchased it, right? 17 A Right. 18 Q Used by the majority of law enforcement in 19 this country? 20 A I don't know. 21 MR. TOMASEVIC: Objection to the extent it 22 calls for speculation. 23 BY MR. RENZULLI: 24 Q But at that point, very, very popular, 25 right?
Page 143 1 attorneys. 2 Q So you gave the attorneys the 3 documentation for that first Glock, purchase 4 information, things like that? 5 A Yes. 6 MR. RENZULLI: Okay. I'll demand -- ask 7 for production of that. 8 MR. TOMASEVIC: Well, we didn't withhold 9 any documents. So if they gave them to us, we gave 10 them to you. 11 BY MR. RENZULLI: 12 Q Your best -- your best recollection of 13 which internet gun site that was? 14 A I can't -- I couldn't tell you. 15 Q Okay. How many times had you fired a 16 Glock before you went on that internet gun site? 17 A I do not recall. It couldn't have been 18 any more than one time. 19 Q "It couldn't have been any more than one 20 time." 21 Can you give me the basis for that 22 statement? 23 A Because I believe I shot someone's Glock 24 once. 25 Q Who is this person?	Page 145 1 A Correct. 2 Q Who did you speak to about Glock pistols 3 before you purchased your first one? 4 A I'm trying to remember, but I can't recall 5 it right at this moment. 6 Q You certainly spoke to people, right, 7 about it? 8 A I spoke to one person. 9 Q Is this the same person whose gun you 10 shot? 11 A I believe so. 12 Q Okay. So it's an unnamed person who had a 13 Glock pistol that you shot. 14 Did you do any other investigation into 15 Glock? 16 A No. 17 MR. TOMASEVIC: It's vague, compound. 18 BY MR. RENZULLI: 19 Q But you knew it was very, very popular, 20 right? 21 A Correct. 22 Q How did you know that? 23 A You see Glock ads everywhere. 24 Q Where do you see these Glock ads? 25 A Magazines. I'm sure on the internet.

Page 146 1 Q Internet. 2 So you had seen all this stuff prior to 3 2016 before you bought your gun, right? 4 A Correct. 5 Q So the internet was around in 2016, right? 6 A I believe so. 7 Q All right. So you're fishing around on 8 the internet; so you see advertisements for it, 9 right? 10 A Correct. 11 Q You probably see law enforcement using it, 12 correct? 13 A I don't recall that, but it might have 14 been. 15 Q You saw magazines, you said. Magazines 16 had a Glock in it, right? 17 A Correct. 18 Q What in particular did you see? 19 A I don't understand. What do you mean? 20 Q Well, you knew it was very, very popular, 21 right? 22 A Yes. 23 Q You know a lot of people are buying these 24 things. 25 A Yes.	Page 148 1 BY MR. RENZULLI: 2 Q No one -- no specific understanding, 3 correct? 4 A No. 5 Q You didn't do any research into that, 6 right? 7 A No. 8 Q You don't know what -- any investigation 9 or testing that any law enforcement agency has done 10 with Glock pistols, correct? 11 MR. TOMASEVIC: Same objections. 12 THE WITNESS: I do not. 13 BY MR. RENZULLI: 14 Q Okay. So you see these ads. You see 15 these magazines. You -- you look on the internet 16 about Glocks, and then you decide you're going to 17 buy one. 18 A Correct. 19 Q Okay. And how did you find this internet 20 gun site? What was your, like, search terms you 21 were using? 22 A I believe I specifically looked for "Glock 23 subcompact." 24 Q So is that one of the search terms you 25 used, "Glock subcompact"?
Page 147 1 Q You know a lot of people were using these 2 things, right? 3 A I believe so. 4 Q You know -- you knew that law enforcement 5 was using them, right? 6 A Yes. 7 Q You saw that on the internet? 8 A No. 9 Q Where did you see -- you saw it when you 10 were talking to law enforcement officers? 11 A I saw officers with Glocks. 12 Q Right. Did you ever talk to them about 13 their pistol? 14 A I did not. 15 Q You didn't talk to them about their 16 experiences with the pistol? 17 A I did not. 18 Q Do you think law enforcement agencies do 19 any investigation or testing on their own before 20 they choose which firearm they're going to give to 21 their officers? 22 MR. TOMASEVIC: Vague, and object to the 23 extent it calls for speculation. 24 THE WITNESS: I would hope so, but I don't 25 know.	Page 149 1 A Yes. 2 Q What other search terms did you use when 3 you were looking around on the internet about 4 Glocks? 5 A That's about the only one I can think of. 6 Q As you sit here today, it's too long ago, 7 don't remember? 8 A (Witness nods head.) 9 Q Is that a "yes"? 10 A Yes. Yes. I'm sorry. 11 Q How much time you spent, any -- too long 12 ago? How much time you spent investigating them 13 before you purchased it? 14 A I did not spend a lot of time 15 investigating it. 16 Q Well, you decided to purchase a gun that 17 you were going to trust your life to, right? 18 A Yes. 19 Q So you put the time and energy into 20 looking at it, correct? 21 A Yes. 22 Q All right. You went on the internet, and 23 you were looking at information about Glocks, right? 24 A Yes. 25 Q Okay. And based upon the information you

Page 150 1 saw during your investigation, you decided, "I'm 2 going to purchase a Glock pistol," correct? 3 A Yes. 4 Q And you saw it on some internet site. 5 Okay. Where was the gun physically that 6 you saw on the site? 7 A I don't remember what state it was out of. 8 Q Do you remember the dealer that had it? 9 A No. 10 Q Was it a consumer? 11 A Pardon me? 12 Q Like, did it come from a dealer? 13 They had to send it to your dealer, 14 correct? 15 A Correct. 16 Q And it had to come from another dealer, 17 correct? 18 A Correct. 19 Q Do you know who the dealer got it from? 20 A I don't think so. 21 Q Was it new? 22 A The first one was not new. 23 Q It was used? 24 A Yes. 25 Q How do you know that?	Page 152 1 received the first Glock pistol? Go out and 2 test-fire it? 3 A I opened it up. 4 Q Okay. 5 A I inspected it, and I actually read the 6 little book that came with it. 7 Q The manual, you read it? 8 A Correct. 9 Q Okay. Had you read a manual from Glock 10 before that? 11 A No. 12 Q Did you see the manuals up on the 13 internet? 14 A No. 15 Q Okay. What did you do next after you read 16 the manual? 17 You read it cover to cover? 18 A I believe so. 19 Q How about the little safety pamphlets that 20 come along with it? Did you read those things, too? 21 A I probably browsed through them. 22 Q Probably browsed through them? Okay. 23 When is the first time you used it? 24 A I can't say specifically. 25 Q Okay. Sometime after you purchased it?
Page 151 1 A Because I bought it as used. 2 Q Gotcha. 3 And that's in the materials that you have 4 when you purchased it? 5 A That's correct. 6 Q What was the name of the dealer that you 7 went to pick up the gun from? 8 A Again, you'd have to look on the receipt. 9 I don't remember. 10 Q We've got to check that receipt. 11 Had you done any other transactions with 12 that dealer? 13 A No. 14 Q Where is that dealer located? 15 A I believe it's Castro Valley. 16 Q You believe it's Castro Valley, and you 17 believe you only purchased one pistol from them? 18 A From that particular dealer. 19 Q Who did you purchase the second pistol -- 20 the second Glock pistol from? 21 A That was a gun shop, and I believe the gun 22 shop is also in Castro Valley. 23 Q In Castro Valley as well? 24 A Yes. 25 Q Okay. So what did you do once you	Page 153 1 A Correct. 2 Q Within weeks? Months? A year? Two 3 years? 4 A Oh, within weeks. 5 Q Within weeks. 6 And best estimation of how many rounds of 7 ammunition you put through that Glock. 8 A When? 9 Q At any point. 10 A You're asking total or -- 11 Q Total. Too many to count? 12 A More than 100. 13 Q You would take that to the range, right? 14 A Correct. 15 Q You would qualify with that, correct? 16 A Correct. 17 Q You didn't have any problems shooting it, 18 right? 19 A No. 20 Q Always functioned as designed, correct? 21 A Yes. 22 Q No problems with it? 23 MR. TOMASEVIC: Objection. Vague. 24 BY MR. RENZULLI: 25 Q You had no problems with it, right?

Page 154 1 A I did not. 2 Q Did you use it -- did you carry it on you? 3 A Yes, I did. 4 Q Did you use it for self-protection? 5 A Yes. 6 Q Protect -- were you married at that point? 7 A No. 8 Q Did you have your child? 9 A What year are we talking? 10 Q Well, you started out -- you said 2015 or 11 2016. So over the years, from that point forward. 12 A Yes. During some period of time, I did 13 have my child. 14 Q So you trusted that first Glock to protect 15 you and your family? 16 A Yes. 17 Q And you never had any problems shooting 18 that pistol, correct? 19 A None. 20 Q All right. You -- you trusted your life 21 to that pistol, right? 22 A Yes. 23 Q And it never let you down, right? 24 A No. 25 Q When you would shoot that pistol, did you	Page 156 1 Q Probably a lot? 2 MR. TOMASEVIC: Objection to the extent it 3 calls for speculation, asked and answered. 4 THE WITNESS: I have no idea. 5 BY MR. RENZULLI: 6 Q Probably more than the average consumer, 7 correct? 8 MR. TOMASEVIC: Same objections. 9 THE WITNESS: Again, I have no idea. 10 BY MR. RENZULLI: 11 Q No idea. 12 Did you ever ask? 13 A No. 14 Q No? 15 You didn't ask your retailer or the 16 retailer it came from or the department? You didn't 17 ask any questions about it? 18 A No. 19 Q So fair to say from 2015 up until the time 20 that plaintiffs' attorney told you there was a 21 defect, you would use that firearm pretty regularly? 22 MR. TOMASEVIC: Objection. Argumentative 23 and vague. 24 THE WITNESS: Yes. 25 ///
Page 155 1 ever pick up your brass? 2 A No. 3 Q What types of ammunition did you use in 4 that pistol? 5 A I used Hornady, I used Winchester, both 6 full metal jackets. 7 Q Say it again? 8 A Both were full metal jackets. 9 Q Anything else? 10 A Nothing I can think of. 11 Q Nothing? Okay. 12 You certainly didn't use any 13 remanufactured, reloaded, handloaded ammunition in 14 that gun, correct? 15 A I did not. 16 Q Did you know who owned the pistol before 17 you? 18 A That first one I believe was owned by a 19 police department. 20 Q Police department. 21 Do you know which one? 22 A I do not. 23 Q Do you know how many rounds they put 24 through the gun? 25 A I do not.	Page 157 1 BY MR. RENZULLI: 2 Q Okay. So at some point in 2016, you 3 purchased another firearm, another Glock, right? 4 A Correct. 5 Q And I think you called it an "SF." 6 A Correct. 7 Q Okay. Why did you purchase that one? 8 A It had a double stack. 9 Q Just explain what you mean by "double 10 stack." 11 A The magazine held more ammunition. 12 Q More ammunition than? 13 A Than the first one. 14 Q Than the first Glock? 15 A Correct. 16 Q Okay. So was there anything else 17 different about it than your first Glock? 18 A As far as? 19 Q Well, you said it has a double stack. Did 20 the first Glock have a double stack? 21 A It did not. 22 Q Is that why you bought the second one? 23 A That's correct. 24 Q Just simply put, you wanted more 25 ammunition --

Page 158 1 A Correct. 2 Q -- than the first one could hold? 3 A Correct. 4 Q Okay. Is that what "double stack" means? 5 A Yes. 6 Q Okay. So you were obviously happy with 7 the performance of the first Glock that you had, 8 right? 9 A Yes. 10 Q You had good experiences with it, right? 11 A Yes. 12 Q You got enjoyment out of it, right? 13 A I did. 14 Q And you used it for self-protection, 15 right? 16 A I did. 17 Q And you used it to protect you and your 18 family, right? 19 A Correct. 20 Q So you said, "Now I want another one," 21 right? 22 A Correct. 23 Q And you did more research to -- 24 A Correct. 25 Q -- find a different model, correct?	Page 160 1 A He was there after me. 2 Q Okay. Tell me about your conversation 3 with Keith. 4 A I told him that I wanted another pistol 5 that was capable of carrying more rounds, and he did 6 suggest the SF because he said it had the double 7 stack. 8 Q You wanted another Glock pistol that held 9 more rounds, right? 10 A Yes. 11 Q Keith carried a Glock as well, right? 12 A Yes, he did. 13 Q And he still does, right? 14 A I can't tell you that. 15 Q Okay. And did Keith use it on the job, 16 his Glock pistol? 17 A He carried that personally. 18 Q Personally? Do you know what model he 19 used? 20 A I do not. 21 Q So you went to Keith and you said, "Hey, I 22 had good experiences with my Glock. I want to get 23 another one, but I want more fire power." 24 And he said -- withdrawn. 25 You went to Keith. You said you had good
Page 159 1 A Correct. 2 Q What did you do? You went back on the 3 internet and started researching Glocks again? 4 A No. I asked a friend. 5 Q Who did you ask? 6 A Keith. 7 Q Keith? 8 A Don't ask me his last name. I can't 9 remember. 10 Q Keith is a friend, but you don't know his 11 last name? 12 A I knew his last name, but I can't think of 13 it right now. 14 Q Okay. When is the last time you spoke to 15 Keith? 16 A It's been years. 17 Q Tell me about Keith. Law enforcement? 18 A He was a gun enthusiast, prior law 19 enforcement. 20 Q Where was he previously in law 21 enforcement? 22 A Oakland PD. 23 Q Was he there when you were there? 24 A No. 25 Q He was there before you or after you?	Page 161 1 experiences with your firearm. You want to get 2 another Glock, but you want to be able to have more 3 rounds in the magazine. 4 MR. TOMASEVIC: Objection. Compound. 5 BY MR. RENZULLI: 6 Q Fair to say? 7 A No. What I said was, "I want to get 8 another Glock with more rounds." 9 Q Okay. I said it a little differently. 10 MR. TOMASEVIC: A little. 11 BY MR. RENZULLI: 12 Q And by "more rounds," you mean more rounds 13 in the magazine? 14 A Correct. 15 Q Okay. But you continued to use the other 16 Glock during that time period, right? 17 A Correct. 18 Q Okay. So for a time period there, up 19 until the plaintiffs' attorney told you about this 20 defect that they say is there, you were 21 interchanging between the two Glock pistols? 22 MR. TOMASEVIC: Objection. Argumentative 23 and compound. 24 THE WITNESS: No. For the most part, I 25 carried the SF.

Page 162 1 BY MR. RENZULLI: 2 Q After you got that one because you liked 3 the double stack? 4 A Correct. 5 Q Great. 6 How many rounds did you put through that 7 one? 8 A Again, I couldn't tell you. 9 Q Many over the years? 10 A Yes. 11 Q Too many to count? 12 A Yes. 13 Q And again, never had any problems with it; 14 it always functioned as designed, correct? 15 A Correct. 16 Q And you liked it? You liked the pistol? 17 A Yes. 18 Q All right. And never saw any problems 19 with any of the cartridge casings that came out of 20 it? Never saw bulges or cracks or holes in it or 21 anything like that? 22 A I never looked at the cartridge casings. 23 Q Okay. Where did you purchase that firearm 24 from? 25 A That was from the gun shop in San Leandro.	Page 164 1 MR. RENZULLI: Okay. Let's take a few. 2 MR. TOMASEVIC: Okay. 3 THE VIDEO OPERATOR: Off the record, 4 Counsel? 5 MR. RENZULLI: Yes. 6 THE VIDEO OPERATOR: This marks the end of 7 Media No. 3 in the deposition of Steven Johnson. 8 The time is 12:42 p.m. We're off the record. 9 (Recess, 12:42 p.m. - 1:21 p.m.) 10 THE VIDEO OPERATOR: This marks the 11 beginning of Media No. 4 in the deposition of Steven 12 Johnson. The time is 1:21 p.m. We are on the 13 record. 14 BY MR. RENZULLI: 15 Q I think before we took our last break, we 16 were in the 2015 through 2017 time period when you 17 had purchased your -- your two different Glock 18 pistols; so we'll try to pick up from there. 19 Apologies if I go over something we did right before 20 we finished up. 21 A Okay. 22 Q When you purchased the first pistol, was 23 reliability something that was important to you when 24 you purchased that, that the pistol would be 25 reliable?
Page 163 1 Excuse me. Not San Leandro. In Castro Valley. 2 Q What was the name of that? 3 A Again, I can't remember it. 4 Q Was this a situation where you walked in 5 and said, "I want a gun"? 6 Did you ask the person's advice that was 7 there? How did you that -- how did that happen? 8 A I already knew that I wanted the SF, and 9 that's what I went in there to get. 10 Q You knew you wanted the SF because -- 11 gotcha. 12 And he had one available? 13 A As I recall, yes. 14 Q Okay. And then you went and purchased it? 15 A Correct. 16 Q Okay. And did you always use the Hornady 17 and the Winchester ammunition in that firearm as 18 well? 19 A Correct. 20 Q And you never used unjacketed bullets 21 ever? 22 A No. 23 Q Okay. Any other reasons why you purchased 24 that Glock pistol that we haven't spoken about? 25 A Not that I can think of.	Page 165 1 MR. TOMASEVIC: Objection. Vague. 2 THE WITNESS: Yes, it was. 3 BY MR. RENZULLI: 4 Q And durability, was that important to you 5 when you purchased your first Glock pistol? 6 MR. TOMASEVIC: Same objections. 7 THE WITNESS: Yes. 8 BY MR. RENZULLI: 9 Q Safety, was that important to you when you 10 purchased your first Glock pistol? 11 A Yes. 12 Q The fact that it was polymer, you liked 13 that, right? Was that a factor in your purchase? 14 A It was lightweight. Yes. 15 Q Lightweight. 16 Cost, was that a factor in purchasing that 17 first Glock pistol? 18 A Not really. 19 Q You would have paid whatever it was to get 20 that gun? 21 A Within reason. 22 Q Within reason. 23 I think you said the fact that law 24 enforcement was using it, that was also a factor in 25 you purchasing it?

Page 166 1 A Yes. 2 Q And it was all the research you had done 3 on the internet which factored into the reason why 4 you purchased that first one, correct? 5 MR. TOMASEVIC: Objection. Vague and 6 compound. 7 THE WITNESS: Yes. 8 BY MR. RENZULLI: 9 Q Did you go to, like, these YouTube sites, 10 and -- I mean, did you go all over looking for 11 information about the Glock? 12 MR. TOMASEVIC: Objection. Vague and 13 compound. 14 THE WITNESS: No, I did not. 15 BY MR. RENZULLI: 16 Q But you were on the internet, right? 17 A Yes. 18 Q Okay. All of those factors that you and I 19 just talked about, as well as your experiences with 20 the first Glock, is what led you to purchase the 21 second Glock, correct? 22 MR. TOMASEVIC: Objection. Vague and 23 compound. 24 THE WITNESS: That's correct. 25 ///	Page 168 1 A Per the manufacturer's specifications. 2 Q Because you want to follow the 3 manufacturer's specifications, right? 4 A Correct. 5 Q And you don't want to deviate from that, 6 correct? 7 A Correct. 8 Q How do you -- how do you disassemble a 9 Glock? Do you know how as you sit here today? 10 A Yes, I do. 11 Q How do you do it? 12 A First you ensure the gun is empty and the 13 magazine is removed. You slide it halfway back, 14 push out the little -- I can't think of what it's 15 called -- but you push that out, slide it off. The 16 slide will come off. You pull up the barrel with 17 the spring on it, and you -- basically you've 18 disassembled the gun. 19 Q So it's in different pieces? 20 A Yes. 21 Q Is the barrel separate from the rest of 22 the gun? 23 A Yes. 24 Q You look at the barrel, you make sure it 25 looks okay?
Page 167 1 BY MR. RENZULLI: 2 Q In addition to the additional 3 investigation you did into it before you purchased 4 it that we already talked about, right? 5 A I didn't do a lot of investigation into 6 it. 7 Q You spoke to someone else, looked on the 8 internet. We spoke about that, right? 9 A Correct. 10 Q In addition to that, you also factored in 11 all the experiences you had with the prior one into 12 your decision to buy the second one? 13 A Correct. 14 Q Okay. Tell me about -- how often did you 15 clean your Glock pistols? 16 A After each use. 17 Q Okay. So tell me how you went about 18 cleaning it. 19 A I disassembled it. I'd use the Hoppe's 20 Gun Cleaning solution, and I'd use the brush. And 21 I'd put small -- run the wad through it. All the 22 things you do to clean it. And then put a drop of 23 oil in different locations, and put it back 24 together. 25 Q How did you disassemble it?	Page 169 1 A Yes. 2 Q You clean it the way it says in the 3 manual? 4 A Yes. 5 Q You oil it? 6 A Yes. 7 Q Do you put it back together? 8 A I do. 9 Q How many times have you done that with 10 both pistols? 11 A Quite a few times. 12 Q After you used it -- every time after you 13 used it, you would clean it? 14 A That's correct. 15 Q The two guns -- sorry. The two pistols, 16 the Glock pistols, when is the last time you used 17 them before you gave them to this investigator to 18 give to your lawyers? 19 MR. TOMASEVIC: Asked and answered. 20 THE WITNESS: Several times. 21 BY MR. RENZULLI: 22 Q I don't know. Do you know the answer? 23 A That was -- like I said before, it was 24 prior to me finding out about the defect in them. 25 Q Right. How long before? Was it a week?

Page 170 1 A month? 2 The last time you shot those firearms, 3 right, you cleaned them, correct? 4 A Correct. 5 Q Okay. So when you gave them to the 6 investigator, they were clean, right? 7 A Correct. 8 Q Because you had just cleaned it because 9 you had fired them previously, correct? 10 A I hadn't just cleaned it. They -- 11 Q Correct. You cleaned them after you fired 12 them. 13 A Correct. 14 Q Okay. But my question was, when was that 15 when you had fired it last? Do you have any 16 recollection? 17 A I do not. 18 Q Do you have any recollection what 19 ammunition you used when you fired them last, before 20 you cleaned it and gave it to the investigator? 21 A I believe it was the Winchester. 22 Q Winchester. 23 What type of -- how many grain? 24 A I'm not sure. I think it's 230. 25 Q 230 grain Winchester?	Page 172 1 that they're clean? 2 A Yes. 3 Q And that's both the Glock .45 and then the 4 Glock SF? 5 A They're both .45s, but yes. 6 Q You had called it the Glock .45, the first 7 one; so that's why I'm calling it that. .45 8 caliber? 9 A Yes. 10 Q The used one and the one you purchased 11 new? 12 A Correct. 13 Q How do you -- at the time before you gave 14 the pistols to the investigator, how did you store 15 your Glock pistols? 16 A Usually I kept them in my safe. 17 Q Loaded? 18 A Yes. 19 Q So a round in the chamber? 20 A Yes. 21 Q Magazine in the grip? 22 A Yes. 23 Q Did you keep any not in the safe? 24 A Yes. 25 Q Okay. Did you ever keep the Glock not in
Page 171 1 A I think. I'm not sure about that. 2 Q Okay. And what kind of bullets? 3 A Full metal jacket, .45 caliber. 4 Q You're an FMJ guy. Full metal jacket -- 5 A Yes. 6 Q -- exclusively in your firearms? 7 A Yes. 8 Q When you clean your firearms, do you 9 clean -- do you clean the magazine? 10 A Yes. 11 Q You clean the outside? You clean the 12 slides? 13 A Yes. 14 Q Okay. Put oil in where it's supposed to 15 go? 16 A Yes. 17 Q Clean the barrels? 18 A Yes. 19 Q How do you clean the barrels? 20 A With a brush. 21 Q Just explain that to me. I'm sorry. 22 A There is a brush that's made specifically 23 for each caliber of firearm, and I use the brush for 24 the .45 to clean inside of the barrel. 25 Q Do you physically look inside to make sure	Page 173 1 the safe? 2 A Yes. 3 Q All right. So I guess what we're getting 4 at, you had a Glock outside the safe to use for 5 protection for the home; you didn't lock it up? 6 A Sometimes. 7 Q Sometimes. 8 And you would keep it in a certain spot -- 9 you don't have to say where that is -- but you would 10 keep it in a certain spot in the house just in case 11 you needed it in the middle of the night? 12 A Yes. 13 Q And a round in the chamber, full magazine, 14 correct? 15 A Yes. 16 Q All right. Did you ever have to use it? 17 A I did not. 18 Q Did you ever have to use your firearm in 19 the line of duty? 20 A When you say "use my firearm" -- 21 Q Pull the trigger. 22 A I did not. 23 Q Okay. What would decide whether or not 24 you're going to use the Glock -- the one you called 25 the .45 or the Glock SF? How would you decide which

Page 174 1 one you're going to use somewhere in your house for 2 self-protection? 3 A That was really kind of arbitrary. 4 Q Were there any other firearms -- we'll get 5 back to that in a minute -- but were there any other 6 firearms that you've purchased over the years that 7 we haven't spoken about? 8 A Not that I can think of. 9 Q So we've hit all the guns that you've 10 owned? 11 A Yes. 12 Q How about all the guns that you -- 13 firearms that you've used? Have we touched upon all 14 firearms that you've used over the years? 15 A No. 16 Q Tell me about the others. 17 A MP5. MP5. 18 Q And what is an MP5? 19 A It's basically a submachine gun. 20 Q Where did you have -- where did you handle 21 one? 22 A When I was in the police department. 23 Q Okay. And how often would you shoot the 24 MP5? 25 A Maybe once every couple of months.	Page 176 1 ammo -- ammo explodes in the gun? 2 A Not to my knowledge, no. 3 Q Do you know why that would happen, a gun 4 would catastrophically fail? 5 A Well, I know from the Glock incidents why 6 that would happen. 7 Q And that's coming from your attorney, 8 correct? 9 MR. TOMASEVIC: Objection. Argumentative 10 and vague and misstates his prior testimony. 11 BY MR. RENZULLI: 12 Q Correct? 13 A Partially. 14 Q And what's the other part? 15 A Like I said, I looked it up on the 16 internet, and -- 17 Q Hold on. I apologize. And you, please, 18 keep correcting me. 19 It's partially from your attorney and 20 partially that one time you went on the internet and 21 you saw a picture of a Glock pistol that was blown 22 up. We talked about that earlier, correct? 23 A I saw more than a picture. I saw people's 24 statements of -- 25 Q What statements? You didn't say that
Page 175 1 Q For what time period? You were there '86 2 to '96. How often would you -- what years? I'm 3 sorry. Was it the ten years or -- 4 A No. This was the two years I was working 5 undercover. So it might have been from, like, '90 6 to '92. I'm just estimating. 7 Q Roughly? All right. 8 Did you have to get qualified with the 9 MP5? 10 A Yes. 11 Q And were you qualified over those few 12 years? 13 A Yes. 14 Q Once again, with the MP5, did you ever use 15 reloaded or remanufactured ammunition? 16 A Not to my knowledge. 17 Q With your -- with any of the firearms that 18 you've had that you've fired, have you ever had some 19 type of a catastrophic failure with them? 20 A No. 21 Q Okay. Have you ever been on a range where 22 you were around a catastrophic failure of a firearm? 23 A Not to my knowledge. 24 Q Have you ever seen or been around anyone 25 who had, you know, a failure of ammo, and the	Page 177 1 earlier. 2 A No. 3 Q What statements? 4 A Just as you scroll down, people would make 5 their comments. 6 Q On that picture? 7 A On that picture. 8 Q What did they say? 9 A Well, they were saying things like they 10 had never heard of this before. They had no 11 knowledge of it. Some people said they did know 12 about it and recounted things that had happened with 13 their Glock. So it was a mixture. 14 Q Where is that? Do you have that? Can you 15 pull that out for me? 16 A Pull what out? 17 Q What's that? 18 A Pull what out? 19 Q This one site that you were on that had 20 the one picture and people commented on it. Did you 21 make a copy of that? 22 A No. 23 Q When did you do this? 24 MR. TOMASEVIC: Asked and answered. 25 THE WITNESS: After I saw the ad about the

Page 178 1 Glock -- 2 BY MR. RENZULLI: 3 Q Possible -- from the attorney? 4 A Well, the ad wasn't from the attorney. 5 Q Are you sure? 6 A I don't believe so. 7 Q Who was the ad from? 8 A It was from an attorney. It wasn't from 9 my attorney. 10 Q Was this from this gentleman sitting on 11 your left? 12 A No. 13 MR. TOMASEVIC: Objection to the extent it 14 calls for speculation. 15 BY MR. RENZULLI: 16 Q Was it from Mr. Lewis who is appearing 17 remotely? 18 A No. 19 Q So it was from someone else? 20 A Yes. 21 Q Do you have a copy of that ad? 22 A No, I do not. 23 Q Would it surprise you if I told you that 24 it was from your attorney? 25 A Yes.	Page 180 1 Q After you left -- when you were at Oakland 2 PD, did anyone carry Glockes? 3 A I really don't know. 4 Q Don't know. 5 Did the Oakland PD carry Glockes after you 6 left? 7 A I think they changed over at some point. 8 Q To Glock? 9 A I believe. I'm not sure. 10 Q Where are you getting this information 11 from? 12 A I've seen them on TV, and it looks like 13 Glockes that they're carrying. 14 Q You've seen the Oakland PD officers using 15 Glockes? 16 A Right. They look like Glockes. 17 Q I'm sorry? 18 A They look like Glockes. 19 Q They're black. 20 What else? Other than seeing them on TV 21 with what appears to be a Glock, have you ever 22 spoken to -- spoken to anyone at Oakland PD after 23 you left about Glockes? 24 A No. 25 Q All right. Have you ever spoken to a
Page 179 1 Q Because you didn't think it was? 2 A No. 3 Q How long were you looking at that -- that 4 thing on the internet where you saw a gun that was 5 blown up? How long were you looking at that for? 6 A That was, like, one of the first things I 7 saw. 8 Q How long were you looking at it? 9 A A minute. 10 Q A minute? Okay. 11 Anything else? 12 You're not a mechanic, right? 13 A I'm not a licensed mechanic. 14 Q Putting aside cars, when it comes to guns, 15 you're not a Glock armorer, right? 16 A I'm not a gunsmith, no. 17 Q You're not an engineer? 18 A No. 19 Q You're not a Glock armorer, right? 20 A No. 21 Q Do you know any Glock armorers? 22 A Not to my knowledge. 23 Q Do you know any Glock armorers at Oakland 24 PD? 25 A Not to my knowledge.	Page 181 1 Glock armorer? 2 A Not to my knowledge. 3 Q Let me ask you a question: Do you know 4 what a Glock armorer is? 5 A I know what an armorer is. I don't know 6 if they were Glock armorers or not. I don't know. 7 Q What is an armorer? 8 A It's basically an expert in guns for that 9 brand. A Glock armorer. 10 Q Do you have a resume? 11 A No. 12 Q You don't keep a resume? 13 A I have no reason. 14 Q Maybe this -- for this work, your acting 15 work, anything -- you don't have a resume? 16 A For my acting, yes. 17 Q Is it just your acting that's on the 18 resume or does it have law enforcement or training 19 or things like that? 20 A No. 21 Q Just acting? 22 A Yes. 23 Q You still acting? 24 A No. 25 Q No more?

Page 182 1 Have you ever spoken to anyone from Glock? 2 A Not that I know of. 3 Q Did you ever speak to any ammunition 4 manufacturers? 5 A No. 6 Q When is the last time you shot a gun? 7 A That would be in March. 8 Q Tell me about that. What were you 9 shooting? 10 A I was shooting a Star. 11 Q Where were you shooting that? 12 A That was, I believe, in San Leandro. 13 Q Were you qualifying? 14 A I think so. 15 Q You think so. 16 And prior to that, when was the last time 17 you fired any guns? 18 A Several months before that. 19 Q What firearms were you shooting? 20 A Again, I was shooting the Star and the 21 Smith & Wesson. 22 Q How many times have you been to the range 23 since you read that advertisement about Glock 24 pistols? 25 A Maybe five or six. Maybe more.	Page 184 1 A The Glock doesn't have a safety. 2 Q The Glock doesn't have any safeties? 3 MR. TOMASEVIC: Objection. Vague. 4 THE WITNESS: A trigger. 5 BY MR. RENZULLI: 6 Q The trigger? The trigger is a safety? 7 Explain that to me. 8 A If you don't pull the trigger, the gun is 9 safe. 10 Q Any other internal safeties that it has? 11 A Not that I know of. 12 Q No? Okay. 13 So it has no internal safeties, no 14 external safeties, other than if you don't pull the 15 trigger, it won't discharge? 16 MR. TOMASEVIC: Objection to the extent it 17 calls for speculation and is vague. 18 BY MR. RENZULLI: 19 Q Is that a fair statement? 20 A I don't know. 21 Q You don't know? You don't know if it has 22 any internal safeties? 23 A No. 24 Q Have you ever made any modifications to 25 your Glock pistols?
Page 183 1 Q What year did you see that advertisement? 2 A I can't tell you exactly what year it was. 3 Q Within the last five years? 4 A I believe so. 5 Q Can you be any more specific other than 6 that? 7 A No. 8 Q I apologize. Since then you've been to 9 the range how many times? 10 A Since when? 11 Q Since you saw the advertisement. 12 A I'm just giving a rough estimate. 13 Q That's fine. 14 A Five, six. 15 Q And does anyone carry Glocks at the range 16 when you were there? Was anyone shooting them? 17 A I have no idea. 18 Q Did you look? 19 A I wasn't looking at them. 20 Q Was it important to you whether or not 21 they were shooting Glocks? 22 A It was not. 23 Q It was not important. 24 Are you familiar with the safeties in a 25 Glock pistol?	Page 185 1 A Yes. 2 Q Which ones? I'm sorry. Let's start off 3 with pistol first, and then the modifications. 4 A The SF. 5 Q SF. 6 What modifications did you make? 7 A Adjustable trigger. 8 Q You put in an adjustable trigger? 9 A Yes. 10 Q Why? 11 A So I could lighten the pull of the 12 trigger. 13 Q Did you ask -- how did you know how to do 14 this? 15 A It's mechanical. 16 Q Mechanical. 17 Why did you want to lighten the pull of 18 the trigger? 19 A So I wouldn't have to pull as hard to fire 20 the weapon. 21 Q Okay. And did you speak to anyone before 22 you did this? 23 A No. 24 Q You did this on your own? 25 A Yes.

Page 186 1 Q How did you know that's something you can 2 do? 3 A It seemed relatively simple. 4 Q How do you even know there's products out 5 there that does that? 6 A You can look it up. 7 Q You looked it up. 8 So were you looking up and trying to say, 9 "How do I lighten the pull of my trigger on my 10 Glock"? 11 A Basically, yes. 12 Q Where did you look? Which website? 13 A I can't tell you which website I looked 14 on. 15 Q Okay. So you went on and you said, "How 16 do I lighten the pull of my trigger?" 17 Do you believe everything you see on the 18 internet? 19 A I do not. 20 Q Why not? 21 A Everything is not true. 22 Q Okay. That's for sure. 23 In order to believe something on the 24 internet, don't you have to do your own 25 investigation to find out?	Page 188 1 modifications to your gun? 2 A I'm not sure. 3 Q If Glock said, "Don't make any 4 modifications to the gun," you wouldn't have 5 modified it, right? 6 A I might not have. 7 Q You might not have modified it if Glock 8 told you not to modify it? 9 A That's correct. 10 Q Okay. Because you -- right. 11 What's the name of this product that you 12 put in? 13 A It's in this paperwork somewhere. 14 Q It's in the paperwork? 15 A But I can't remember. 16 Q And what year did you do this? 17 A I cannot tell you the exact year. 18 Q So other than doing research about Glock 19 and lightening the trigger pull on the internet, did 20 you speak to anyone about, "Hey, I want to -- I want 21 to make this modification to my pistol"? 22 A I might have, but I do not recall exactly 23 who. 24 Q No specific recollection of speaking to 25 someone, but you may have?
Page 187 1 MR. TOMASEVIC: Objection. Calls for 2 speculation and is vague, incomplete hypothetical. 3 THE WITNESS: For some things, yes. 4 BY MR. RENZULLI: 5 Q Right. People say things, you want to see 6 with your own eyes, right? You want to see it, feel 7 it, and make your own determination, not what 8 some -- someone puts on the internet, right? 9 MR. TOMASEVIC: Same objections. 10 THE WITNESS: Correct. 11 BY MR. RENZULLI: 12 Q You don't rely upon that stuff on the 13 internet, do you? 14 MR. TOMASEVIC: Same objections. What 15 stuff? Anything? 16 BY MR. RENZULLI: 17 Q Sir, do you rely upon what's on the 18 internet? 19 A I do not rely solely upon the internet. 20 Q All right. So tell me what you saw about 21 lightening the pull of the trigger. What did you 22 see? 23 A I saw a product that would accomplish 24 that. 25 Q Does Glock warn against making	Page 189 1 A Correct. 2 Q And who made the modification to the 3 pistol? 4 A I did. 5 Q After you made the modification, did you 6 test it? 7 A I did. 8 Q How did it work? 9 A Just fine. 10 Q Did it affect any of the other safeties on 11 the gun? 12 MR. TOMASEVIC: Objection to the extent it 13 calls for speculation and is vague. 14 BY MR. RENZULLI: 15 Q There are no safeties on it, right? 16 A I don't believe so. 17 Q Okay. How did you -- walk me through how 18 you changed that trigger. Tell me what you did. 19 A I followed the instructions. 20 Q What instructions? 21 A The instructions that came with the part. 22 Q Can you tell me what those instructions 23 were? 24 A No. I'd have to open up the instructions. 25 We could go through them, and I could show you.

Page 190 1 Q Did you use tools? 2 A Yes, I did. 3 Q What kind of tools? 4 A The tools appropriate for the job that I 5 was doing. 6 Q What were they? 7 A I believe it was a screwdriver, for the 8 most part. 9 Q A screwdriver -- 10 A For the most part. 11 Q -- for the most part. 12 MR. RENZULLI: Do you have this? 13 MR. SCHILSKY: Just that page? 14 MR. RENZULLI: No. We've got one, two, 15 and then the other stuff. 16 MR. SCHILSKY: This is separate. So 17 there's this, and then I have this. 18 MR. RENZULLI: You should give him a copy. 19 Counsel, do you have the information on 20 his purchase of the first Glock pistol that he said 21 he gave to you? 22 MR. TOMASEVIC: Do I have it with me? 23 MR. RENZULLI: Yeah. 24 MR. TOMASEVIC: I don't have anything like 25 that with me.	Page 192 1 MR. RENZULLI: Third time. 2 MR. TOMASEVIC: Send me an email. I'll 3 take a look. 4 MR. RENZULLI: No, no, no. I'm sitting in 5 front of you, Counsel. Don't do that, all right? 6 Judge Orrick wouldn't want that. 7 He said he gave you the information about 8 the purchase of his first Glock pistol. That's what 9 I'm asking for. 10 Remember, he purchased it, he went online, 11 he went into an online dealer and went to his local 12 dealer, he picked it up. He said he gave you that 13 information. That's all I'm asking for. 14 This is not a fight. I don't want to 15 fight with you. I'm not sending you emails about 16 it. This is your time to produce it. 17 MR. TOMASEVIC: I'm telling you I don't 18 know that that exists. 19 MR. RENZULLI: Please find out. 20 MR. TOMASEVIC: I don't know that what you 21 said is accurate in whole or in part, and I'm going 22 to look into it. But I can't promise you -- 23 MR. RENZULLI: You're going to look into 24 it while I'm here, right, today? 25 MR. TOMASEVIC: I'm going to try.
Page 191 1 MR. RENZULLI: Can you get that maybe at a 2 break? 3 MR. TOMASEVIC: I'll check. 4 MR. RENZULLI: That would be good. Thank 5 you. 6 MR. TOMASEVIC: I'm not even clear on what 7 we're talking about. 8 MR. RENZULLI: The information that came 9 with his purchase of his first Glock pistol that he 10 said he rounded up and gave to you. 11 MR. TOMASEVIC: I'll take a look. 12 MR. RENZULLI: Thank you. 13 And if there's anything else with regard 14 to these Glock pistols that he gave to you that you 15 haven't produced, this is probably a good time to do 16 it. 17 MR. TOMASEVIC: I produced everything 18 related to the pistols that was given to us; so you 19 should also have it if, in fact, it was existing -- 20 MR. RENZULLI: But I don't. 21 MR. TOMASEVIC: -- given to us, and asked 22 for by you. 23 MR. RENZULLI: Okay. Can you find it and 24 get it to me, please? 25 MR. TOMASEVIC: I don't know what "it" is.	Page 193 1 MR. RENZULLI: Thank you very much. 2 Let's mark this as one exhibit. 3 (Exhibit 6 was marked for identification 4 and is attached hereto.) 5 BY MR. RENZULLI: 6 Q I'll show you what's been marked as 7 Exhibit 6. 8 Have you seen that before? 9 A Yes, I have. 10 Q And you gave that as well to your 11 attorney, right? 12 A This appears to be the same one. 13 Q What is it? 14 A It is a receipt. 15 Q From whom? 16 A From Elite Armory in Castro Valley. 17 Q How many times have you been to Elite 18 Armory in Castro Valley? 19 A At least twice. 20 Q Okay. Twice for the purchase of this gun? 21 A Yes. 22 Q Do you have any specific recollection of 23 being there other than twice for the purchase of 24 this gun? 25 A Not that I can recall.

Page 194 1 Q And for twice it was, you purchased the 2 firearm, you have the cool-down period, and you went 3 back and picked it up, correct? 4 A That's correct. 5 Q Was anyone with you when you purchased the 6 firearm? 7 A No. 8 Q Was anyone with you when you picked it up? 9 A No. 10 Q When you picked up the firearm -- the 11 first Glock firearm that you purchased, was anyone 12 with you when you picked it up from the dealer? 13 A No. 14 Q Did that have a ten-day cool-down as well? 15 A Yes, it did. 16 Q So for the first Glock pistol, you also 17 had to wait the ten days after you went into the 18 shop and paid for it? 19 A I'm trying to recall. 20 Q That's okay. 21 A I know I had to wait the ten days, but I 22 don't know if the ten days started from when I 23 purchased it through the internet or after it got to 24 the dealer. I don't recall. 25 Q No specific recollection?	Page 196 1 Q The street address here is blacked out. 2 What was the street address at the time 3 you purchased this? 4 A The street address of what? 5 Q Your street address. 6 A Oh. My current residence. 7 Q Which is what? 8 A 1316 Union Street. 9 Q You see on it how it's blacked out. They 10 blacked it out. 11 When you purchased your first Glock 12 firearm, did the manual -- was the manual in it? 13 A Yes, it was. 14 Q Okay. Did you also have the safety 15 pamphlets in there as well? 16 A I believe so. 17 MR. RENZULLI: Okay. Let me just see 18 here. 19 Do you have another exhibit for the -- 20 MR. TOMASEVIC: I don't think we marked 21 this. 22 MR. RENZULLI: Here. 23 (Exhibit 7 was marked for identification 24 and is attached hereto.) 25 ///
Page 195 1 A No. 2 Q Okay. In the upper right-hand corner of 3 the record of sale, it says "Andrew Ting." 4 Do you know who that is? 5 A I do not. 6 Q And this is for your SF pistol, correct? 7 A That's correct. 8 Q Date of purchase was what? 9 A 4-15-2016. 10 Q Okay. And date of pickup was? 11 A 4-28-2016. 12 Q And price paid? 13 A \$714.84. 14 Q Did you shop this around? Did you go to 15 different shops to see what they were charging to 16 try to get your best deal? 17 A I do not believe I did. 18 Q No? You're not a comparison shopper? 19 MR. TOMASEVIC: Objection. Vague. 20 THE WITNESS: Sometimes. 21 BY MR. RENZULLI: 22 Q Sometimes? 23 Some people are, some people aren't, 24 right? 25 A Correct.	Page 197 1 BY MR. RENZULLI: 2 Q Can you just generally take a look at 3 what's been marked as Exhibit 7? I'm just going to 4 ask you some general questions. If it's specific, 5 I'll point you to a page. 6 A Okay. 7 Q So my general question is going to be, is 8 that generally what you received when you purchased 9 your Glock SF pistol, as you've been calling it? 10 A I believe so. 11 Q If you look at Bates numbers -- do you 12 know what a Bates number is? 13 A No. 14 Q Okay. In this lawsuit when you produce 15 documents, you put a Bates number on it. And if you 16 look, like, on that piece of paper you have there, 17 the bottom right-hand corner, do you see that? 18 A Yes. 19 Q There's a number there. And it says 20 "Johnson," and that's you. And then there's a 21 number. So we number each document, all right? 22 Can you just look at JOHNSON 19? Do you 23 see 19? 24 A Yes, I do. 25 Q Can you tell us what that is?

Page 198 1 A It says, "Orange County Custom Triggers." 2 Q What is this? 3 A I believe that might be the trigger that I 4 put on my SF. 5 Q Okay. So did you get it from these folks, 6 Orange County Custom Triggers? 7 A Yes, I do -- I do believe I did. 8 Q You got it online? 9 A Yes. 10 Q All right. So you were looking, they 11 popped up, and you purchased it online from them, 12 and they delivered it to you? 13 A It was delivered to me. Correct. 14 Q Gotcha. 15 And then there's a second page to that, 16 JOHNSON 20. 17 Do you see that? 18 A Yes. 19 Q What is that? The second page of this 20 information about Orange County Custom Triggers, 21 right? 22 A I'm assuming that it is. 23 Q Okay. Can you read the first paragraph 24 for me? 25 A "Warning: The use or misuse of this	Page 200 1 based upon your experiences with Glock pistols, 2 including the one you had before and your 3 investigation that you did of them, your talking to 4 other people, you felt that you were proficient 5 enough to change out the trigger of the gun and put 6 a new one in rather than sending it to a gunsmith, 7 right? 8 A I did. 9 Q So you obviously had a lot more 10 information than the average firearm user, correct? 11 A I don't know that. I don't know the 12 average firearm user. 13 Q Do you have any idea about -- would you 14 think that most firearm users would change out their 15 triggers of their guns? 16 MR. TOMASEVIC: Objection. Vague and 17 calls for speculation, incomplete hypothetical. 18 THE WITNESS: I don't know. 19 BY MR. RENZULLI: 20 Q You don't know? No speculation? 21 A No. 22 Q If you go down a couple of sentences, it 23 says, "All products should be installed by a 24 competent person familiar with Glock pistols." 25 A Yes.
Page 199 1 product can result in serious injury or death. 2 OC Custom Triggers assumes no liability, directly or 3 indirectly, express or implied, for the use of this 4 product. This trigger should only be installed by a 5 gunsmith or competent individual who is familiar 6 with the function and safeties of Glock handguns." 7 Q Okay. And that was the warning that you 8 got from these folks at Orange County Custom 9 Triggers? 10 A I believe so. 11 Q Okay. And was this trigger installed by a 12 gunsmith? 13 A No, it was not. 14 Q Was it installed by a competent individual 15 who was familiar with the function and safety of 16 Glock handguns? 17 A It was installed by me. 18 Q Were you -- do you consider yourself as an 19 individual who is familiar with the function and 20 safeties of Glock handguns? 21 A I'm familiar with the function. And as 22 far as the safeties, if you tell me that there are 23 safeties on there that I was unfamiliar with, 24 then... 25 Q You felt that you were competent enough,	Page 201 1 Q And that was you, correct? 2 A That's correct. 3 Q You felt that you were a competent person, 4 correct? 5 A Yes. 6 Q And you were familiar with Glock pistols, 7 right? 8 A Yes. 9 Q Okay. What came in the box with this 10 trigger? Tell me what the product looks like. 11 A As I recall, it was a trigger mechanism. 12 I don't remember what exactly came in the box. 13 Q Can you tell me what a trigger mechanism 14 is in your mind? 15 A It is the trigger assembly that's used to 16 fire the weapon. 17 Q How does the trigger assembly get in the 18 gun? 19 A I'd have to see the directions. 20 Q You're not sure? Okay. 21 Does it have pins or screws or something 22 else? 23 A As I recall, there was a screw. There 24 might have been multiple screws. 25 As I said, I would have to read the

Page 202 1 directions. 2 Q Okay. Did you use the -- did you use the 3 parts that they gave you? Use some of your own 4 parts? Any idea? 5 A I used the parts that came with the 6 trigger. 7 Q Although you have no specific recollection 8 as you sit here today what those parts were? 9 A Not clearly. 10 Q Have you told me everything that you 11 recall about your interaction with the folks at 12 Elite Armory when you purchased your second pistol? 13 A Yes, I have. 14 Q Did you make any other modifications to 15 the Glock SF? 16 A I think the slide release. 17 Q Slide release? 18 A I believe. 19 Q What is a slide release? 20 A It's a button on the side that you push to 21 release the slide when the slide is in the full back 22 position. 23 Q Okay. And you think you changed that? 24 A I think so. 25 Q Why did you change that?	Page 204 1 Q I stand corrected. 2 Look at JOHNSON 18. 3 Apologies. Some of these were out of 4 order apparently. 5 Okay. Do you see JOHNSON 18? 6 A Yes, I do. 7 Q All right. Is that -- is that the 8 extended slide stop lever that you're talking about? 9 A I believe that is it. 10 Q Gotcha. 11 And your understanding is you purchased it 12 at about the same time that you purchased the new 13 trigger? 14 A I think so. 15 Q Okay. And where did you get it from? 16 Does that help you now that you see 18? 17 A I ordered it online. 18 Q Ordered it online. 19 From who? From Glockmeister? 20 A That would be correct. 21 Q Okay. How did you even know about an 22 extended slide stop lever? 23 A I really can't tell you. I found out 24 about it. 25 Q Internet?
Page 203 1 A Because on the Glock, the slide release 2 button is very small. 3 Q Okay. When did you change that? 4 A At the same time. 5 Q Same time as what? 6 A As the trigger. 7 Q So you changed the trigger, and then what 8 you're calling a slide release? 9 A Correct. 10 Q Where did the slide release come from? 11 A I'm sure you have it in here somewhere. I 12 can't recall the exact place. 13 Q I don't have any -- nothing was provided 14 to me by your attorneys; so you're going to have to 15 help me here. 16 Where did it come from? 17 A I can't help you on that. I don't recall. 18 Q What's your best recollection as you sit 19 here? 20 A My best recollection was that it was 21 within that same package. I bought both of them. 22 Q You think it came together in the package? 23 A I believe. 24 Q Bit of a guess? 25 A Bit of a guess.	Page 205 1 A Probably. 2 Q Searching the internet, what were you 3 looking for? "How do I extend my slide stop lever?" 4 or were you just doing general searches? 5 A No. Probably about the same time I was 6 doing the search for the trigger, I might have come 7 across that. I really don't remember. 8 Q So you're doing searches for Glock, and 9 you may have come across something else? 10 A Correct. 11 Q But you have no specific recollection as 12 you sit here, right? 13 A That's correct. 14 Q But you did your homework, you did your 15 research, and you looked on the internet? 16 A Correct. 17 Q Did you ever talk to anyone about an 18 extended slide stop lever? 19 A Not that I can recall. 20 Q All right. And once again, who put this 21 on the gun? 22 A I did. 23 Q Okay. And you didn't speak to anyone 24 about this, correct? 25 A Correct.

Page 206 1 Q You didn't ask a Glock armorer to do it 2 for you? 3 A I did not. 4 Q And I don't have any -- nothing here tells 5 me how to do it. 6 Did you get instructions with it on how to 7 do it? 8 A I did. 9 Q Do you have those? 10 A I do not, that I know of. 11 Q Do you know where this came from? 12 A I do not. 13 Q Is this something you gave to your 14 attorney? 15 A It's possible. 16 Q Possible. 17 Same with the custom triggers? Did this 18 come from you, or is it something your attorney came 19 up with? 20 A It probably came from me. 21 Q Probably came from you? Okay. 22 And take a look at JOHNSON 21, again, 23 another document that's out of order. 24 Do you see that? 25 A Okay.	Page 208 1 BY MR. RENZULLI: 2 Q The distance? 3 A Yes. The travel. 4 Q Explain that to me. 5 A The travel. 6 Q What does it change it from and what does 7 it change it to? 8 A It makes it -- well, you can change it and 9 make it less of a trigger pull in order to fire the 10 weapon as far as the travel. 11 Q Did you use any Loctite on it? 12 A I don't recall. 13 Q You don't recall? 14 Has it ever become loose on you? 15 A It has not. 16 Q Do you know what a pretravel screw is? 17 A I would have known as I was reading and 18 installing it from the explanation. 19 Q Do you think a lot of people use this 20 trigger? 21 A I don't know. 22 MR. TOMASEVIC: Calls for speculation and 23 is vague. 24 THE WITNESS: I have no idea. 25 MR. RENZULLI: Let's take a five-minute
Page 207 1 Q Do you know what that's from? 2 A I believe that's from the trigger that I 3 bought. 4 Q Did you adjust your pretravel on the 5 trigger? 6 A I believe I did. 7 Q What does that do to the function of the 8 gun? 9 MR. TOMASEVIC: Objection to the extent it 10 calls for speculation. 11 THE WITNESS: I don't think it changes the 12 function of the gun. 13 BY MR. RENZULLI: 14 Q It doesn't affect the functioning of the 15 gun? 16 A You said does it -- I said it doesn't 17 change the functioning. The gun still fires. 18 Q The gun still fires. But does it change 19 the functioning at all, the way it operates, 20 anything at all? What does it do to the firearm? 21 MR. TOMASEVIC: Same objections, and 22 compound and vague. 23 THE WITNESS: I believe it changes the 24 distance of the trigger pull. 25 ///	Page 209 1 break. 2 THE VIDEO OPERATOR: I'm going to switch 3 media. 4 This marks the end of Media No. 4 in the 5 deposition of Steven Johnson. The time is 2:11 p.m. 6 We're off the record. 7 (Recess, 2:11 p.m. - 2:59 p.m.) 8 THE VIDEO OPERATOR: This marks the 9 beginning of Media No. 5 in the deposition of Steven 10 Johnson. The time is 2:59 p.m. We're on the 11 record. 12 BY MR. RENZULLI: 13 Q Welcome back. 14 Mr. Johnson, have you ever taken any 15 hunter safety courses? 16 A I might have. 17 Q You might have? When might you have done 18 that? 19 A I was a member of the NRA in 1977, '76. 20 Q Okay. 21 A So I think I took something during that 22 time. I don't recall. 23 Q So are you a member of the NRA now? 24 A No. 25 Q So how long were you a member? And the

Page 210 1 only reason I'm asking is because you brought it up. 2 A Maybe a couple of years. 3 Q Couple of years. 4 So you think because you were a member, 5 you would have taken a hunter safety course? 6 A I believe. I'm not sure. It's been too 7 long. 8 Q No specific recollection of taking a 9 hunter safety course? 10 A No. 11 Q Do you have a hunting license? 12 A I do not. 13 Q Have you ever trained others with 14 firearms, how to use them? 15 A No. 16 Q Are you a member of any of the shooting 17 ranges that you go to? 18 A No. 19 Q Do you belong to any firearm clubs or 20 groups? 21 A I do not. 22 Q Let me try to go pretty briefly, because 23 you've hit of some of this already, into your 24 employment history. 25 You were in the Navy, correct?	Page 212 1 BY MR. RENZULLI: 2 Q I'll show you what's been marked as 3 Exhibit 8. 4 Have you ever seen that before? 5 A No, I haven't. 6 Q Do you know what it is? 7 A I do not. 8 Q What is POST? 9 A Police Officers Standards and Training. 10 Q And is this document related to you? 11 A It appears to be. 12 Q And what does it show? 13 A Certificates and training. 14 Q Is this the certificates and training you 15 received while an officer with Oakland PD? 16 A It appears to be some of them. 17 Q It appears to be that? 18 A Yes. 19 Q And if I asked you about the different 20 courses that you took here between '86 and '16, 21 would you be able to tell me about them? 22 A Vaguely. 23 Q Do any of them deal with firearms? 24 A The advanced officer course. 25 Q Explain to me how that dealt with
Page 211 1 A Correct. 2 Q Excuse me one second here. 3 What years were you in the Navy? 4 A 1976 to 1980, 1982 to 1985. 5 Q '76 to '80, '82 to '85? 6 A Correct. 7 Q What happened between 1980 and 1982? 8 A I was out. 9 Q Why? 10 A I chose to not reenlist at that point. 11 Q And then why did you decide to reenlist in 12 '82? 13 A I was ready to leave Detroit, and I 14 thought I had a better option in the military. 15 Q Honorable discharges? 16 A Yes. 17 Q And then why did you leave in '85? 18 A To join the police department. 19 Q And no firearms use at all in the Navy? 20 A No. 21 MR. RENZULLI: Then you went into the 22 Oakland Police Department, 1986 to 1989. 23 (Exhibit 8 was marked for identification 24 and is attached hereto.) 25 ///	Page 213 1 firearms. 2 A When we did advanced officer training, 3 firearms training was conducted as a part of that. 4 Q What type of firearms training was 5 conducted? 6 A There was range and sometimes there was 7 actual situation simulation training. 8 Q Give me an example of that. 9 A Of what? 10 Q Situation simulation training. 11 A We would be put into a position where 12 there was a -- some type of situation that required 13 you to not only pull but fire your weapon, and there 14 would be either targets or something set up so that 15 you would engage and react to that situation as if 16 it was a real situation. 17 Q Live fire? 18 A Yes. 19 Q And was that done every time you did your 20 advanced officer course? 21 A I don't know if it's done every time. 22 Q What are other possible things that you 23 would do with firearms in your advanced officer 24 courses? 25 A You'd requalify.

Page 214 1 Q Okay. We talked about that earlier. 2 Is that 30 rounds? 3 A No, no. 4 Q Tell me about your requalifying. 5 A This is for the advanced officers 6 training. 7 Q Tell me about that qualification. 8 A That was more -- a lot more rounds than 9 that. 10 Q Tell me about that. 11 A I can't tell you exactly how many rounds. 12 It's been a long time. 13 Q No, I appreciate that. 14 So other than a lot of rounds, tell me 15 what else it entailed. 16 A It entailed dry fire practice when we were 17 using the revolver; it involved rapid fire and timed 18 fire. 19 Q During this time period -- well, this is 20 from -- so this goes from 1986 through 1994 [sic] 21 first, then it goes 2007, and then it goes 2016. 22 Do you see that? 23 A Yes. 24 Q So we talked at length about 1986 through 25 1996, and that's when you were first with Oakland	Page 216 1 it earlier -- that's where you learned about 2 firearms as well, again, firearms training? 3 A That's correct. 4 Q Later on in '07, you took an instructor -- 5 I apologize -- is this development, basic course? 6 What is that? 7 A That was to teach some type of course that 8 was for the department. 9 Q What kind of course? 10 A It had nothing to do with firearms. I 11 know that. I don't remember which kind of -- it was 12 some course -- 13 Q You don't know. But that was in '07? 14 A That's correct. 15 Q It was a 40-hour course you took, but you 16 don't remember -- 17 A I believe that was for background 18 investigation possibly. 19 Q Background investigation? What does that 20 mean? 21 A It means for people who want to get hired 22 either onto the police department or the fire 23 department, they have to have a background done on 24 them. And there are certain parameters that you 25 have to meet and certain things you have to do. And
Page 215 1 PD, right? 2 A Correct. 3 Q What was your rank when you left? 4 A Officer. 5 Q Officer. Still an officer. Okay. 6 So you did, at a minimum -- one, two -- 7 three advanced officers courses over that stretch, 8 right? 9 A Yes, I believe so. 10 Q I see four, actually. Does four make 11 sense? 12 A Possibly. Possibly more. 13 Q Okay. And how many hours are these 14 advanced officer courses? 15 A I believe you asked it before. I can't 16 recall whether it was a matter of, like I said, from 17 one to five days. I don't recall exactly how many 18 days it was. 19 Q If you look in the center of the document, 20 is it fair to say it's 40 hours for each one? 21 A If that's what's recorded, yes. 22 Q Yeah. Okay. And your basic course was 23 705 hours, right? 24 A That's what's there. Correct. 25 Q And during that course -- we talked about	Page 217 1 that course was to teach you how to do a background. 2 Q So counsel wants to become a law 3 enforcement officer. You took this course to learn 4 how to do the background on him? 5 A That's correct. 6 Q Dig up his past, look at prior jobs, do an 7 investigation into counsel? 8 A That's correct. 9 Q And this would be cadets or people that 10 want to be in the -- in the police force? 11 A Correct. 12 Q Uncover every rock? 13 MR. TOMASEVIC: Objection. Vague. 14 BY MR. RENZULLI: 15 Q Do you uncover every rock? Do you look 16 under every rock to make sure that that potential 17 officer is the right person for the job? 18 A I do the best I can. 19 Q Right. You ask a lot of questions, right? 20 A I did. 21 Q You don't accept something just because 22 the officer or the future officer says so; you go 23 and look and do your investigation, right? 24 A As much as possible. 25 Q And that's the way investigators are.

Page 218 1 When you did undercover work, it was the 2 same thing, right? 3 A No. 4 Q It wasn't like that? 5 A No. 6 Q Because they didn't let you make 7 decisions? 8 A No, I made decisions. 9 Q Decisions on who to -- did you ever arrest 10 anyone? 11 A When I was undercover? 12 Q Yeah. 13 A That would defeat the purpose of being 14 undercover. No. 15 Q Well, at a certain point you come out, 16 right? 17 A I stopped being undercover; is that what 18 you're asking? 19 Q So you never -- let's just make sure I 20 understand. 21 When you were undercover, you never made 22 any arrests? 23 A Personally made the arrest? I did not. 24 Q Okay. All right. Now, let's go back to 25 your investigation.	Page 220 1 Q Leave no stone unturned? 2 MR. TOMASEVIC: Objection. Vague. 3 THE WITNESS: No. 4 BY MR. RENZULLI: 5 Q You don't? 6 A No. I'm saying "no" to that "no stone 7 unturned." 8 We were limited by the scope of what we 9 could -- what we could do and the time constraints. 10 As far as if a person was from out of 11 state or something, we could only do what we could 12 do. They're not going to send me to Florida to -- 13 Q Were there times where you wished they 14 would give you more latitude so you could do a 15 deeper dive, more of an investigation into these 16 folks? 17 A Yes. 18 Q But they wouldn't allow you to do it? 19 A No. 20 Q Because that's the type of person you are. 21 You want to get to the bottom of it, right? 22 MR. TOMASEVIC: Objection. Vague as to 23 "it." 24 BY MR. RENZULLI: 25 Q You want to get to the bottom. You want
Page 219 1 What type of investigations would you do 2 with this want-to-be cadet, this fellow or madam who 3 wants to be on the police force? What did you do? 4 A You'd contact their references, their 5 previous employers, you try to make a check of 6 residences that they lived in, financial records. 7 Q What does financial records have to do 8 with anything? 9 A You want to know whether or not this 10 person is -- has bankruptcies or something -- 11 whatever that may be negative associated with their 12 finances. 13 Q Because that could motivate them to do 14 things in the job that maybe they shouldn't be 15 doing? 16 A I don't know the reason, but we -- we were 17 trying to find whatever we found in order to do an 18 investigation for these people. 19 Q References, employers, financial. What 20 else was there? 21 A I believe you covered most of it. 22 Q Court records? 23 A Of course. 24 Q FBI checks? 25 A Yes.	Page 221 1 to make sure that this potential law enforcement 2 officer is the right person for the job, right? 3 MR. TOMASEVIC: Objection. Vague, 4 incomplete hypothetical. 5 BY MR. RENZULLI: 6 Q Sir? 7 A Yes. 8 Q You don't want to be wrong, right? 9 A Yes. 10 Q Because if you say this person passes your 11 test, and the person really doesn't, you didn't do 12 your job, your full investigation. Well, that 13 doesn't look kindly on you, correct? 14 A No, that's not correct. 15 I could -- the person could not be the 16 right person for the job, and I did my full 17 investigation. But there may be something that was 18 not able to be uncovered. 19 Q Because your hands were tied? Because you 20 couldn't do certain things? You couldn't go to 21 Florida, for instance, to -- 22 A There could be various reasons. 23 Q Right. Or you could make a mistake. 24 A That's possible. 25 Q Right. Have you ever made a mistake with

Page 222 1 regard to checking off and saying, "This person is 2 approved"? 3 A I hope not. 4 Q Driving, executive protection, what's 5 that? Just driving with important people in the 6 back? What is that? 7 A It's defensive driving, driving to -- to 8 take people out of situations. 9 Q Anything to do with firearms? 10 A Not with the defensive driving. 11 Q Okay. Generally over your ten-year span 12 as an officer, what were your duties and obligations 13 over the ten-year period? Did they change at all? 14 A Yes. 15 Q Briefly walk me through it. 16 A It started off in patrol. I went to SDU, 17 special duty units. 18 Q What is that? 19 A That's narcotics, street narcotics and 20 enforcement. 21 Q How long were you with SDU? 22 A About two years. 23 Q And what years, approximately, was this? 24 I know. Here it is. Best approximation between -- 25 I guess it's '86 and '96.	Page 224 1 Q You think they're not allowed to or -- 2 A You'd have to contact them and ask them 3 why. 4 Q I thought maybe you knew -- 5 A No. 6 Q -- being you were there. 7 No understanding. We did get some records 8 from 2013 to 2019, but not from previously. But no 9 idea why? 10 A No. 11 Q Did anyone ever approach you and say, "Can 12 we give these records to these lawyers?" 13 A Yes. 14 Q Who approached you? 15 A My attorneys. 16 Q To ask you if we can have your records? 17 MR. TOMASEVIC: Objection. Hold on. 18 MR. RENZULLI: I'm trying to -- 19 MR. TOMASEVIC: They're not entitled to 20 the substance of our communications. So I'm going 21 to instruct you not to answer if your answer would 22 involve communications or legal advice from us to 23 you, or our conversations at all, frankly. 24 BY MR. RENZULLI: 25 Q And I agree with what he's saying. I'm
Page 223 1 MR. TOMASEVIC: Objection. Vague. 2 THE WITNESS: Early '90, '91. Somewhere 3 in there. 4 BY MR. RENZULLI: 5 Q SDU. After that? 6 A Back to patrol. 7 Q Back to patrol. Why did you go patrol, 8 SDU, patrol? 9 A Because I was finished with SDU. 10 Q It was like a two-year stint? 11 A No. I was working undercover, and after a 12 while, you decide you don't want to work undercover 13 anymore. 14 Q Why did you decide you didn't want to work 15 undercover anymore? 16 A I was tired of working undercover. 17 Q Maybe you know this because you were with 18 the department, and then you went back to the 19 department as a civilian. We were trying to just 20 obtain your records when you were on the job 21 originally from '86 to '96, and we weren't able to 22 get it from the department. 23 Do you know why? 24 A I don't think the department will give out 25 those records.	Page 225 1 not asking what you talked about. So to the extent 2 you took it that way, that's fine. I think you did 3 say it, though. 4 Do you know where these records are, if 5 anywhere? These records from when you were an 6 officer between '86 and '96. 7 MR. TOMASEVIC: Objection to the extent it 8 calls for speculation and is vague. 9 BY MR. RENZULLI: 10 Q Do you know where those records are? 11 A I do not know for sure. 12 Q What is your best understanding of where 13 they may be? 14 MR. TOMASEVIC: Same objections. 15 THE WITNESS: With the Oakland Police 16 Department. 17 BY MR. RENZULLI: 18 Q Okay. What I'm saying is, does your 19 counsel have them? 20 MR. TOMASEVIC: Objection to the extent it 21 calls for speculation and is vague as to "them." 22 THE WITNESS: I don't know. I don't think 23 so. 24 BY MR. RENZULLI: 25 Q Did you give them to them?

Page 226 1 A No. 2 Q Okay. That's all I'm trying to say. 3 Pinnacle Fitness, tell me about that. 4 A I was a fitness trainer. 5 Q When you say "fitness," what do you mean? 6 A Personal trainer. 7 Q For individuals? 8 A Correct. 9 Q One on one? What type of training? 10 Weight training? 11 A All types. 12 Q All types. 13 And how long were you a fitness trainer at 14 Pinnacle Fitness? 15 A I think maybe four years. 16 Q And what years were they? That's after 17 you left Oakland? 18 A Correct. 19 Q So Oakland you left in '96? 20 A Correct. 21 Q So how long after that? 22 A Maybe two, three years after. 23 Q So you left Oakland because of a 24 disability? 25 A Correct.	Page 228 1 Q Have you ever been terminated from a job? 2 A Yes. 3 Q When? 4 A I was terminated from McDonald's in 1975. 5 Q What did you do wrong? 6 A I went to the class picnic. 7 Q Instead of going to work? 8 A They wouldn't give me the day off. 9 Q Any other jobs where you've been 10 terminated? 11 A No. 12 Q Pinnacle Fitness, while you were there, 13 were you working anywhere else? 14 A I did some work for a chiropractor. 15 Q Okay. What type of work? 16 A Basically it was the same type of work in 17 more of a medical setting. 18 Q Fitness training basically? 19 A More rehabilitation. 20 Q Rehab? 21 And how long did you do that? 22 A Maybe a year. 23 Q And what -- what was the name of that 24 chiropractor? 25 A I don't remember.
Page 227 1 Q Yet you were able to be a personal trainer 2 at Pinnacle Fitness? I'm just trying to figure that 3 out. 4 A Correct. 5 Q So the reason for the disability, was it 6 physical? 7 A Correct. 8 Q Back, I think you said? 9 A Correct. 10 Q Yet you were still able to work at 11 Pinnacle Fitness? 12 A Correct. 13 Q Did you carry a firearm when at Pinnacle 14 Fitness? 15 A I did not. 16 Q Why did you leave Pinnacle Fitness? 17 A They changed their payment policy. 18 Q What does that mean? 19 A Meaning that I was making a sum per hour 20 to train people, and they reduced it substantially. 21 Q Cut your pay? 22 A They cut all the trainers' pay. 23 Q Cut all the trainers' pay, and that's why 24 you left? 25 A Correct.	Page 229 1 Q Next employment was what? 2 A Back to the police department again. 3 Q What year was that? 4 A You have to look on this paperwork here 5 somewhere. 6 Q Well, there's something there that has 7 2007. That's when you got your -- you know, your 8 instructor course. 9 Does that sound about right, that you took 10 that course when you started there? 11 A Yes. 12 Q And how long were you with Oakland PD this 13 time? 14 A I think two years. 15 Q Okay. Why did you go back? 16 A They wanted people to do backgrounds and 17 work as annuitants. I said okay. 18 Q And the fact that you had retired, medical 19 leave, that was fine, they were okay bringing you 20 back? 21 A Yes. 22 Q Gotcha. 23 And you did that for a year or two? 24 A Yes, I believe so. 25 Q All right. We spoke about that a little

Page 230 1 earlier. 2 Why did you stop working there? 3 A I started working somewhere else. 4 Q Where did you start working? 5 A I think that was the security, SIS. 6 Q Security Industry Specialists? 7 A Yes. 8 Q What year was that? 9 A I'm not sure. 10 Q '14? 11 A Possibly. Possibly. 12 Q Before or after Fruitvale Station? 13 A That's a good question. 14 Q Did you ever take any acting lessons? 15 A I did. 16 MR. TOMASEVIC: You're talking about the 17 movie or the incident? 18 BY MR. RENZULLI: 19 Q When did you take acting lessons? 20 A I believe that was in the '90s, late '90s. 21 Q How long were you taking acting lessons? 22 A About five days. 23 Q Five days? What, you didn't like it? 24 A No. That was the course. 25 Q That was it?	Page 232 1 A Correct. 2 Q That was about a firearm discharge, wasn't 3 it? 4 A It was. 5 Q Did you talk to -- were there any armorers 6 that were on the set? 7 A I didn't talk to any if there were. 8 Q Do you know if there were any on the set? 9 A I have no idea. 10 Q Did you talk to anyone about firearms that 11 concerned, what, an unintentional discharge by an 12 officer? 13 A I did not. 14 Q You didn't? Okay. 15 Straight Outta Oakland, that was the next 16 one. 17 A Correct. 18 Q Mr. House? 19 A Correct. 20 Q How did you get that job? 21 A Because someone had seen me in Fruitvale 22 Station. 23 Q You got the notoriety? 24 A Correct. 25 Q Gotcha.
Page 231 1 How did you do? 2 A I finished the course. 3 Q Always had a passion for acting? 4 A No. 5 Q Do you like to act? 6 A It's all right sometimes. 7 Q You like being in front of the screen, 8 right? In front of the camera? 9 A Sometimes. 10 Q Sometimes? 11 What is it about being in front of the 12 camera that you like? 13 A Sometimes I like the notoriety. 14 Q You like the notoriety? What about the 15 notoriety? Why do you like notoriety? 16 A Because it leads to more opportunities. 17 Q Getting your name out there, getting your 18 face out there, leads to other opportunities? 19 A Correct. 20 Q Gotcha. 21 So you played Daryl, huh? 22 A Correct. 23 Q "A Raiders fan, cheering for the 24 Steelers." 25 That's the big line, right?	Page 233 1 Anything post Straight Outta Oakland? 2 A I've probably done a couple commercials 3 and some training videos. 4 Q Training -- what type of training? 5 A For -- if you take a job in corporate and 6 you -- like human relations, you have to watch a 7 video on how to deal with employees. 8 Q I'm not following you. 9 So you did videos teaching people things? 10 A They were training videos. 11 Q Training videos? So you were telling 12 people how to -- you were training people through 13 the videos? 14 A I was acting in the video so people could 15 learn different things from the video. 16 Q So someone gave you a script? 17 A Correct. 18 Q Gotcha. 19 And the information in the script was for 20 the people who were watching the videos, obviously, 21 to learn? 22 A Correct. 23 Q And some of the things they were learning 24 had to, what, deal with work in the corporate 25 environment? What were some of the things that your

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1 actor was teaching them?

2 A Some of it was safety videos.

3 Q Safety? Safety in the workplace?

4 A Yes.

5 Q Okay. What else?

6 A Products.

7 Q What about products?

8 A Products that different industries were

9 trying to sell to each other.

10 Q Explain that for me a little bit.

11 A Think of a commercial. It's a product

12 they're trying to sell you.

13 Well, a company is trying to sell whatever

14 it is that they do to another company.

15 Q A pitch? Kind of like a pitch?

16 A Yes.

17 Q And what were those products? Too long

18 ago?

19 A Yes.

20 Q All right. All right. And what were the

21 commercials?

22 A Various commercials.

23 Q Something that I've seen or --

24 A You might have.

25 Q Give me some examples.

Page 235

1 A I did a commercial for Raley's; another

2 commercial for an insurance company. I think it was

3 MetLife or one of those.

4 Q Talking roles or --

5 A Yes.

6 Q When did you stop doing that type of work?

7 A I really stopped about three years ago

8 with COVID.

9 Q COVID.

10 What is the last thing you did before

11 COVID?

12 A I don't know. I couldn't --

13 Q What was the last acting role that you

14 had?

15 A I couldn't tell you. It was probably an

16 industrial or something like that.

17 Q And then I think at some point -- did you

18 go back to Oakland again? You went to Oakland once,

19 '86 to '96.

20 A Correct.

21 Q Then you went back again, I think it was

22 2007, 2008?

23 A Maybe. I was doing backgrounds.

24 Q 2007, you were doing the backgrounds.

25 Then you stopped.

Page 236

1 A Correct.

2 Q Then did you wind up going back again?

3 A I don't think so.

4 Q You don't think so?

5 If you could just take a look at your POST

6 thing there, I've got '07, right? That's when you

7 did the instructor. Then I see the driving,

8 executive protection. Is that through Oakland or

9 not?

10 A No.

11 Q That's something different?

12 A Yes.

13 Q Who is that through?

14 A Alameda County Sheriffs.

15 Q Okay. You started talking about Security

16 Industry Specialists, I think. SIS, right?

17 A Correct.

18 Q When did you start there?

19 A You probably have the date in front of

20 you. I can't tell you exactly.

21 Q I'm not sure it's right.

22 So when was your last day of work at

23 Oakland? What year did you stop working with

24 Oakland? 2019?

25 A I don't think I was there in 2019.

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1 MR. RENZULLI: Let's see if we can figure

2 that out.

3 (Exhibit 9 was marked for identification

4 and is attached hereto.)

5 BY MR. RENZULLI:

6 Q Take a look at what's been marked as

7 Exhibit 9.

8 Have you seen those records before?

9 A I believe so.

10 Q Okay. So in those records -- let's see --

11 one, two, three -- four pages in, it says your last

12 day was May 16th of 2019.

13 Do you see that, top of the page that

14 says, "City of Oakland Notice of Voluntary

15 Resignation"?

16 A Okay.

17 Q So did you resign in 2019?

18 A I must have.

19 Q Okay. So how many years did you work

20 there on your second stint?

21 A Again, I couldn't tell you.

22 Q Was it ten?

23 A No, it wasn't ten.

24 Q Your best recollection. After your ten

25 years there, '86 to '96, how many more years, to the

Page 238 1 best of your recollection, did you work with the 2 Oakland Police Department? 3 A In total? 4 Q After the first ten years, how many more 5 in total? 6 A I think three. 7 Q Three. And was that consecutive years? 8 A No, it wasn't. 9 Q Talk to me about that. 10 How many years did you work first, why did 11 you stop, and then why did you go back? 12 A I believe I worked two years first under 13 the annuitant program. 14 Q Right. 15 A They discontinued the annuitant program. 16 Q Okay. 17 A And then they reactivated it, or they 18 wanted background investigators, one of the two. 19 And I did backgrounds. 20 Q Why did you go back? 21 A What do you mean? 22 Q You stopped working there. 23 A Correct. 24 Q What was your next employment after you 25 stopped? So this is the second time you were with	Page 240 1 carry a gun. I wasn't a police officer there. 2 BY MR. RENZULLI: 3 Q Okay. You didn't carry a gun, but you're 4 not sure if you were allowed to? 5 A That's correct. 6 Q Okay. So Security Industry Specialists, 7 did you carry a firearm? 8 A I did. 9 Q What did you carry? 10 A I believe I started off with the .45. 11 Q When you say "the .45," what is that? 12 A That is the Smith & Wesson. 13 Q Okay. And then to something else? 14 A To the Glock. 15 Q Which Glock? 16 A The first Glock. 17 Q The first Glock. 18 And how many years were you there at 19 Security Industry Specialists? 20 A Again, three maybe. 21 Q What did you do for them? 22 MR. TOMASEVIC: Asked and answered. 23 BY MR. RENZULLI: 24 Q What did you do for them? 25 A Provided security for the clients that
Page 239 1 Oakland PD. What did you do? 2 A After the second? 3 Q Yeah. You said that they were done. It's 4 over. 5 What did you do after that? 6 MR. TOMASEVIC: Objection. Vague. 7 BY MR. RENZULLI: 8 Q Did you work anywhere? Did you have a 9 job? 10 A I might have. I -- I don't recall. 11 Q You don't recall whether you had a job? 12 A No. 13 Q Okay. What did you do at Security 14 Industry Specialists? 15 A Is that a question? 16 Q Yes. What did you do there? 17 A I provided security for clients that they 18 had contracts with. 19 Q Did you carry a gun with Oakland PD as 20 a -- when you went back the second time? 21 A I did not. 22 Q Did they allow you to carry a gun? 23 MR. TOMASEVIC: Objection to the extent it 24 calls for speculation. 25 THE WITNESS: I would have no reason to	Page 241 1 they had. 2 Q What clients? 3 A That, I cannot tell you. 4 Q We have a protective order in place. 5 Don't worry. He'll mark it as protected only for 6 this case. 7 MR. TOMASEVIC: Well, are you asking for 8 the kinds of clients, or are you asking for names 9 and identities? 10 BY MR. RENZULLI: 11 Q Whatever you can tell me. 12 Are there particular types of clients? 13 Who are they? 14 MR. TOMASEVIC: Well, if your question is 15 kinds of clients and you can answer that, answer 16 that. 17 THE WITNESS: CEOs of various 18 corporations. 19 BY MR. RENZULLI: 20 Q So what did you do for these CEOs of the 21 corporations? 22 A I provided security. 23 Q What does that mean? 24 A Just like -- 25 Q Were you in the house? Were you in the

Page 242 1 car? Did you walk with them? Did you take them to 2 the ball game? 3 What did you do? 4 A At some point in time, I probably did all 5 of the things you're talking about. 6 Q Okay. And for how many clients? How many 7 individual people? 8 A Five or six. 9 Q Okay. Are you at liberty to tell me who 10 they are? 11 A No. 12 Q Why not? 13 A I have nondisclosure agreements. 14 Q Are those important, those nondisclosure 15 agreements? 16 MR. TOMASEVIC: Objection. Vague. 17 BY MR. RENZULLI: 18 Q Are they important? 19 A What do you mean, "important"? 20 Q Are they important? You're going to 21 comply with it; so it's important to you that you 22 comply with the nondisclosure agreement, correct? 23 A That's correct. 24 Q Are they important documents in your mind? 25 A Important enough for me to comply with	Page 244 1 yourself? 2 A Correct. 3 Q Did you ever have to use it while working 4 for SIS? 5 MR. TOMASEVIC: Objection. Vague. 6 THE WITNESS: I did not. 7 BY MR. RENZULLI: 8 Q You did not. 9 Were you still training, firearms 10 training, during the time you were with Security 11 Industry Specialists? 12 A Yes. 13 Q What type of training were you doing? 14 A I was going to the range. 15 Q How often? Is this like you talked about 16 before, a few times a month? 17 A I believe so. 18 Q Any other training? Any other training 19 that you received, firearms training, during the 20 time you were with SIS? 21 A Yes. 22 Q What type of training? 23 A I took a course in -- for executive 24 protection officer development. 25 Q And when was that?
Page 243 1 them, yes. 2 Q Why are they important? 3 A Because they involve confidentiality. 4 Q And you think that that confidentiality 5 needs to be protected, right? 6 A Correct. 7 Q You don't want to break that 8 confidentiality by giving me information that you 9 told other folks you wouldn't give me, right? 10 A Correct. 11 Q When you were protecting these folks, you 12 made a decision, a conscious decision, to protect 13 them with your Glock firearm, correct? 14 MR. TOMASEVIC: Objection. Vague. 15 THE WITNESS: That's not correct. 16 I protected the people, but I carried the 17 Glock firearm. 18 BY MR. RENZULLI: 19 Q You made a decision that you were going to 20 carry a Glock firearm to protect yourself as well as 21 these people, correct? 22 A I made the decision to carry a Glock 23 firearm, yes. 24 Q And you were prepared to use it if 25 necessary to protect your client as well as	Page 245 1 A Possibly 2016, 2017. I'm not sure. 2 Q What did that course entail, other than 3 the title? 4 A It entailed the things you needed to do to 5 be on the security team and to protect the principal 6 that you were chosen to protect. 7 Q Okay. Situational -- situational 8 training; if the threat does one thing, you do 9 another thing, those types of things? 10 A Correct. 11 Q Gotcha. 12 So firearms use there? 13 A Firearms training was part of it. 14 MR. RENZULLI: Let's just mark for the 15 record No. 10. 16 (Exhibit 10 was marked for identification 17 and is attached hereto.) 18 BY MR. RENZULLI: 19 Q Have you ever seen these documents before? 20 A I believe so. 21 Q They're not Bates-numbered like we talked 22 about earlier, but there is a certificate of 23 completion, The Loss Prevention Group. 24 Do you see that? It's about four pages 25 in.

Page 246 1 A Yes. 2 Q Is that what we were just talking about? 3 Is that the training did you? 4 A No. It's part of some training. 5 Q Tell me what this is. 6 MR. TOMASEVIC: I have it as the seventh 7 page, by the way. 8 MR. RENZULLI: Seventh? Some of them are 9 double-sided. 10 Q What is this on the seventh page? 11 A This, I had to take a course to qualify 12 for open carry. 13 Q Open carry? 14 A Open carry. 15 Q What did the course entail? It says, 16 "Eight hours of security officer training credit." 17 What did it entail, this training? 18 A It entailed some firearms training; it 19 entailed what a security officer more in line of a 20 uniform armed security officer would do. 21 Q Gotcha. 22 What firearm did you use when you were 23 going to this training? 24 A I believe -- I'm not sure. What year was 25 it? 2014? I might have used the Smith & Wesson	Page 248 1 "Training Enrollment." It says, "Steven Johnson" up 2 top, "Salesforce - Unlimited Section." 3 What is your best understanding of what 4 this is? 5 A Where is that? 6 Q It's the third page of this package. 7 MR. TOMASEVIC: It's got a "1 of 4" on the 8 bottom right-hand corner, too. 9 THE WITNESS: Okay. 10 BY MR. RENZULLI: 11 Q It says "Training Enrollment" up top. 12 A I do not know what this is. 13 Q Take a look. It talks about training 14 classes. 15 A I don't know what this is. 16 Q It talks about exams. No idea? No clue? 17 A Apparently it has something to do with 18 SIS. 19 Q It does. That's where it came from. But 20 no idea what it means? 21 A No. 22 Q Towards the very end -- one, two, three, 23 four -- maybe seven pages before the end, it says -- 24 separation form was 8-18-16. 25 Sound about right? That's seven pages
Page 247 1 .45. 2 Q Or what? Or the Glock? 3 A I don't know if I had the Glock then. 4 Q Okay. So no specific recollection of what 5 you used? 6 A No. 7 Q Okay. Application for firearms permit, 8 it's a couple of pages later. 9 So is it that you had to take this course 10 in order to get the permit? Is that what you're 11 saying? And is this the application for the permit? 12 A I believe so. 13 Q And it says on the second page, the 14 certification, it says, "Calibers: 9-millimeter, 15 .40, and .45." 16 What is that referring to? 17 A The caliber of weapons that I was 18 authorized by this to carry. 19 Q When did you cease your employment with 20 SIS? 21 A I'm not sure. I'm sure you've got it in 22 there. 23 Q You're not sure? 24 A No. 25 Q Okay. In the beginning, page 3, it says,	Page 249 1 from the back. 2 A Possibly. 3 Q Okay. Why did you resign? 4 A I took a position with another company. 5 Q Okay. What company was that? 6 A Something -- a security company based out 7 of Florida. I can't recall the name. 8 Q How long were you there for? 9 A Maybe two weeks. 10 Q Two weeks? 11 A Correct. 12 Q Two weeks? 13 A Yes. 14 Q What did you do there? 15 A Same thing. Provided security for 16 persons. 17 Q Is that Force Concepts? 18 A No. 19 Q What's -- I'm sorry -- Progressive Force 20 Concepts, what is that? 21 A That's training. 22 Q That's a training entity? 23 A Yes, it is. 24 Q And you did some training with them? 25 A I did.

Page 250 1 Q For how long? 2 A I took several courses with them. 3 Q What types of courses did you take with 4 Progressive Force Concepts? 5 A There was some driving courses; there was 6 a shooting course. 7 MR. RENZULLI: This may help you. 8 (Exhibit 11 was marked for identification 9 and is attached hereto.) 10 BY MR. RENZULLI: 11 Q Take a look at what's been marked as 12 Johnson 11. 13 Have you ever seen that before? 14 A I believe so. 15 Q Okay. Is this what you're referring to, 16 some of the courses that you took? 17 A Yes, it is. 18 Q Okay. Best approximation of date that you 19 took this? 20 A Before COVID. 21 Q Before COVID? 22 Looking at the bottom of the first page, 23 Bates-stamped JOHNSON 52, "Emergency Reloads," what 24 is that? 25 A That is when you're in a firefight and	Page 252 1 Q PFC, pistol competency protocol drill, 2 what's that? 3 A It had something to do with fire drills -- 4 with the firing drills. 5 Q What firearm did you use when you were 6 going to this training? 7 A I used the Glock in that training, the 8 first Glock. 9 Q The first Glock? 10 A Correct. 11 Q No problems? No issues? 12 A Not enough rounds. 13 Q Not enough rounds. Okay. You wanted 14 more. 15 What did you do with the cartridge cases 16 as you were shooting them around the course? Did 17 you pick them up? 18 A No. 19 Q Did you look at them? 20 A No. 21 Q Someone else cleaned them up for you? 22 A I suppose. 23 Q And I apologize. How long was this course 24 for? 25 A You would have to look on here. I
Page 251 1 your weapon runs out of ammunition, and you have to 2 emergency reload. 3 Q What does that mean, "emergency reload," 4 though? 5 A What it means is you should count how many 6 rounds you fire. When you're down to your last 7 round, you drop your magazine and you slam a new one 8 in there. 9 Q So you would train that you were in what's 10 called a firefight. You're supposed to count the 11 number of rounds? 12 A Yes. You should keep track. 13 Q Who taught you that? This company? 14 A The instructors at PIC. 15 Q And then when you're down to one -- one in 16 the magazine or one in the chamber? 17 A One or two. Or if there's some break 18 where you can have a second and you know you've shot 19 several rounds, you change magazines, put a fresh 20 magazine in. 21 Q That's called an "emergency reload"? 22 A It can be called that, yes. 23 Q Okay. One-handed shooting, what's that? 24 Shooting with one hand, I guess? 25 A Exactly.	Page 253 1 couldn't tell you. Some courses were three days; 2 some courses were five days; some courses were two 3 days. 4 Q Yeah. This has -- it looks like it has 5 different phases, but it doesn't tell me how long. 6 You don't remember. Okay. 7 And how many of these courses did you go 8 through? 9 A At least three, maybe more. 10 Q Okay. So at least three courses with this 11 entity. And each of the courses lasted 12 approximately two, three, four days? 13 A Each course had a different amount of 14 time. 15 Q Okay. But there were multiple days each 16 time? 17 A Yes. 18 Q And you used your Glock pistol each time? 19 A I did. 20 Q You think -- so when did you finish up 21 these courses? The last one was in -- sometime 22 before COVID? 23 A Correct. 24 Q We've talked a lot about your employment 25 history.

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1 Are you working now?

2 A I am not.

3 Q When is the last time you were gainfully

4 employed?

5 A I think I did one acting gig in 2021.

6 Q 2021?

7 And what type of gig was that?

8 A It was just background.

9 Q Background.

10 And your last employment before that

11 acting gig, background, in 2021 was what?

12 A Some security work in maybe 2019, 2018.

13 Q 2018, 2019?

14 A Correct.

15 Q So four years ago, five years ago, six

16 years ago?

17 A Somewhere in there.

18 Q Yeah. When is the last time you -- you

19 had a full-time, you know, 40-hour-workweek job?

20 A It's been a very long time.

21 Q How long?

22 A Probably the Oakland Police Department.

23 Q Okay.

24 A Original.

25 Q Original Oakland Police, so we're talking

Page 255

1 about 1996?

2 A Correct.

3 Q So the last time you were gainfully

4 employed full-time, 40-hour workweek, was 1996?

5 A I believe so.

6 Q When you were doing this training with

7 PFC, three, four training sessions over three or

8 four days, were other folks using Glock pistols?

9 A There may have been some.

10 Q Okay. Any specific recollection?

11 A Not really, no.

12 Q Did you ever talk to them about the

13 firearms you were using, the firearms they were

14 using?

15 A I did.

16 Q What did you talk about?

17 A The fact that I only had six rounds.

18 Q Anything else?

19 A The fact that I needed more. I needed a

20 pistol with more rounds.

21 Q And who were you telling this to?

22 A Who was I telling what to?

23 Q The fact that you needed more rounds, the

24 fact that you can only carry six.

25 You can only put six in that firearm?

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1 A I believe so.

2 Q So who were you telling this to?

3 A Probably the person standing to the right

4 or left of me.

5 Q Okay. Do you have a specific recollection

6 of speaking to anyone during these training sessions

7 about Glock pistols?

8 A No.

9 Q Specific recollection of anyone using

10 Glocks?

11 A Not specifically, no.

12 Q But you know that they're so popular that

13 the chances are there probably were; is that fair to

14 say?

15 A That's a possibility.

16 Q At any of the training that you had where

17 others were using Glock pistols, do you have any

18 specific recollection of speaking to anyone else

19 during your training about Glock pistols?

20 A As I said, no.

21 Q Nothing.

22 And certainly nothing about reloading

23 ammunition or any of that stuff, right?

24 A No.

25 MR. RENZULLI: Let's take a quick break.

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1 MR. TOMASEVIC: Thanks.

2 THE VIDEO OPERATOR: I will switch media.

3 This marks the end of Media No. 5 in the

4 deposition of Steven Johnson. The time is 3:55 p.m.

5 We're off the record.

6 (Recess, 3:55 p.m. - 4:08 p.m.)

7 THE VIDEO OPERATOR: This marks the

8 beginning of Media No. 6 in the deposition of Steven

9 Johnson. The time is 4:08 p.m. We are on the

10 record.

11 MR. RENZULLI: We had a conversation off

12 record about Exhibit -- what will be Exhibit No. 12.

13 The court reporter is going to mark it for

14 the -- for the transcript, but we're not going to

15 actually mark the document until later as I only

16 have original copies here.

17 But I'm going to show the package to the

18 witness. The package as a whole will be Exhibit 12.

19 It includes the package of documents that comes with

20 a Glock pistol during this time period, and it would

21 have been the time period that Mr. Johnson purchased

22 his -- the time period that the pistol that

23 Mr. Johnson purchased was originally sold. So it

24 would have been in the box with the gun when he

25 purchased it.

Page 258 1 (Exhibit 12 was marked for identification 2 and is attached hereto.) 3 BY MR. RENZULLI: 4 Q So let me show it to you. Apologies for 5 the condition that it's in. I'll just ask you to 6 take a quick look at it and let me know if it looks 7 like what you would have received with your first 8 Glock pistol. 9 MR. TOMASEVIC: Objection to the extent 10 that it's vague and calls for speculation. 11 BY MR. RENZULLI: 12 Q Have you had a chance to take a look at 13 it? 14 A Yes. 15 Q Does it look like the material you 16 received with your first Glock pistol, you called it 17 a .45 caliber? 18 A It could be. 19 Q It could be? Okay. 20 So why don't you take a quick look at -- 21 let your counsel take a spin through it first. 22 There's a pamphlet in there called 23 "Firearm Safety." Now, you've seen this before, 24 haven't you? 25 A I believe I have.	Page 260 1 Q It says, "Only use ammunition recommended 2 by the firearm manufacturer, and always be certain 3 that the ammunition matches the caliber of the gun." 4 Do you see that? 5 A Yes, I do. 6 Q Did you know that at the time that you 7 read that rule? 8 A Yes, I did. 9 Q Okay. Turn the page. 10 The second paragraph says, "Firearms are 11 designed, manufactured, and tested to standards 12 based on factory-loaded ammunition. Handloaded or 13 reloaded ammunition deviating from factory 14 specifications should not be used. Use only the 15 correct ammunition for your firearm. Attempting to 16 fire even a single improper bullet can destroy your 17 gun and cause serious personal injury or death." 18 Did I read that correctly? 19 A You did. 20 Q Did you read that when you purchased your 21 first firearm? 22 A I did. 23 Q Is that a good rule? 24 A I believe so. 25 Q Do you agree with that rule?
Page 259 1 Q You've seen it not only in the first Glock 2 pistol, but in the second Glock pistol you called 3 the SF, right? 4 A Correct. 5 MR. TOMASEVIC: Can you show that to the 6 camera to get a better look? Thanks. 7 THE VIDEO OPERATOR: Got it. 8 BY MR. RENZULLI: 9 Q And when you got your first Glock pistol, 10 I think you said you read the manual, the complete 11 manual. 12 A Yes. 13 Q And did you also read the safety pamphlets 14 that came with it? 15 A I believe I did. 16 Q Okay. And did you do it again the second 17 time when you got your second Glock pistol? 18 A Yes, I did. I looked over them. 19 Q You looked over it again. 20 When you saw the safety pamphlet -- can 21 you just turn -- these pages are not numbered -- but 22 No. 8, it's Rule No. 8? 23 A Yes. 24 Q Do you see Rule No. 8? 25 A Yes.	Page 261 1 A Yes. 2 Q It makes sense, right? 3 A To me. 4 Q Okay. There's another page there called a 5 "Customer Safety Awareness Form." Yeah, that's it 6 there. There you go. 7 THE VIDEO OPERATOR: Okay. Got it. 8 BY MR. RENZULLI: 9 Q Can you -- can you read No. 7, please? 10 A "Glock recommends that you use only 11 factory-produced ammunition in good condition and 12 the proper caliber for your pistol. The caliber of 13 my pistol is," and it has several selections. 14 Q Several selections. 15 You knew that at the time that you 16 purchased your Glock pistol? 17 MR. TOMASEVIC: Objection. Vague. 18 THE WITNESS: I understand that. 19 BY MR. RENZULLI: 20 Q Did you need Glock to recommend that to 21 you, or you already knew that you should only use 22 factory-produced ammunition in good condition? 23 A I knew that. 24 Q You knew that? Okay. 25 Let's go to the manual itself.

Page 262 1 THE VIDEO OPERATOR: Okay. Got it. 2 BY MR. RENZULLI: 3 Q Does this appear to be the manual that you 4 received with your first pistol? 5 A It appears to be. 6 Q Can you turn, sir, to page 5 of the manual 7 in the lower left-hand corner of the pages? 8 MR. TOMASEVIC: You don't need to do it 9 every time. I just want to make sure if we look 10 later, we're all talking about the same document. 11 THE WITNESS: Okay. 12 BY MR. RENZULLI: 13 Q I'm reading No. 4 under the "General 14 Precautions." Just confirm that I'm reading this 15 correctly. 16 "Always be sure barrel and action are 17 clear of obstructions. Clean obstructions 18 immediately so that pistol will function correctly 19 and safely." 20 What is your understanding of what that 21 means? 22 A It says keep your pistol clean and clear 23 of obstructions. 24 Q Why? 25 A Because otherwise it will impede the	Page 264 1 Q Right. 2 Have you ever -- so did you see an 3 obstruction in a Glock barrel that blew it up? 4 A I did not. 5 Q Have you ever heard of a squib load? 6 A I've heard of that, but if you explain it 7 to me again so I can -- 8 Q Do you know what a squib load is? 9 A That's why I asked you to explain it 10 again. 11 Q So the answer is no, you don't know what a 12 squib load is? 13 A I don't remember. I've heard it before. 14 Q You don't remember. 15 Can you tell me whether you're aware of 16 any different reasons, any reasons at all, why a gun 17 or round of ammunition can catastrophically fail? 18 MR. TOMASEVIC: Objection. Vague, calls 19 for speculation. 20 BY MR. RENZULLI: 21 Q Can you give me any reasons that that 22 would happen? 23 A I'm sure there's a multitude of reasons, 24 but I can't just give you one. 25 Q You can't give me any?
Page 263 1 proper operation of the pistol. 2 Q An obstruction in the barrel, how would 3 that impede the proper operation of the pistol? 4 A Depending on what the obstruction is. 5 Q Have you ever seen any obstruction in any 6 barrels of any firearms over your many years of 7 using guns? 8 A I've had no obstructions in any barrels in 9 my firearms. 10 Q Do you know of any others who have? Have 11 you ever heard of that happening? 12 A I've heard of it. 13 Q Okay. And what happened when that -- they 14 had an obstruction? 15 A I know the weapon malfunctioned. 16 Q What do you mean by "malfunctioned"? 17 A Meaning that it did not fire the 18 projectile out from the barrel, or projectile was 19 somehow compromised when it came out of the barrel. 20 Q Did you ever hear about it blowing up the 21 gun? 22 A Not until I heard about the Glock. 23 Q About an obstruction blowing up the gun? 24 A Not an obstruction. I don't know if it 25 was an obstruction of the barrel itself.	Page 265 1 A No. 2 Q So you can't give me reasons why a gun 3 would catastrophically fail or a round of ammunition 4 would catastrophically fail; you can't give me any, 5 correct? 6 MR. TOMASEVIC: Same objections. 7 BY MR. RENZULLI: 8 Q Correct? 9 A I can give you one, but it's that 10 unsupported -- unsupported barrel. 11 Q You don't know what that means, sir, 12 correct? You've got no idea what that means? 13 MR. TOMASEVIC: Objection. Argumentative, 14 misstates his prior testimony and is vague. 15 BY MR. RENZULLI: 16 Q Correct? 17 A Not correct. 18 MR. LEWIS: Stop badgering the witness, 19 Chris. You asked the question, you answered the 20 question -- 21 MR. RENZULLI: Rob, Rob, Rob, one lawyer. 22 One lawyer. 23 Q The only thing you know about Glock 24 pistols is what your attorney told you and what you 25 saw one time on the internet when you saw that one

Page 266 1 pistol or ammo failure, correct? 2 MR. TOMASEVIC: Misstates his prior 3 testimony. It's argumentative, vague, asked and 4 answered. 5 THE WITNESS: Not correct. 6 BY MR. RENZULLI: 7 Q Okay. When it comes to your claimed 8 defect, your position is that that gun is defective, 9 right? 10 A Correct. 11 Q And it's based upon your internet -- when 12 you looked at the internet and you saw one gun that 13 you said looked blown up, and what your attorney has 14 told you, correct? 15 MR. TOMASEVIC: Objection. Misstates his 16 prior testimony, vague. 17 It sounds like you're asking -- 18 MR. RENZULLI: 19 Q Correct? 20 MR. TOMASEVIC: -- for a contention 21 interrogatory in a deposition, which is improper. 22 MR. RENZULLI: Stop. Stop. Stop. Stop. 23 MR. TOMASEVIC: No, that's an objection. 24 It's a valid objection. 25 ///	Page 268 1 badgering the witness. You're badgering the 2 witness. 3 MR. RENZULLI: Stop. 4 MR. LEWIS: Knock it off. 5 MR. RENZULLI: Robert, I will get the 6 court on the phone. One lawyer. One lawyer. 7 MR. LEWIS: Do you want me to get his 8 telephone number for you? 9 MR. RENZULLI: One lawyer. 10 THE REPORTER: One at a time, please. 11 MR. RENZULLI: One lawyer. 12 Apologies. Can you please read the last 13 question and let me know if I have an answer. 14 (Record read as follows: 15 "Question: You did no independent 16 investigation of anything; you just read what 17 the attorney gave you, correct?") 18 MR. TOMASEVIC: Misstates his prior 19 testimony, argumentative and vague, asked and 20 answered several times. 21 Answer it one more time, and then we're 22 going to move on. 23 BY MR. RENZULLI: 24 Q Answer the question. 25 A I did read information that stated there
Page 267 1 BY MR. RENZULLI: 2 Q Can you answer the question, please? 3 A The answer is no. 4 There's also information contained in 5 these papers here where I was able to look at and 6 see -- 7 Q You looked at the paper that your attorney 8 gave you, right? 9 A I did. 10 Q Okay. And that's the paper in front of 11 you? 12 A It's one of these. 13 Q You did no independent investigation of 14 anything; you just read what the attorney gave you, 15 correct? 16 MR. TOMASEVIC: Objection. Misstates his 17 prior testimony. 18 BY MR. RENZULLI: 19 Q Correct? 20 A I -- 21 MR. LEWIS: You know, you're badgering the 22 witness. 23 MR. RENZULLI: Stop, Rob. Rob Lewis, 24 stop. 25 MR. LEWIS: I don't care. You're	Page 269 1 was a defect in the Glock pistol that caused it to 2 "kaboom" or explode. 3 Q Just for the record, it's the information 4 that was provided to you by your lawyer? 5 MR. TOMASEVIC: Misstates his prior 6 testimony, asked and answered. 7 MR. LEWIS: Okay. We're done answering 8 that same question, Chris. We're done answering the 9 question. 10 If you want to get the judge on the phone 11 and we'll read the record back, that's fine. 12 MR. RENZULLI: Can you knock it off? 13 MR. LEWIS: But we're not going to deal 14 with -- 15 MR. RENZULLI: Stop. Stop it, Robert. 16 Robert, stop it. 17 MR. LEWIS: No, I'm not going to. 18 MR. RENZULLI: Robert, take a break. You 19 need a break. Go take a break. Stop yelling. The 20 court reporter took her earpiece -- 21 MR. TOMASEVIC: Are you feeling okay, 22 Chris? Because I'm wondering if you're okay. Maybe 23 you should take a break. 24 MR. RENZULLI: The court reporter took the 25 earpiece out of her ear because you were yelling so

Page 270 1 loud. Stop. 2 MR. LEWIS: I think it was you yelling 3 that probably got her earpiece out. 4 THE VIDEO OPERATOR: Do both counsel agree 5 to go off the record? 6 MR. RENZULLI: Yes, we all agree to go off 7 the record. Robert needs to take a break. 8 THE VIDEO OPERATOR: I need counsel -- 9 MR. RENZULLI: Do you agree? 10 MR. TOMASEVIC: I don't need to take a 11 break. Why don't we just -- it sounds like this is 12 your big windup and your end; so why don't we finish 13 it and all be done. 14 MR. RENZULLI: Take a break. I need a 15 break. 16 MR. TOMASEVIC: Okay. Let's go off the 17 record. 18 THE VIDEO OPERATOR: And I am going to -- 19 well, I'll just say we're off the record at 20 4:21 p.m. 21 (Recess, 4:21 p.m. - 4:27 p.m.) 22 THE VIDEO OPERATOR: We are back on the 23 record at 4:27 p.m. 24 BY MR. RENZULLI: 25 Q I think we were talking about that manual	Page 272 1 lists the various models, but can you read the 2 warning, No. 26? 3 A First paragraph, No. 26? 4 Q First paragraph. You can skip the middle 5 which just has the different calibers. And then do 6 the last one. Thank you, sir. 7 A "Only use high-quality 8 commercially-manufactured ammunition, in excellent 9 condition and in the caliber of your pistol." 10 Q And then the next paragraph? 11 A "The use of reloaded ammunition will void 12 the Glock warranty, due to the unpredictability of 13 the standards (SAMI/NATO)" -- that's S-A-M-I, slash, 14 N-A-T-O -- "adhered to, since reloads of 15 poor-quality ammunition may not need (SAMI/NATO) 16 specifications, may exceed limits, and therefore may 17 be unsafe." 18 Q Now, you knew that -- I think we spoke 19 about it earlier -- you knew that when you 20 purchased -- even before you purchased your first 21 Glock pistol, correct? 22 A Correct. 23 Q What is SAMI/NATO? Do you know what that 24 is? 25 A I know what NATO is. I don't know what
Page 271 1 that's in front of you, which is Exhibit No. 12. 2 Can you go to page 11 of that manual? 3 MR. TOMASEVIC: Thank you. I'm good. 4 BY MR. RENZULLI: 5 Q I'm looking on the left-hand side of the 6 page in red. Number 15, can you read that to 7 yourself? You don't have to read it out loud. 8 You took a quick look at that? 9 A Yes. 10 Q Do you know what a hang fire is? 11 A Based on this. 12 Q Based upon your reading; you didn't know 13 what it was before. 14 What's your understanding of what it is? 15 A That's a round that could possibly fire, 16 but it's delayed for some reason. 17 Q All right. Have you ever had that happen 18 to you before? 19 A I have not. 20 Q Could a hang fire result in a gun blowing 21 up? 22 A I do not know the answer to that. 23 Q You don't know? Okay. 24 Go to page 15. Can you read No. 26? You 25 don't have to read the middle section which just	Page 273 1 SAMI is. 2 Q Do you know what NATO is with regard to 3 ammunition? 4 MR. TOMASEVIC: Objection. Vague. 5 THE WITNESS: I do not. 6 BY MR. RENZULLI: 7 Q Do you know why the use of reloaded 8 ammunition voids the Glock warranty? 9 A Because it's stated here that it does so. 10 Q Do you know why, why that determination 11 was made? Do you have any understanding of why a 12 company -- 13 A I do not know why Glock made that 14 determination. 15 Q What's your best -- best understanding of 16 why a firearm company, Glock or any other one, would 17 void the warranty on the pistol if the user uses 18 reloaded ammunition? 19 MR. TOMASEVIC: Objection to the extent it 20 calls for speculation, asked and answered, and 21 vague. 22 THE WITNESS: And I don't know. 23 BY MR. RENZULLI: 24 Q No idea? Okay. 25 Is it because they could have -- it could

Page 274 1 be of poor quality, like it says here? 2 MR. TOMASEVIC: Same objections. 3 THE WITNESS: Again, I don't know. 4 BY MR. RENZULLI: 5 Q Could that blow up a gun, a bad reload? 6 MR. TOMASEVIC: Same objections. 7 THE WITNESS: I do not know. 8 BY MR. RENZULLI: 9 Q Did you see any blown-up guns on the 10 internet because of bad reloads? 11 MR. TOMASEVIC: Same objections. 12 THE WITNESS: I don't know. 13 BY MR. RENZULLI: 14 Q Don't know? 15 A Don't think so. 16 Q That's okay. You don't know. 17 Go to page 29, the notice. You can read 18 it to yourself, the notice, upper left-hand corner, 19 that paragraph. 20 Did you have a chance to read it? 21 A Yes, I did. 22 Q And am I reading the section in the middle 23 correctly: "Glock will not honor claims involving 24 this firearm which result from careless or improper 25 handling, unauthorized adjustment, or parts	Page 276 1 A Correct. 2 Q Did you ever hear about ammunition 3 companies recalling their ammunition? 4 A I haven't heard of it. 5 Q You never heard of an ammunition company 6 having a recall? 7 A Not to my knowledge. 8 MR. RENZULLI: Okay. Thank you, sir. You 9 can put that down. Like I said, we're going to hold 10 on to this, make a copy. 11 Did you mark the other manual? 12 MR. SCHILSKY: He has it. 13 MR. RENZULLI: Let me see the exhibit 14 stamp. 15 Q I'm going to show you what's previously 16 marked as Exhibit No. 7. I'll ask you to take a 17 look at that. Take a quick look. You may have 18 looked at it earlier. 19 A Yes. 20 Q Does that appear to be the manual and the 21 documents that came with your second Glock pistol, 22 the one you say is SF? 23 A Possibly. 24 Q It's possible? Do you have any reason to 25 doubt that it is?
Page 275 1 replacement, corrosion, neglect, or the use of wrong 2 caliber ammunition, or the use of ammunition other 3 than original high-quality commercially-manufactured 4 ammunition in good condition, or any combination 5 thereof?" 6 Did I read that correctly? 7 A You did. 8 Q So does that mean that Glock doesn't honor 9 warranty claims where someone did an unauthorized 10 adjustment of parts or replacement of parts? 11 MR. TOMASEVIC: Objection to the extent it 12 calls for speculation or a legal conclusion. 13 BY MR. RENZULLI: 14 Q Is that your understanding? 15 MR. TOMASEVIC: Best evidence. 16 BY MR. RENZULLI: 17 Q Is that your understanding? 18 A Your explanation is as good as any. 19 Q Yeah. Do you have a different 20 explanation? 21 A No. 22 Q Okay. And also, Glock doesn't honor 23 claims when folks use ammunition other than original 24 high-quality commercially-manufactured ammunition, 25 correct?	Page 277 1 MR. TOMASEVIC: Objection. Vague. 2 THE WITNESS: I'm just telling you, it's 3 possible. 4 BY MR. RENZULLI: 5 Q Can you look at that, and is there 6 anything in there that you see that didn't come with 7 your second Glock pistol? 8 MR. TOMASEVIC: It's 47 pages. 9 BY MR. RENZULLI: 10 Q Let me give you more information. 11 Look at the bottom right-hand corner of 12 the page. What do you see on the bottom right-hand 13 corner? You see that thing, a Bates number that we 14 talked about earlier? 15 A Yes, I do. 16 Q What that means, Mr. Johnson, is your 17 counsel sent that to us and said that was your -- 18 your manual that came with your gun. 19 Now, I know he's disputing it and he 20 thinks that your answer is correct. But now that 21 you know that it came from him, is there any reason 22 to disagree that that's the manual that came with 23 your SF pistol? 24 MR. TOMASEVIC: Well, that's 25 argumentative, vague.

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Page 278 1 And I'll tell you, we put the Bates 2 numbers on it. The rest of it, I'm not so sure. 3 MR. RENZULLI: I'm sorry, Counsel. Just 4 so that I know for my question, what does that mean? 5 MR. TOMASEVIC: That means of the seven or 6 eight compound things you embedded into the preamble 7 of your question, I agree with the first one and 8 only the first one. 9 MR. RENZULLI: That you put the Bates 10 numbers on, and you produced it in response to 11 discovery that says, "Can we have the manual for 12 your pistol?" 13 MR. TOMASEVIC: In response to discovery. 14 I don't have the response -- 15 MR. RENZULLI: Okay. 16 MR. TOMASEVIC: -- or the request or the 17 response in front of me. 18 MR. RENZULLI: All right. 19 MR. TOMASEVIC: You could be right. I 20 just don't know, and I'm just making -- 21 MR. RENZULLI: It doesn't matter. It 22 doesn't matter. 23 MR. TOMASEVIC: -- statement for the 24 record. 25 MR. RENZULLI: It doesn't matter.	Page 280 1 Do you see at the bottom it says, 2 "Activate your warranty today"? 3 Did you ever activate one of the 4 warranties on your gun? 5 A I don't recall. 6 Q Don't recall? All right. 7 Turn the page a couple to JOHNSON 12. 8 Do you know what the GSSF is? 9 A From this, it's Glock Support Shooting 10 Foundation. 11 Q Before you read this, did you know what 12 the GSSF was or -- 13 A I did not. 14 Q -- have any participation? Shooting 15 sports, nothing, through Glock? 16 A I did not. 17 Q Okay. JOHNSON 17, does that look to be 18 the same Glock customer safety awareness form that 19 we talked about earlier with regard to the other 20 pistol? 21 A Looks the same to me. 22 Q Okay. The same, you know, information 23 there, like No. 7, only using factory-produced 24 ammunition, looks the same? 25 MR. TOMASEVIC: Objection. Vague.
Page 279 1 Q The first portion, JOHNSON 3 to 8, is that 2 the same firearm safety booklet that we talked about 3 a little while ago from your prior Glock pistol? 4 A Possibly. 5 Q Well, take a look. Is there any reason to 6 doubt it? 7 A Unless I had that book sitting in front of 8 me, and I went page by page and looked at it -- 9 Q All right. Is that what you want to do 10 or -- 11 A I have no idea. 12 Q Here you go. That's the prior one. If 13 that's what you want to do, we can do that, sir. 14 I want to make sure that you're 15 comfortable and you agree with your attorney that 16 that's what came with your original -- with that 17 second gun. 18 A This -- this is not this. 19 Q Here. You pulled the wrong document. 20 A Oh. 21 Q That's okay. 22 A Yes. 23 Q Okay. Turn the page. 24 JOHNSON 10, lower right-hand corner, take 25 a look at that.	Page 281 1 THE WITNESS: Yes. 2 BY MR. RENZULLI: 3 Q Okay. Go to JOHNSON 22. And does that 4 appear to be the manual for the vintage firearm, 5 your second firearm, that you purchased? 6 A It appears to be. 7 Q It appears to be? Okay. 8 It's a little different, little different 9 format, right, than the first manual; do you agree? 10 MR. TOMASEVIC: Objection. Vague. 11 BY MR. RENZULLI: 12 Q Do you want to look at the other one with 13 that or -- take a quick look here. I want you to 14 see it's a little different format. I don't want to 15 confuse you. 16 A Okay. 17 Q Looks a little different? 18 A Yes, it does. 19 Q All right. So possibly because it was 20 different years. 21 A Okay. 22 Q So turning to page 2 of the manual -- you 23 were there. You were right there. The next page. 24 No, the page you were on, the next page. That's the 25 cover.

Page 282 1 A Okay. 2 Q It's JOHNSON 23, okay? 3 The warning on the left-hand side of the 4 page, page 2, next-to-last warning, tell me if I'm 5 reading this correctly: "Failure to follow safety 6 information and safety instructions in this manual 7 could result in death, serious personal injury, 8 and/or property damage." 9 Does that -- do you understand that? 10 A That's correct. 11 Q Does that make sense to you? 12 A Yes. 13 Q And you knew that before you read this 14 manual, correct? 15 A Yes. 16 Q Okay. If you can go to page 12, it's 17 JOHNSON 28. It's the second warning up to top on 18 the left. 19 Is that the same warning that you read 20 before and understood about using reloaded, 21 remanufactured, or handloaded ammunition? 22 A It's close to it. 23 Q Okay. Do you know what CIP is in the 24 middle? 25 A I do not.	Page 284 1 firing? 2 MR. TOMASEVIC: Objection to the extent it 3 calls for speculation and is vague. 4 THE WITNESS: I do not know. 5 BY MR. RENZULLI: 6 Q Okay. Turn the page. 7 Bottom right of page 17, again, is Glock 8 giving the warning about not using reloaded, 9 remanufactured, and handloaded ammunition? 10 A Yes. 11 Q Same language? Same language? 12 A Yes, it is. 13 Q Thank you. 14 Bottom of page 21, next-to-last warning, 15 can you read that? 16 A "Never alter or modify your Glock pistol 17 because this could cause it to malfunction and 18 create a dangerous condition." 19 Q Isn't that exactly what you did with your 20 Glock pistol? 21 MR. TOMASEVIC: Objection. Vague, 22 argumentative. 23 THE WITNESS: I changed the trigger. 24 BY MR. RENZULLI: 25 Q Did you alter or modify it?
Page 283 1 Q Do you agree that using reloaded, 2 remanufactured, or handloaded ammunition can cause 3 death, serious personal injury, or property damage? 4 MR. TOMASEVIC: Objection. Asked and 5 answered. 6 THE WITNESS: I do not know that. 7 BY MR. RENZULLI: 8 Q Gotcha. 9 Turn the page. On page 14, midway down, 10 it talks about an "out-of-battery firing." 11 Do you know what that means, 12 "out-of-battery firing"? 13 A I do not. Where is it? 14 Q Midway down the page on 14. So it's the 15 left-hand side of the page. It's the fourth warning 16 down. It starts, "Never pull the trigger." 17 A Okay. 18 Q Do you see that? Okay. But you don't 19 know what an out-of-battery firing is, correct? 20 A I understand now. 21 Q What is it? 22 A What it says here. Don't -- "Do not pull 23 the trigger if the slide is not fully closed to 24 prevent an out-of-battery firing." 25 Q What happens if there is an out-of-battery	Page 285 1 Is changing the trigger altering or 2 modifying it in your mind? 3 MR. TOMASEVIC: Objection to the extent it 4 calls for speculation. 5 BY MR. RENZULLI: 6 Q Sir? 7 A I don't know. Like I said, I just changed 8 the trigger. I changed the part. 9 Q In your mind, though, is that an 10 alteration or a modification to the pistol? 11 A It may qualify as a modification. 12 Q And if it qualifies as a modification, 13 that could cause it to malfunction and create a 14 dangerous condition, couldn't it? 15 MR. TOMASEVIC: Argumentative. Object to 16 the extent it calls for speculation or expert 17 opinion. 18 BY MR. RENZULLI: 19 Q Now you can answer. 20 A Based on this, that's what it says. 21 Q Yet you did it anyway, correct? 22 A That's correct. 23 Q I think we talked about this earlier, 24 about cleaning and oiling the pistol. I think you 25 can see it on page 27, for example.

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Page 286 1 These are the procedures you follow when 2 you clean your pistol after every use, correct? 3 A That's correct. 4 Q Why is it important to clean your pistol 5 after every firing? 6 A Because you don't want any accumulation of 7 anything that would hinder especially the slide 8 release, movement of the slide. 9 Q Could that -- could a build-up, if you 10 know, in a chamber or anywhere in the firearm, could 11 a build-up of lead cause it to malfunction? 12 MR. TOMASEVIC: Objection. Vague. 13 Objection to the extent it calls for speculation. 14 BY MR. RENZULLI: 15 Q Do you know? 16 A It's possible. 17 Q Like a build-up in the barrel, could that 18 cause it to malfunction? 19 A As I say, it's possible. 20 Q Possible? 21 Could it increase pressures that are 22 generated inside the chamber, do you know? 23 A It's possible. 24 Q Possible. 25 Have you ever heard of that before?	Page 288 1 for the same amount of time who never cleaned it? 2 MR. TOMASEVIC: Objection. Vague, 3 incomplete hypothetical, and calls for speculation. 4 THE WITNESS: It's a possibility. 5 MR. RENZULLI: Yeah, I agree. It's nice 6 for you. 7 (Exhibit 13 was marked for identification 8 and is attached hereto.) 9 BY MR. RENZULLI: 10 Q Showing you what's been marked as 11 Exhibit 13, does that look like the manual that came 12 with your Smith & Wesson .45 caliber semi-automatic 13 pistol? 14 A To my recollection, it's possible. 15 Q It's possible. 16 And you read that manual, correct? 17 A Correct. 18 Q Can you turn -- this is Exhibit No. 13. I 19 apologize. 20 Can you turn to page 6 of that manual? 21 Fourth warning down, this also talks about using the 22 correct ammunition for your firearm. Don't use 23 reloaded, handloaded ammunition, right? 24 Is it the same type of warning that you 25 read and knew about the Glock firearm?
Page 287 1 A I have. 2 Q You have. It talks about "backstraps." 3 Do you know what a backstrap is? 4 A It's the back of the pistol. 5 Q It's the back of the pistol. 6 Did your firearms have backstraps? Go to 7 page 37. 8 A Yes. 9 Q Ones that you can remove? 10 A Per this manual, yes. 11 Q Based upon your last use of the firearm, 12 do you know if you could remove the backstraps on 13 yours or not? Do you have any specific 14 recollection? 15 A I do not specifically remember removing 16 the backstrap. 17 Q Gotcha. 18 Do you think that a firearm, when it has 19 removable backstraps, is worth more than a firearm 20 that doesn't have removable backstraps? 21 A I have no idea. 22 Q Would you think that a gun that has been 23 maintained, like you say you did with your firearm, 24 and you cleaned it after every time you use it, 25 would be worth more than someone who has a firearm	Page 289 1 A Yes, it is. 2 Q Turn to page 10 of that same manual. 3 MR. TOMASEVIC: Is 10 the original 4 pagination or -- this doesn't have -- 5 MR. RENZULLI: The original pagination. 6 MR. TOMASEVIC: There's no Bates numbers. 7 Has this been produced to us before? 8 MR. RENZULLI: I have no idea. 9 MR. TOMASEVIC: So you could be using this 10 for the first time here today in this deposition? 11 MR. RENZULLI: I have no clue. Could be. 12 MR. TOMASEVIC: Okay. Well, we object to 13 you questioning the witness on documents that you 14 knew you were going to use but intentionally or 15 otherwise didn't produce to us before the 16 deposition. 17 MR. RENZULLI: Are you talking about 18 documents that we asked you to produce that you 19 refused to produce? Is that what you're talking 20 about, Counsel? 21 MR. TOMASEVIC: No, that's not what I'm 22 talking about. 23 MR. RENZULLI: That's exactly what it was. 24 We asked you to produce this gentleman's firearm 25 manuals for the firearms that you used, and you

Page 290 1 objected and said no. So I had to bring my own. 2 MR. TOMASEVIC: And you, furthermore, had 3 them -- how long did you have this document? 4 MR. RENZULLI: Counsel, you're not 5 questioning me. 6 MR. TOMASEVIC: Oh, okay. So you only get 7 to make statements. I don't. 8 Here's the thing: We're going to have an 9 objection to you using documents that were not 10 disclosed in discovery, neither in your disclosures 11 nor produced as documents which you were required to 12 produce. 13 The fact that you asked us for them, and 14 we made a timely objection -- and I'm just believing 15 you for now -- and didn't produce them, and you 16 didn't bother to respond to that objection, other 17 than to get the documents yourselves, hide them, not 18 produce them, except to spring them on us today, we 19 find that to be quite beyond the pale, and we'll 20 raise it with the judge after appropriate 21 meet-and-confer. 22 Go ahead and ask your questions, but we 23 think this is all going to be thrown out. 24 MR. RENZULLI: Thank you, Judge. 25 Q Sir, can you look at page 10,	Page 292 1 Q Okay. Where do you store your ammunition 2 at home? 3 A In the closet. 4 Q The closet, is that -- you don't have to 5 be specific. Is that like a bedroom? A basement? 6 An attic? 7 A No, it's in the bedroom. 8 Q In the bedroom. 9 Do you have any cartridge cases for any 10 rounds of ammunition that you put through your Glock 11 pistols? 12 A You mean at home or -- 13 Q Anywhere. 14 A So let me -- 15 Q Let me try to explain it a little bit. 16 Anytime that you fired a round through 17 your Glock pistol, did you ever save the expended 18 cartridge case? 19 Do you know what I mean by that? 20 A I know what you mean, and the answer is 21 no. 22 Q No? Okay. 23 How about for any of the other guns you 24 have? Do you have any expended cartridge cases at 25 home or anywhere else?
Page 291 1 "Ammunition"? 2 A Yes. 3 Q Is this more of the same type of warnings 4 about using reloaded, remanufactured, or handloaded 5 ammunition -- 6 MR. TOMASEVIC: Objection. Vague. 7 BY MR. RENZULLI: 8 Q -- that we've been talking about today? 9 MR. TOMASEVIC: Vague and compound. 10 THE WITNESS: I believe so. 11 BY MR. RENZULLI: 12 Q Okay. Can you read the last bullet point 13 on the bottom of page 10, please? 14 A "Any ammunition that is improperly 15 manufactured even in the slightest degree may fail 16 to fire or may generate excessive internal pressures 17 which can damage or even rupture the firearm, 18 causing personal injury to the shooter and those in 19 the immediate vicinity." 20 Q Did you know that at the time that you 21 received the Smith & Wesson pistol? 22 A I do believe I did. 23 Q Okay. So you didn't need this manual to 24 tell you; you already knew that? 25 A Yes.	Page 293 1 A I have no expended cartridge cases. 2 Q Gotcha. 3 We're almost there, sir. 4 Tell me about -- tell me about this -- I 5 think you called it an advertisement about the class 6 action that you saw on the internet. 7 A Yes. 8 Q Remember we talked about that a little 9 bit? 10 A Yes. 11 Q I apologize. And again, roughly when did 12 you see that for the first time? 13 A 2016, 2017. I really don't know. 14 Q Okay. 2016, 2017. Okay. 15 And what were you doing on the internet 16 when you saw that? 17 A I was on a website that had something to 18 do with class action suits. 19 Q What website was that? 20 A It's a class action suit website. 21 Q Okay. Why were you on that website? 22 A I think I had received email or something, 23 or maybe someone sent it to me, and I looked on 24 there. 25 Q Who sent you an email?

Page 294 1 A I have no idea. I can't recall. 2 Q Who sent it to you? 3 A That's what I just said. I can't recall. 4 Q So you don't know who it was or -- or how 5 they sent it or -- are you guessing? 6 A I don't -- I don't recall. I just don't 7 recall. 8 Q So do you have any recollection of someone 9 sending you the website, just so that I understand? 10 A Like I said, I don't recall. 11 Q You don't recall. 12 Can you give me any further information 13 about how you came across this class action website 14 that you're talking about? 15 A No. 16 Q Were you looking to join a class action 17 maybe? 18 A No. 19 Q Can you give me any more information? 20 MR. TOMASEVIC: Objection. Vague, asked 21 and answered. 22 BY MR. RENZULLI: 23 Q No idea? As you sit here today, you have 24 no idea how you came across the website that talked 25 about this potential class action?	Page 296 1 saw this, Exhibit 14? 2 A What are you asking me? This? The last 3 time I saw this? 4 MR. TOMASEVIC: Objection. Vague and 5 compound. 6 BY MR. RENZULLI: 7 Q What is Exhibit 14? 8 A It's a picture of the website with the 9 "Kaboom." 10 Q I don't know what you -- what does 11 "Kaboom" mean? You keep using that line. Is that 12 something counsel told you to say? 13 A No, it is not. It says it right there. 14 Q Well, who wrote that? 15 A I don't know who wrote that. 16 Q Go to the next to the last page. 17 Do you see the bottom there? Do you see 18 where it says, "Attorney Advertising"? 19 A Okay. 20 Q Can you read that into the record? 21 A You want me to read the line under there? 22 Q What comes under there? Right. 23 A "The choice of a lawyer is an important 24 decision and should not be based solely on 25 advertisements. The attorneys responsible for the
Page 295 1 MR. TOMASEVIC: Misstates his prior 2 testimony, asked and answered several times. 3 BY MR. RENZULLI: 4 Q Sir? 5 A I do not know how I originally found this 6 website. 7 MR. RENZULLI: All right. 8 (Exhibit 14 was marked for identification 9 and is attached hereto.) 10 BY MR. RENZULLI: 11 Q Is this the website that we're talking 12 about? 13 A Yes, it is. 14 Q Okay. What did you do after you saw this? 15 This -- do you need to read it or are you 16 familiar with it? 17 A I'm familiar with it. 18 Q You're familiar with it? When is the last 19 time you saw this? 20 A It's been quite a while since I've seen 21 this. 22 Q So we're going all the way back to 2016? 23 A No, I'm talking about the "Kaboom." 24 Q The website, yes. 25 Exhibit No. 14, when is the last time you	Page 297 1 content of this page include Alex Tomasevic, 2 Nicholas & Tomasevic, LLP, Robert K. Lewis, Esquire, 3 Lewis & Pokora." 4 Q Okay. And those are your attorneys in 5 this case, right? 6 A That's correct. 7 Q Okay. Mr. Tomasevic is to your left, and 8 Mr. Lewis is on the phone, right? 9 A That's correct. 10 Q Okay. So if this is attorney advertising, 11 well, then, would you agree with me that your 12 attorneys put that in there, "Kaboom," and other 13 language? 14 MR. TOMASEVIC: Objection. Misstates the 15 document. 16 BY MR. RENZULLI: 17 Q Would you agree? 18 MR. TOMASEVIC: Vague and argumentative. 19 THE WITNESS: It's a possibility. 20 BY MR. RENZULLI: 21 Q What's the other possibility? Someone 22 else did? 23 A It's always a possibility. If it's not 24 impossible, it's possible. 25 Q Did you do any investigation to find out

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Page 298 1 who wrote that? 2 A I did not. 3 Q You did not. Okay. 4 Did you do any investigation into any of 5 the language that's in here? 6 MR. TOMASEVIC: Asked and answered and 7 vague. 8 THE WITNESS: I did not. 9 BY MR. RENZULLI: 10 Q You just relied upon the attorneys who 11 wrote it, correct? 12 MR. TOMASEVIC: Objection. Vague, 13 argumentative. 14 THE WITNESS: Explain what you mean. 15 BY MR. RENZULLI: 16 Q Yeah, sure. 17 You have Exhibit 14, and you read that up 18 on your computer, right? 19 A Yes. 20 Q Okay. And you responded to it, right? 21 A I did. 22 Q But you didn't do any independent 23 investigation to find out if anything in it is 24 correct. You just relied upon the attorneys that 25 sent out the advertisement.	Page 300 1 MR. TOMASEVIC: We're going to answer it 2 one more time -- 3 MR. RENZULLI: You tell him to do that. 4 MR. TOMASEVIC: -- because it's harassing. 5 BY MR. RENZULLI: 6 Q Sir, do you even know the question 7 anymore? 8 A Please ask it again. 9 MR. RENZULLI: I agree. 10 Madam Court Reporter, please. 11 (Record read as follows: 12 "Question: But you didn't do any 13 independent investigation to find out if 14 anything in it is correct. You just relied 15 upon the attorneys that sent out the 16 advertisement.") 17 MR. TOMASEVIC: Asked and answered, vague, 18 argumentative. 19 MR. RENZULLI: Let me withdraw -- let me 20 withdraw and modify it, okay? 21 Q The only investigation you did after 22 seeing this attorney advertisement that's Exhibit 14 23 is, you went on the internet and you saw that one 24 picture of what you said was a Glock pistol blowing 25 up; is that fair?
Page 299 1 MR. LEWIS: Objection. No. No. 2 BY MR. RENZULLI: 3 Q Mr. Tomasevic -- 4 MR. LEWIS: We're not going to do this. 5 We're not going to do this. 6 BY MR. RENZULLI: 7 Q -- and Mr. Lewis, correct? 8 MR. TOMASEVIC: Okay. Objection. Asked 9 and answered probably 30 times. We would have been 10 out of here an hour ago. 11 MR. RENZULLI: We haven't spoken about 12 this advertisement. 13 MR. TOMASEVIC: Oh, we haven't? That's 14 ridiculous. 15 MR. RENZULLI: Stop. Stop. Stop. 16 MR. TOMASEVIC: That's ridiculous. 17 BY MR. RENZULLI: 18 Q Answer the question. 19 MR. TOMASEVIC: You're can answer it one 20 more time. 21 It's been asked and answered. It's vague. 22 It's argumentative. 23 MR. RENZULLI: When you're ready to tell 24 him to not answer the question, you tell him to do 25 that, okay?	Page 301 1 MR. TOMASEVIC: Objection. Vague, 2 misstates his prior testimony, asked and answered. 3 Also, vague as to time. 4 You mean ever or in between the time of 5 reading this and the time of filling out the 6 inquiry? 7 BY MR. RENZULLI: 8 Q Can you answer the question. 9 MR. TOMASEVIC: Well, no. I need you to 10 clarify. He's not going to answer until you 11 clarify. 12 MR. RENZULLI: You can't tell him not to 13 answer the question. 14 MR. TOMASEVIC: I'm telling him -- 15 MR. RENZULLI: It's my -- 16 MR. LEWIS: He can always tell him not to 17 answer the question. 18 (Participants speaking simultaneously - 19 reporter interruption.) 20 MR. RENZULLI: Rob, you have to stop 21 speaking. You have to stop speaking. Try. Try. 22 Please, try. 23 MR. LEWIS: Why don't you try some 24 professionalism. 25 MR. RENZULLI: Civility. Civility.

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Page 302 1 MR. LEWIS: You need the civility. 2 MR. RENZULLI: Stop. Rob, stop. 3 MR. LEWIS: I'm going to take this to the 4 judge, and I'm going to show the judge what you've 5 done today. 6 Just keep going. Just keep going. This 7 is going to be in front of the judge, so just -- 8 just keep it up. 9 MR. RENZULLI: Ma'am, can you read the 10 question back, my last question, please? 11 (Record read as follows: 12 "Question: The only investigation you 13 did after seeing this attorney advertisement 14 that's Exhibit 14 is, you went on the internet 15 and you saw that one picture of what you said 16 was a Glock pistol blowing up; is that fair?") 17 MR. RENZULLI: Are you telling him not to 18 answer? 19 MR. TOMASEVIC: It's argumentative, it's 20 vague as to the time period you're inquiring about, 21 it's vague after the word "investigation." It's 22 been asked and answered and misstates his prior 23 testimony. 24 If you understand the question, you can 25 answer it one more time.	Page 304 1 BY MR. RENZULLI: 2 Q Okay. Did you tell them you had two Glock 3 pistols? 4 MR. TOMASEVIC: Objection. I'm going to 5 instruct the witness not to answer. That's 6 attorney-client-privileged communications. Instruct 7 the witness not to answer. 8 BY MR. RENZULLI: 9 Q Was Mr. Tomasevic your attorney when you 10 filled this out? 11 MR. TOMASEVIC: You know that that's not 12 the inquiry. It's not relevant. 13 BY MR. RENZULLI: 14 Q Let me ask you a question. 15 MR. TOMASEVIC: I'll instruct -- go ahead. 16 MR. RENZULLI: I'll fix it for you. 17 Are you going to allow him to answer any 18 questions about -- about what he filled out here on 19 the form as Exhibit 14? 20 MR. TOMASEVIC: Well, you used the word 21 "about." That's hopelessly vague, and I can't 22 really answer that. 23 But if you're asking me if I'm going to 24 instruct him not to disclose the communication he 25 sent to us in response to this, then the answer is I
Page 303 1 THE WITNESS: I don't even know if I 2 understand the question at this point. 3 I went on the website. 4 BY MR. RENZULLI: 5 Q This one? 6 A This one. I saw that. 7 Q Gotcha. 8 A I looked that up on the internet, and I 9 did see something pertaining to a defect in Glock 10 pistols. 11 Q That's what we talked about earlier? 12 A Exactly. 13 Q Okay. That's it? 14 A Yes. 15 Q Okay. Now, did you respond to this -- 16 this website? Because it looks -- on the right, it 17 says, "You can give information," et cetera. 18 Did you do that? 19 A I did. 20 Q Okay. Do you know how you answered these 21 questions? 22 MR. TOMASEVIC: Just answer that yes or no 23 right now. 24 THE WITNESS: Yes. 25 ///	Page 305 1 am going to instruct him not to answer. 2 MR. RENZULLI: Okay. So anything that he 3 put here in response, you're going to tell him -- 4 MR. TOMASEVIC: The content of his 5 response to Exhibit 14 is privileged, and I would 6 instruct him not to answer that question. 7 MR. RENZULLI: Okay. Great. Now that I 8 know, you saved me some time. 9 Q Anything else about the attorney 10 advertisement, how you first saw it, that you can 11 share with me, or have you told me everything that 12 you know about your interactions with the attorney 13 advertisement, other than what you put in there? 14 MR. TOMASEVIC: Objection. Vague and 15 compound. 16 THE WITNESS: I think I've told you 17 everything. 18 BY MR. RENZULLI: 19 Q All right. I think we talked about this 20 earlier. You didn't bring your firearms here today, 21 right? 22 A I did not. 23 MR. RENZULLI: Okay. So I just want to 24 take a picture -- I have a picture. I just want to 25 identify it for the record. I would have done this

Page 306 1 and talked to you about the firearm in person, but 2 since you didn't bring it, I'm just going to do some 3 quick pictures here. 4 Okay. Let me first show this to counsel, 5 all right, even before we mark it. Take a look. 6 MR. TOMASEVIC: You've handed me six total 7 pages. The first is some kind of cover page with a 8 control number FBS485 and then a series of five 9 photos of firearms and related stuff. 10 MR. RENZULLI: Let's mark this for the 11 record. 12 (Exhibit 15 was marked for identification 13 and is attached hereto.) 14 BY MR. RENZULLI: 15 Q Just take a quick -- did you look over 16 your counsel's shoulder? 17 A I did not. 18 Q Okay. Take a look. 19 Do you know what those pictures are of? 20 A Two Glock handguns. 21 Q Two Glock handguns? 22 A I believe. No, one Glock handgun. I'm 23 sorry. 24 Q Is that your Glock handgun? 25 A Possibly.	Page 308 1 question. 2 BY MR. RENZULLI: 3 Q Does that show a Glock handgun? 4 A It does appear to be a Glock handgun. 5 Q Does it look like yours? 6 A It does look like mine. 7 Q Next page, same thing, another picture of 8 a Glock handgun? 9 A This does appear to be a picture of a 10 Glock handgun. 11 Q Does it appear to be yours? 12 A It looks like mine. 13 Q Okay. Next page. 14 I just don't have it in front of me. 15 That's why I'm making you flip through it. 16 What is that? 17 A This looks like the barrel of a Glock 18 handgun. 19 Q Have you seen that -- have you seen the 20 barrel of your Glock handgun before? 21 A Yes, I have. 22 Q Many, many times, correct? 23 A Yes. 24 Q Every time you cleaned it? 25 A Yes.
Page 307 1 Q Okay. How would you determine if it's 2 yours? 3 Counsel said there was a control number on 4 the front. Is that the serial number for the first 5 Glock pistol that you purchased? 6 A I don't know how to answer that question 7 without seeing some documentation that I have with 8 the number on it. 9 Q Okay. So you don't know the serial number 10 of your firearm? 11 A I do not keep up with the serial number of 12 firearms. 13 Q I also see -- so the second page, is that 14 the carrying case that you have for your first Glock 15 pistol? Does it look like it? 16 A It looks like this type of carrying case. 17 Q Right. Okay. 18 Next page, what do you see on that? 19 A I see a Glock handgun. 20 Q Does it look like yours? 21 A It does look like mine. 22 Q Turn the page. Same? 23 MR. TOMASEVIC: Same what? Is that a 24 question? 25 There's no question pending. Wait for a	Page 309 1 MR. RENZULLI: All right. Thanks. 2 I'm going to ask you similar questions 3 with regard to another one. You can answer the same 4 way if you'd like, or maybe differently. 5 That's the serial number on the front, 6 Counsel, just FYI? 7 MR. TOMASEVIC: What counsel just handed 8 me is five total pages. The first page says 9 "YWK822," then there's a series of photos of what 10 appear to be firearms and related materials. 11 MR. RENZULLI: Just so you know, I'm going 12 to ask you the same type of questions. 13 (Exhibit 16 was marked for identification 14 and is attached hereto.) 15 BY MR. RENZULLI: 16 Q Does that appear -- do you know the serial 17 number of your second Glock -- 18 A I do not know. 19 Q You do not? 20 Okay. So let's turn the page. It looks 21 like there's certain pieces of the boxes of 22 ammunition in there. Is that what that is? 23 A It looks to be, yes. 24 Q What type of ammunition is that? 25 A Winchester, Hornady, and Magtech.

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1 Q We talked about Winchester a little bit
2 today?
3 A Yes.
4 Q We talked about Hornady today?
5 A Yes.
6 Q Magtech, did we talk about that?
7 A We did not.
8 Q Do you use Magtech?
9 A I do.
10 Q You do?
11 A I do.
12 Q Okay. Because you didn't mention that
13 earlier.
14 A I didn't think about that one.
15 Q You didn't think about it.
16 Are there any others now that you sit
17 here -- we've been going on for quite some time --
18 any other ammo, factory ammunition that you recall
19 that you --
20 A Not that I can recall.
21 Q Where did that -- where did those box tops
22 come from? Do you know? Are those yours?
23 A I believe them to be off of my ammunition
24 box.
25 Q Did you take them off?

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1 A I believe so.
2 Q Why would you take the tops off of the
3 ammunition boxes?
4 A So I could show what kind of ammo I was
5 using.
6 Q Who were you showing?
7 A I was sending it to my attorneys.
8 Q I gotcha.
9 Do you know what kind of bullets are used
10 in those three brands?
11 A .45 caliber.
12 Q FMJ?
13 A I believe so.
14 Q Okay. Can you turn the page?
15 Once again, looks like a Glock firearm.
16 Could be yours, but you don't know?
17 A Not for sure.
18 Q Okay. Keep turning.
19 What do you see there, last page?
20 A Barrel.
21 Q Barrel? Okay.
22 Can I see that stack again, please?
23 How long after you saw this advertisement
24 did you send in the portion on the right? Was it
25 the same day?

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1 A Possibly.
2 Q Possibly? Can you be any more --
3 A I can't.
4 Q Not a problem.
5 Have you ever owned, purchased, or fired
6 any Glock .40 caliber pistols?
7 A I don't believe so.
8 Q Have you ever owned, purchased, or fired
9 any Glock 10-millimeter pistols?
10 A I don't believe so.
11 Q And I think we talked earlier about a .45
12 gap, and you weren't sure what that was, right?
13 A Correct.
14 Q Do you know any of the specifications for
15 any of those guns that you just said, the
16 10-millimeter, the .40?
17 A I do not.
18 Q Do you know any of the specifications for
19 the .45?
20 A I do not.
21 Q Gotcha.
22 Never saw any design drawings or anything
23 like that?
24 A I did not.
25 Q Have you ever returned a -- any products

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1 for a warranty?
2 A I'm sure I have, but I can't tell you
3 which ones.
4 Q So it's possible?
5 A It's possible.
6 Q Do you think that warranties are too
7 restrictive?
8 MR. TOMASEVIC: Objection. Vague,
9 incomplete hypothetical.
10 THE WITNESS: I don't know. Different
11 warranties have different things on them.
12 BY MR. RENZULLI:
13 Q Do you agree that warranties should be
14 voided due to product misuse?
15 MR. TOMASEVIC: Same objections.
16 THE WITNESS: I'm not an attorney.
17 BY MR. RENZULLI:
18 Q You're not an attorney. So you have no
19 opinion on it?
20 A My opinion would be just a layman's
21 opinion.
22 Q But what's your layman's opinion? Do you
23 think that warranties should be voided due to
24 product misuse?
25 MR. TOMASEVIC: Objection. Vague, calls

Page 314 1 for a legal conclusion and speculation. 2 THE WITNESS: I would have to see the 3 warranty and understand the situation. 4 BY MR. RENZULLI: 5 Q Well, you've got -- Glock has warranties, 6 right? We talked about it today, right? Do you 7 remember we talked about that? 8 A That's correct. 9 Q And the issue I think you and I talked 10 about was the fact that Glock doesn't honor 11 warranties if people are using reloaded, 12 remanufactured ammunition. 13 A Correct. 14 Q Do you think that that's too restrictive? 15 MR. TOMASEVIC: Objection. Vague, 16 incomplete hypothetical, calls for speculation, 17 expert opinion, asked and answered. 18 THE WITNESS: I don't know. 19 BY MR. RENZULLI: 20 Q You don't know? 21 Do you think people are always truthful 22 when they return a product to a manufacturer if they 23 misused the product? 24 MR. TOMASEVIC: Same objection. 25 THE WITNESS: I do not know all people. I	Page 316 1 wrongfully hit them or something of that nature? 2 A Correct. 3 Q Okay. Is there some -- some thought in 4 your mind that maybe there are more, or -- by the 5 way you said it, I'm just trying to follow up. 6 A I don't believe so. 7 Q You don't believe so. 8 And how long ago was that lawsuit against 9 you? 10 A Before COVID. 11 Q Before COVID? 12 A Before COVID. 13 Q There's a lot before COVID. Like close to 14 COVID? 15 MR. TOMASEVIC: It almost seems like there 16 was nothing before COVID. 17 MR. RENZULLI: Yeah, really. 18 THE WITNESS: It was while I lived in 19 Alameda at my current address. 20 BY MR. RENZULLI: 21 Q So that was a lawsuit. How did that end? 22 A The insurance company paid them some 23 money. 24 Q So it settled? 25 A Yes.
Page 315 1 can't answer that question. 2 BY MR. RENZULLI: 3 Q Do you think perhaps some people may not 4 be truthful if they want to have warranty work but 5 they misused the product? 6 MR. TOMASEVIC: Same objections. 7 THE WITNESS: It's a possibility. 8 BY MR. RENZULLI: 9 Q Possibility. 10 MR. TOMASEVIC: Is this your page 2 now? 11 MR. RENZULLI: Touche. Touche. 12 Q Have you ever been arrested, sir? 13 A No. 14 Q Anyone -- do you have any lawsuits -- did 15 you ever have any lawsuits against you? 16 We talked about the ones you brought, but 17 I don't think we talked about ones that may have 18 been brought against you. 19 A I believe so. 20 Q There have been? 21 A Yes. 22 Q How many times have people sued you? 23 A The only one I can think of is a car 24 accident. 25 Q Okay. And they -- what, they said you	Page 317 1 Q Was your deposition taken in that one? 2 A No. 3 Q Like this, like we're doing here? 4 A No. 5 Q No? Okay. 6 What's your understanding of what a class 7 action is? 8 A To my understanding, it's a lawsuit 9 brought against mainly companies or corporations, 10 and it covers people who have been wronged in some 11 way by those corporations or companies, and it's a 12 large group of people. 13 Q Did you do any research about class 14 actions before you decided to pursue this one? 15 A I did not. 16 Q Okay. Have you done any research on class 17 actions since you decided to pursue this one? 18 MR. TOMASEVIC: Objection. Vague. 19 THE WITNESS: I did not. 20 BY MR. RENZULLI: 21 Q Have you ever been involved in a class 22 action before? 23 MR. TOMASEVIC: Objection. Vague. 24 THE WITNESS: Yes. 25 ///

Page 318 1 BY MR. RENZULLI: 2 Q You've been involved in a class action 3 before this? 4 A Yes. 5 Q Tell me about that. 6 A It was a product class action, I believe, 7 for computer screens. 8 Q Okay. And what was your role? 9 A I was just part of the myriad of people 10 who bought these computer screens. 11 Q Gotcha. 12 And did you get a payout in that? 13 A I did. 14 Q How much did you get? 15 A Maybe a couple hundred dollars. 16 Q And how long ago was that? 17 A Before COVID. 18 Q Seriously, how long ago? 19 A It's -- I couldn't -- like I said, it's 20 before COVID. Maybe five years ago, maybe. 21 Q Maybe five years ago. 22 Any other class actions that you've been 23 involved in? 24 A Yes. 25 Q Tell me about them.	Page 320 1 conferring with my attorneys and following their 2 advice and doing what I'm doing here. 3 Q And have you been truthful here today? 4 A I have. 5 Q Sure. 6 Do you have any responsibilities as a 7 class representative? 8 MR. TOMASEVIC: Objection. Vague. 9 BY MR. RENZULLI: 10 Q Any types of responsibilities that you 11 know of? 12 A Yes. 13 Q What are those responsibilities? 14 A Provide what is asked from me from any 15 attorneys, to be present at things like what's 16 happening here. 17 Q Do you think you're entitled to some 18 money? 19 A Sir, I think I'm entitled to whatever it 20 is the court decides. 21 Q Much like the four or five others that you 22 were involved in? 23 A Yes. The court decided something, and 24 that's what we got. 25 Q But do you personally think you're
Page 319 1 A Just products. 2 Q So how many? 3 A Three, four. 4 Q Three, four? 5 Can you tell me what those products were? 6 A I can't recall. 7 Q Did you get paid on all four of them? 8 A Yes. 9 Q So you got money on each one? 10 A Yes. 11 Q In any of them, were you a representative 12 plaintiff? 13 A No. 14 Q Do you know what a representative 15 plaintiff is? 16 A I believe that's who I am at this point. 17 Q What does that mean? 18 A It means I am the face of all of these 19 people who feel that they have been wronged by this 20 corporation. 21 Q And do you owe a duty to these people? 22 A Yes, I do. 23 Q What is that duty? 24 A It is to come in here and represent myself 25 in a truthful manner and do the best that I can in	Page 321 1 entitled to it? Not what the court thinks, you. Do 2 you think you're entitled to get paid? 3 MR. TOMASEVIC: Objection. Asked and 4 answered, vague. 5 THE WITNESS: As I said, I think I'm 6 entitled to get whatever the court decides that the 7 court is going to do. 8 MR. RENZULLI: Okay. All right. I'm 9 pretty much done, I think. I want to take a quick 10 look, see if I have anything, and then we're down. 11 MR. TOMASEVIC: Please take your time. 12 THE VIDEO OPERATOR: Off the record? 13 MR. RENZULLI: I'm sorry. Yes. Off the 14 record. 15 THE VIDEO OPERATOR: I'm going to switch 16 media. 17 This marks the end of Media No. 6 in the 18 deposition of Steven Johnson. The time is 5:29 p.m. 19 We're off the record. 20 (Recess, 5:29 p.m. - 5:41 p.m.) 21 THE VIDEO OPERATOR: This marks the 22 beginning of Media No. 7 in the deposition of Steven 23 Johnson. The time is 5:41 p.m. We're on the 24 record. 25 ///

Page 322 1 BY MR. RENZULLI: 2 Q When we were talking about the other -- 3 the other class actions that you were involved in, 4 how did you find out about them? Was that the same, 5 you got it from the internet? 6 A Correct. 7 Q In your mind, what is the value of a spent 8 cartridge case, a cartridge case that has already 9 been fired through a gun? What is the value of 10 that -- that component? 11 MR. TOMASEVIC: Objection. Vague. 12 Objection to the extent it calls for speculation or 13 expert opinion. 14 THE WITNESS: For me, it has no value. 15 BY MR. RENZULLI: 16 Q Okay. Do you know what a proof load is? 17 A I do not. 18 Q If I asked you a question about how much 19 pressure a semi-automatic pistol should be able to 20 withstand, could you provide a response to that? 21 A I'm not an engineer. 22 Q When you were on the internet, did you 23 ever see any other firearms, not Glocks, that were 24 blown up for whatever reason? 25 A I did not.	Page 324 1 order? 2 MR. TOMASEVIC: Not at this time. 3 THE VIDEO OPERATOR: Thank you. I'll 4 conclude. 5 This concludes today's deposition of 6 Steven Johnson. The number of media used was seven. 7 The time is 5:43 p.m. We're off the record. 8 (TIME NOTED: 5:43 p.m.) 9 --o0o-- 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 323 1 Q Okay. I know a lot of your answers today 2 was "It's possible," right? 3 A That's correct. 4 Q That's correct. 5 Isn't it -- isn't it also possible that 6 all this claim of defect in Glock pistols is wrong 7 and those failures occurred for other reasons? 8 MR. TOMASEVIC: Objection. Vague, 9 argumentative. 10 THE WITNESS: I have no idea. 11 MR. RENZULLI: I appreciate your time 12 today. Thank you. 13 MR. TOMASEVIC: For the record, we'll read 14 and sign. 15 THE REPORTER: And a copy for you, 16 Counsel? 17 MR. TOMASEVIC: Yes. 18 THE REPORTER: Thanks. 19 THE VIDEO OPERATOR: May I conclude? 20 MR. RENZULLI: Sure. 21 MR. TOMASEVIC: I have nothing. Thank 22 you. 23 THE VIDEO OPERATOR: Nothing for you? 24 MR. TOMASEVIC: Yes. 25 THE VIDEO OPERATOR: Did you need a video	Page 325 1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby 3 certify: 4 That the foregoing proceedings were taken 5 before me at the time and place herein set forth; 6 that any witnesses in the foregoing proceedings, 7 prior to testifying, were administered an oath; that 8 a record of the proceedings was made by me using 9 machine shorthand which was thereafter transcribed 10 under my direction; that the foregoing transcript is 11 a true record of the testimony given. 12 Further, that if the foregoing pertains to 13 the original transcript of a deposition in a Federal 14 Case, before completion of the proceedings, review 15 of the transcript [x] was [] was not requested. 16 I further certify I am neither financially 17 interested in the action nor a relative or employee 18 of any attorney or any party to this action. 19 IN WITNESS WHEREOF, I have this date 20 subscribed my name. 21 22 Dated: Septem 23 <u>Carla Soares</u> 24 25 CARLA SOARES CSR No. 5908

Page 326 1 ALEX TOMASEVIC 2 atomasevic@nicholaslaw.org 3 September 21, 2023 4 RE: Johnson, Steven C., Et Al. v. Glock, Inc., Et Al. 5 9/7/2023, Steven C. Johnson (#6083250) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-ny@veritext.com. 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25	Page 328 1 2 3 4 5 6 7 8 I, STEVEN C. JOHNSON, do hereby declare 9 under penalty of perjury that I have read the 10 foregoing transcript; that I have made any 11 corrections as appear noted, in ink, initialed by 12 me, or attached hereto; that my testimony as 13 contained herein, as corrected, is true and correct. 14 EXECUTED this _____ day of _____, 15 2023, at _____, 16 (City) (State) 17 18 19 _____ 20 STEVEN C. JOHNSON 21 22 23 24 25
Page 327 1 Johnson, Steven C., Et Al. v. Glock, Inc., Et Al. 2 Steven C. Johnson (#6083250) 3 E R R A T A S H E E T 4 PAGE _____ LINE _____ CHANGE _____ 5 _____ 6 REASON _____ 7 PAGE _____ LINE _____ CHANGE _____ 8 _____ 9 REASON _____ 10 PAGE _____ LINE _____ CHANGE _____ 11 _____ 12 REASON _____ 13 PAGE _____ LINE _____ CHANGE _____ 14 _____ 15 REASON _____ 16 PAGE _____ LINE _____ CHANGE _____ 17 _____ 18 REASON _____ 19 PAGE _____ LINE _____ CHANGE _____ 20 _____ 21 REASON _____ 22 _____ 23 _____ 24 Steven C. Johnson Date _____ 25	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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Case Number: FE14-3107

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Grosso 001320
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Expert Report of David Bosch in *Johnson v. Glock, Inc.*

BAC
A FORENSIC ENGINEERING FIRM

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FORENSIC ENGINEER

Johnson v. Glock, Inc.
Case Number: BAC22-2012

Engineering Investigation Report and Declaration
October 12, 2023

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Bosch Comparison of Glock 9mm Pistols in *Grosso v. Glock, Inc.*

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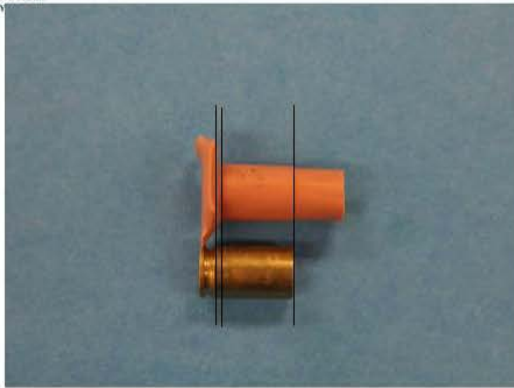


Figure 6-7. Glock 17, 9 mm – **Very Small** Unsupported Case Wall Area



Figure 6-8. Glock 34, 9 mm – **Very Small** Unsupported Case Wall Area

Bosch Comparison of Glock 9mm Pistols in *Johnson v. Glock, Inc.*

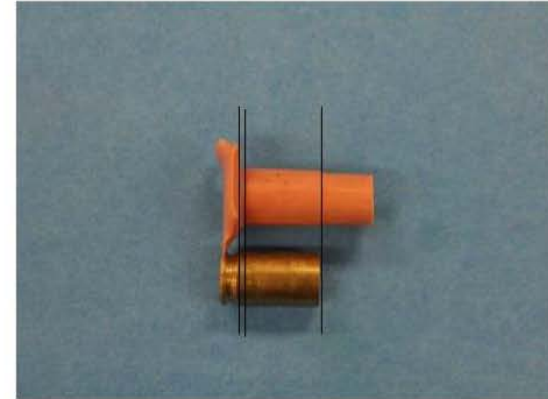


Figure 8-7. Glock 17 9 mm – Unsupported Case Wall Area

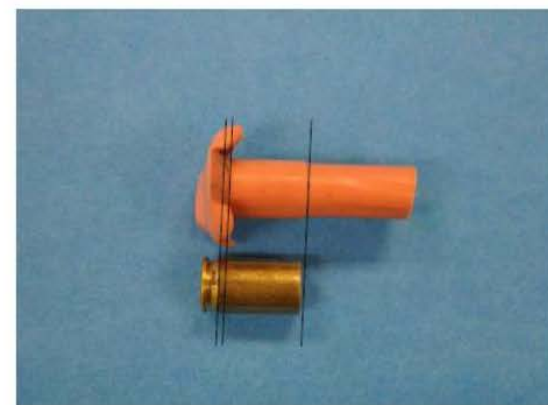


Figure 8-8. Glock 34 9 mm – Unsupported Case Wall Area

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- Figure 6-5 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P220 SAS .45 ACP pistol.
- 6.9 Figure 6-6 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P220R Combat .45 ACP pistol.
- 6.10 Figure 6-7 shows the **small** overlap between the chamber wall and the feed ramp that creates a **very small** unsupported case wall area for the Glock 17, 9 mm pistol.
- 6.11 Figure 6-8 shows the **small** overlap between the chamber wall and the feed ramp that creates a **very small** unsupported case wall area for the Glock 34, 9 mm pistol.
- 6.12 Figure 6-9 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P229, 9 mm pistol.
- 6.13 Figure 6-10 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P239, 9 mm pistol.
- 6.14 Figure 6-11 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer Springfield Armory X, 9 mm pistol.
- 6.15 Figure 6-12 contains an image of a metal scale that can be used to obtain direct measurements from Figures 6-3 through 6-11.

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Bosch Comparison of Glock 9mm Pistols in *Johnson v. Glock, Inc.*

- 8.8 Figure 6-5 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P220 SAS .45 ACP pistol.
- 8.9 Figure 6-6 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P220R Combat .45 ACP pistol.
- 8.10 Figure 6-7 shows the overlap between the chamber wall and the feed ramp that creates an unsupported case wall area for the Glock 17, 9 mm pistol.
- 8.11 Figure 6-8 shows the overlap between the chamber wall and the feed ramp that creates an unsupported case wall area for the Glock 34, 9 mm pistol.
- 8.12 Figure 6-9 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P229, 9 mm pistol.
- 8.13 Figure 6-10 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer P239, 9 mm pistol.
- 8.14 Figure 6-11 shows the small overlap between the chamber wall and the feed ramp that creates a very small unsupported case wall area for the Sig Sauer Springfield Armory X, 9 mm pistol.
- 8.15 Figure 6-12 contains an image of a metal scale that can be used to obtain direct measurements from Figures 8-3 through 8-11.

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Bosch Conclusions on Glock 9mm Pistols in *Grosso v. Glock, Inc.*

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- 10.1 The Glock 41 .45 ACP chamber design included a portion of the feed ramp within the chamber wall.
- 10.2 Because the feed ramp is integrated with part of the chamber wall at the 6 o'clock position, an area of the chamber wall at that position is not available to properly support the cartridge case wall.
- 10.3 The Glock 41 chamber design is defectively designed because it allows the cartridge case to be overstressed and in some cases the case catastrophically fails.
- 10.4 The Glock 41 chamber design is unreasonably dangerous because its lack of proper cartridge case support allows the cartridge case to be overstressed leading to catastrophic failure.
- 10.5 If the Glock 41 chamber design was like the chamber designs used by Glock for its 9 mm and .357 Sig pistols, the subject pistol would not have failed and Mr. Grosso would not have been seriously and permanently injured.
- 10.6 Glock, Inc. was obligated by the well-known, recognized and established safe product engineering design hierarchy to remove the unsupported chamber by competent engineering design rather relying on its legal department to create ineffective, unread warnings for inclusion in its owner's manual.
- 10.7 It is a known fact that product users more often than not do not read product manuals.
- 10.8 Glock, Inc. knew or should have known that product users more often than not do not read product manuals.
- 10.9 All if not most handguns (firearms for that matter) include ammunition warnings. In most cases, the warnings are likely the result of past or expected litigation (CYA) rather than an inherent defect like that of the Glock 41 .45 ACP pistol.
- 10.10 Glock, Inc. clearly chose to prioritize reliability over safety when it designed the chamber/feed ramp of its Glock 41 pistol.
- 10.11 The reason that Glock, Inc. failed to design its Glock 41 pistol so that it could be both reliable and safe even though its competitors were able to do so is unknown.

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Bosch Conclusions on Glock 9mm Pistols in *Johnson v. Glock, Inc.*

- 16.9 Glock's "special safety valve" is a "defect" that impacts its customer's safety.
- 16.10 Glock has clearly known of this defect and its consequences for at least two decades.
- 16.11 The discovery documents show that Glock's "special safety valve" has been the cause of many injuries, and the source of litigation against the company for decades.
- 16.12 This report shows that there are safer alternative designs that do not utilize Glock's "special safety valve."
- 16.13 The Glock "special safety valve" design is a hidden defect that is not apparent to the average consumer.
- 16.14 The discovery shows that Glock has continuously and intentionally concealed the "special safety valve" design from the public which runs afoul of the expectations of the industry and the consumer.
- 16.15 Rather than fixing or warning about its "special safety valve", Glock has used legal mechanisms like confidentiality agreements and protective orders to further prevent the public from learning of its defect.
- 16.16 The discovery shows that Glock has admitted that the lack of case support was/is an intentional design feature which it refers to as a "special safety valve".
- 16.17 Because the feed ramp is integrated with part of the chamber wall at the 6 o'clock position, an area of the chamber wall at that position is not available to properly support the cartridge case wall as in all other known competitors' pistols, it is paramount that Glock warn the users of its products regarding its "special safety valve."
- 16.18 Apart from the Glock 44 (22 LR), Glock pistol chamber designs include an excessive portion of the feed ramp within the chamber wall that was not observed in any of the exemplar competitors' pistols.
- 16.19 The case deformation caused by Glock's lack of chamber/case support of the subject and exemplar Glock pistols is generally greater and circumferentially less uniform than that of Glock's competitors' pistols.
- 16.20 The "special safety valve" is known to allow the case to explode when the user is shooting reputable factory ammunition.

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EXHIBIT S

1. I, J. Andrew Petersen, declare that I am an Associate Professor of Marketing and Faculty Director of the Master's in Marketing Analytics and Insights (MMAI) at the Smeal College of Business at the Pennsylvania State University and Associate Director of the Institute for the Study of Business Markets (ISBM).

I. Qualifications

2. I have a BA with Honors in Economics and a minor in Computer Science from the University of North Carolina at Chapel Hill. I have a Ph.D. in Business Administration with a concentration in Marketing from the University of Connecticut.

3. My ongoing research and scholarly publications focus on substantive and methodological issues in the field of Marketing. I have co-authored numerous articles in premier academic and practitioner marketing journals including, but not limited to, the *Journal of Marketing*, *Journal of Marketing Research*, *International Journal of Research in Marketing*, *Journal of the Academy of Marketing Science*, *Harvard Business Review*, and *MIT Sloan Management Review*. I have co-authored two textbooks, both which focus on applications of quantitative methods in Marketing. The two textbooks are: *Statistical Methods in Customer Relationship Management* (Wiley, 2012) and *Marketing Analytics: Based on First Principles* (Bloomsburg Publishing, 2022). Many of my publications and textbooks have received some of the highest honors and awards in the field and have to date been cited over 4,400 times.

4. In both textbooks, my co-authors and I focus the content within each chapter on how to utilize data with statistical and econometric methods to solve marketing problems. To do this, we proposed the following 5-step approach to effectively implement a data-driven marketing strategy:

(1) Identifying the relevant marketing question(s).

- (2) Identifying, collecting, and managing the relevant marketing data.
- (3) Identifying and estimating the correct statistical and/or econometric models.
- (4) Interpreting the results and generating the appropriate marketing insights.
- (5) Making recommendation(s) based on the insights from the analysis that can be implemented for the specific business context.

5. In these textbooks, we cover a wide range of common and advanced statistical and econometric techniques highly applicable to marketing contexts including, but not limited to:

- (1) Regression models (e.g., ordinary least squares regression models, binary logistic and probit regression models, multinomial logistic regression models, Tobit regression models, vector autoregression (VAR) models)
- (2) Survival or hazard models (e.g., discrete-time hazard models, proportional hazards models, accelerated failure time models)
- (3) Count models (e.g., Poisson regressions, negative binomial regressions)
- (4) Forecasting models (e.g., Bass diffusion model)
- (5) Unsupervised machine learning and data processing methods (e.g., cluster analysis, discriminant analysis, factor analysis)
- (6) Supervised machine learning methods (e.g., structural topic modeling)
- (7) Data visualization techniques (e.g., perceptual mapping, preference mapping, word clouds)
- (8) Applied marketing analytics techniques (e.g., conjoint analysis for product design and pricing decisions, customer lifetime value (CLV) for measuring and maximizing customer and firm value, A/B testing and propensity score matching (PSM) for designing

and implementing field experiments, marketing mix models (MMM) to optimize the marketing mix, i.e., the 4 Ps – product, price, place, and promotion)

6. I currently teach two courses which utilize these textbooks as the required reading material for their respective classes. One course I currently teach at Penn State University is MKTG 813 – Data-driven Customer Acquisition and Retention. This is a core course in the specialty online master’s program called the Master’s of Marketing Analytics and Insights. I am the faculty director of this master’s program. In this course, I utilize my textbook *Statistical Methods in Customer Relationship Management* and teach students how to be data-driven in their approach to customer relationship management (CRM). This includes substantive topics such as customer acquisition, customer growth and retention, and customer churn and win-back through the customer lifecycle. I also teach them how to use methods and applied marketing analytics techniques such as utilizing regressions to analyze customer transaction data, calculating customer lifetime values for customer selection and optimal resource allocation, and measuring and managing customer marketing metrics to maximize customer and firm value.

7. The second course I currently teach at Penn State University is BA 800 – Marketing Management. This is the core marketing course in the one-year resident MBA program at Penn State University. In this course, I utilize my textbook called *Marketing Analytics: Based on First Principles* and teach students how to be data-driven in their approach to a wide range of marketing challenges and opportunities. This course includes substantive topics which are each directly tied to statistical and econometric methods. These topics each fall under what we refer to as the four principles of marketing:

- (1) All Customers Differ
- (2) All Customers Change

(3) All Competitors React

(4) All Resources are Limited

8. In All Customers Differ, I teach students how to conduct data-driven segmentation, targeting, and positioning (STP). The marketing analytics techniques students learn include cluster analysis for segmentation, discriminant analysis for targeting, and perceptual and preference mapping for positioning. In All Customers Change, I teach students how to conduct heuristic- (recency, frequency, and monetary (RFM) analysis), regression- (logistic regression), and customer lifetime value (CLV)-based customer selection for resource allocation. In All Competitors React, I teach students how to conduct marketing research to create sustainable competitive advantages. The topics and methods include survey design and testing, conjoint analysis for product and pricing decisions, and the Bass diffusion model for new product sales forecasting. In All Resources are Limited, I teach students how to optimize the marketing mix, i.e., the 4Ps of product, price, place, and promotion, using marketing mix models (a class of regression models which enable the researcher to measure elasticities), design and implement A/B testing using field experiments and propensity score matching, and utilize unstructured text data with structural topic models to glean customer insights without the need to utilize traditional marketing research methods, e.g., surveys. These two courses I teach at Penn State prepare students to successfully move up in their organizations and/or transition back to the business world with the capabilities to design and deploy marketing analytics tools and techniques for a variety of businesses across many different industries.

9. In addition to my current teaching which shows students how to leverage marketing analytics to make better business decisions, I also have consulted with many different firms over the previous two decades to help them address quantitative marketing problems. These have

included projects such as a developing a segmentation, targeting, and positioning strategy for a regional consortium of golf courses, developing a search engine optimization algorithm to enhance search engine marketing for a media agency, price setting and execution for a national franchise-based children's soccer program, and measuring and managing customer lifetime value for a \$50 billion+ global hardware, software, and services technology company among many other engagements. Thus, I have significant experience with implementing marketing analytics methods and techniques in business practice.

10. I also serve as an Area Editor for the *Journal of the Academy of Marketing Science* and on the Editorial Review Board for several premier Marketing journals. And I have advised and been a committee member for several doctoral students who have gone on to receive placements at highly ranked universities in the United States and Europe. As the main or co-advisor, my students have had initial placements at universities such as Brigham Young University (BYU), Oregon State University, Northeastern University, Rennes School of Management (France), and Michigan State University.

11. For additional details of my qualifications, I include a copy of my detailed Curriculum Vitae in **Appendix A** which is attached to this report.

12. In this document, my opinions are based on my extensive experience and training in the topics of Marketing, Economics, Econometrics, and Statistics. My time as an expert is being compensated at \$600 per hour. My compensation is not contingent upon my opinions or the outcome of this litigation.

II. Engagement

13. I provide my opinions in connection with the case Johnson v. Glock, Inc. et al (Case #: 3:30-cv-08807) with respect to the documents and materials that I was provided regarding this

case. The specific materials I relied upon in writing this report are cited within my report and provided as a list in **Appendix B** which is attached to this document.

14. I was asked to provide my expert opinion as it relates to the economic- and marketing-related issues of the case. This includes, but is not limited to, the proposed methodology (proposed conjoint analysis) for measuring the potential overpayment (see **Section III**), the proposed methodology for calculating the overall estimation of damages (see **Section IV**), and the marketing decision by Glock to not advertise the safety feature in its marketing collateral focused toward consumers (see **Section V**).

III. Proposed Conjoint Analysis

a. Appropriateness of conjoint analysis in this context

15. For reference, I start this section by quoting and summarizing from the first section of Chapter 12 from one of the textbooks I co-authored (*Marketing Analytics: Based on First Principles*) called, “Conjoint Analysis for Product and Pricing Decisions.”

16. Conjoint analysis is a multivariate method developed by marketing researchers to assess consumer preferences for a set of predetermined product attribute combinations that represent potential products or services. Conjoint analysis is based on customer feedback, i.e., survey responses or choices, on a select number of products, often called product bundles, that are each designed around the same attributes with different levels of those attributes. Market researchers can use regression analyses (linear regression models in the case of ratings- or rankings-based survey designs and binary or multinomial logistic regression models in the case of choice-based survey designs) to decompose these product bundles such that the utility, often referred to as the value or part-worth, consumers assign to the various levels of each of the product attributes can

be derived. This makes conjoint analysis one of the most used marketing research and analytics techniques (from pages 253 – 255 of the textbook).

17. In the textbook, we provide examples where conjoint analysis has been appropriately applied to marketing research and legal disputes. For example, we describe one of the first successful examples of how conjoint analysis was applied in a marketing context in the real world. Specifically, in the mid-1980s conjoint analysis was used by Marriott to help design its “Courtyard by Marriott” hotel chain. This was the first hotel chain to focus its property design features and amenities toward business travelers.¹ To conduct the conjoint analysis, market researchers hired by Marriott asked business travelers to evaluate different hotel product bundles which included attributes such as external factors (building shape, landscape design, pool type, and location), rooms (room size, room décor, type of heating and cooling, location, and type of bathroom), food-related services (type and location of restaurant, room service, vending), lounge facilities (location, atmosphere), and price (different price points). To note, all the attributes and levels listed here are attributes and levels of hotels which are familiar to regular business travelers who stay in hotels. Marriott used the feedback from these business travelers to design and set prices for the new Courtyard by Marriott hotel chain. As a result of this conjoint analysis, the Courtyard by Marriott hotel chain quickly grew from 175 hotels in 1988 to 300 hotels in 1994 and now over 1,200 hotels in over 56 countries (from page 255 of the textbook).

18. We also describe how conjoint analysis has been utilized appropriately in legal disputes. In this example, we summarize the use of conjoint analysis in two patent infringement lawsuits between Apple, Inc. and Samsung Electronics Co., Ltd.² These cases focused on the patents

¹ Wind, J., Green, P. E., Shifflet, D., & Scarbrough, M. (1989). Courtyard by Marriott: Designing a hotel facility with consumer-based marketing models. *Interfaces*, 19(1), 25-47.

² *Apple Inc. v. Samsung Electronics Co., Ltd.*, Case No.: 11-CV-01846-LHK and *Apple Inc. v. Samsung Electronics Co., Ltd.*, Case No.: 12-CV-00630-LHK

related to designs of smartphones and tablet computers by Apple and Samsung. In this case, the expert³ conducted two conjoint analysis surveys – one for the smartphone and one for the tablet. Each survey focused specifically on the patents targeted in the lawsuits and these patents were for specific features found in the focal and competing smartphones and tablets. For example, for the smartphone survey, the expert included the following features (each with multiple levels): (1) capabilities of the touchscreen, (2) size and weight, (3) camera, (4) storage, (5) connectivity, (6) number of apps, and (7) price. To note, these are all attributes and levels that were found on Apple and Samsung smartphones at the times of the two legal disputes, i.e., consumers were familiar with these features, and played a role in consumer purchase decisions for smartphones. For the smartphone survey, the expert was able to survey recent purchasers of smartphones and utilize their feedback to estimate the part-worth values of the patented features at the focus of the litigation. Then, the expert estimated the total damages by multiplying the part-worths of the patented features from the conjoint survey with the estimated number of users who would have likely purchased the Apple smartphone (instead of the Samsung smartphone) if that focal patented feature was removed from the Samsung smartphone (from page 256 of the textbook).

19. These two Apple v. Samsung cases are an example of how conjoint analysis can be appropriately used in patent infringement cases. Many patent infringement cases involve a focal product (in the above example: Apple) with a set of attributes and a competing product (in the above example: Samsung) with at least one overlapping attribute with the focal product which is covered by a patent. In these cases, the sales of the competing product are at least partially driven by the presence of the overlapping attribute in the focal and competing products covered by the

³ The expert Apple hired in this case was Dr. John R. Hauser who is the Kirin Professor of Marketing at the MIT Sloan School of Management at the Massachusetts Institute of Technology (MIT). He is also a co-founder and consultant for Applied Marketing Science (AMS).

patent. When this is the case, a properly designed conjoint analysis can be one of a few useful techniques for uncovering the portion (or part-worth) of the total sales amount of the competing product which can be attributed to the patented attribute of the focal product. This is because the focal attribute which is covered by the patent directly affected the purchase decisions of consumers in the marketplace. Thus, when it is presented to consumers in a set of conjoint analysis product profiles, it will more closely represent real world purchase decisions and the market researcher will be able to measure the tradeoffs consumers are making more accurately when deciding on which product to purchase. The portion of the purchase decision, or part-worth, can then be factored into the equation for calculating the economic damages the focal product suffered from sales of the competing product with the copied patented attribute.

20. While conjoint analysis has been used relatively extensively in legal decisions, it was not originally designed to quantify damages in litigation. It was designed by marketing researchers to optimize marketing decisions related to new product design and pricing strategies (like in the Courtyard by Marriott example). This raises the question of which contexts conjoint analysis is an appropriate or inappropriate method for quantifying damages in litigation.

21. As noted in the Apple v. Samsung cases example, the issue at hand was whether and how much a patented attribute that was used by a competing manufacturer (Samsung) in their smartphones and tablets impacted consumer purchase decisions in the marketplace. The key issue at hand in Johnson v. Glock, Inc. et al (Case #: 3:30-cv-08807) is that a level of the focal product attribute (Chamber Support, specifically an unsupported chamber) was not a driver of consumer purchase behavior in the marketplace as it was not a feature consumers observed or relied upon when they purchased a handgun in the past. This raises several issues rendering the

proposed conjoint analysis unreliable to accurately measure a consumer's willingness-to-pay for a feature.

22. First, the proposed conjoint analysis methodology is introducing an attribute (Chamber Support) which was not a factor when consumers purchased a handgun, Glock or otherwise, in the past. Thus, the presence of this attribute in the proposed conjoint analysis is likely to cause significant biases in the survey results (see **Section III.b** *Selection of attributes* for a detailed discussion).

23. Second, the focal attribute is only given two levels which include the presence or absence of chamber support, where the description of an unsupported chamber is one that can unexpectedly explode in your hand. A handgun can malfunction regardless of chamber support as noted by the inclusion of other attributes in the proposed conjoint study (e.g., Double Fire Susceptibility). And these two levels for Chamber Support give no reference to survey respondents as to the expected frequency of handgun malfunctions (see **Section III.c** *Selection of levels* for a detailed discussion).

24. Third, the choices of the levels are a challenging issue here as the number of identified class guns is too diverse. This raises the problem that you are likely to provide consumers with choices that they are unlikely to observe in the marketplace and/or are infeasible (see **Section III.d** *Number of class handguns and customer segmentation* for a detailed discussion).

25. Fourth, it is highly likely that any product profile with an unsupported chamber as described in the proposed conjoint analysis will never be chosen by a respondent. This would make the estimation of the choice-based conjoint analysis unreliable as there would be no variation in choice in the presence of the unsupported chamber level in one of the product profile bundles (see **Section III.e** *Estimation method* for a detailed discussion).

26. Fifth, the design of the proposed conjoint analysis creates several supply-side concerns which cannot be addressed merely by holding past prices and sales constant. As a result, total handgun sales in the presence of an omitted attribute would lead to different price setting and product supply decisions by manufacturers. This means retail prices for handguns and total handgun sales would not have been the same in the but-for world with the missing attribute (see **Section III.f** *Supply-side issues* for a detailed discussion).

27. Finally, any results derived from a conjoint analysis would have to be supported by evidence of actual events in the past. For instance, the plaintiffs have provided an example of announcements of malfunctioning Glock handguns (e.g., see **Exhibit GG** for a press release example). If this chamber support attribute in the proposed conjoint analysis shows a lower willingness to pay for the unsupported chamber level, evidence of actual changes in Glock sales or prices would need to be observed in the marketplace after information of handgun malfunctions appear in the media or online. Otherwise, results from the proposed conjoint analysis would lack external validity (see **Section III.g** *External validity* for a detailed discussion).

28. This makes the use of conjoint analysis in the context of this case inappropriate, and the results of any conjoint analysis would be unreliable in calculating damages to any individual consumer or the proposed class based on the Chamber Support attribute.

b. Selection of attributes

29. The selection of attributes is the first and one of the most critical steps⁴ in the design of a conjoint analysis study. The attributes need to be salient attributes involved in the choice of an alternative by most of the target customers, i.e., relevant.

⁴ Rao, Vithala R. (2014). *Applied conjoint analysis*. New York: Springer, pages 43-44.

30. There are several useful methods for selecting attributes in a conjoint analysis study. These can include, but are not limited to, (1) a survey from a representative sample of consumers who have recently purchased or are in the market to purchase the product or service, (2) information from primary (e.g., experts) and secondary (e.g., *Consumer Reports*) external sources which have a depth of knowledge in the industry or category, and (3) information from retailers who sell the product or service.

31. A survey from a representative sample of consumers who have recently purchased or are in the market to purchase the product or service will reveal attributes that had an influence on their searches and the type of information they sought from others while making their decisions. Information from primary and secondary external sources will often reveal the attributes that experts used and believe consumers should use when considering a purchase. Information from retailers who sell the product or service will reveal the types of questions consumers ask or the types of searches consumers do when shopping and/or making purchase decisions.

32. It is imperative that this process of attribute selection is rigorous and deliberate as selecting the wrong attributes can lead to several undesirable outcomes. First, omitting an attribute that is important to consumer decision making will make the attributes which are included in the conjoint analysis study seem more important than they really are in the purchase process. This is referred to as omitted variable bias. Second, including an attribute that is not important to consumer decision making can have two negative effects. It can distract or confuse survey takers by making them feel as if the attribute should be important when they make a purchase decision when in the real world it does not. It can also increase the cognitive burden on survey takers by forcing them to answer more questions in the conjoint analysis survey to account for the additional attribute and level combinations that arise from including irrelevant

attributes. In other words, every time you introduce a new attribute or increase the number of levels of an attribute, it increases the number of questions each survey taker must answer so that the conjoint analysis can obtain statistically significant results. This is because conjoint analysis is based on a factorial design, i.e., the number of possible product profile combinations you can show a consumer is found by multiplying the number of attribute levels of each attribute with each other. For instance, if you had 3 attributes with 5, 4, and 3 levels respectively, you would have $5 \times 4 \times 3$ or 60 possible product profile combinations that you could show the survey taker. Increasing the number of levels of the 3rd attribute in this example from 3 to 4 would result in $5 \times 4 \times 4$ or 80 possible product profile combinations. It is possible from a statistics perspective to show consumers a fraction of the possible product profile combinations, usually at least 10-15% of the total possible product profile combinations, and still recover statistically significant part-worths from the analysis. This is called a fractional factorial design. However, the number of product profile combinations consumers need to evaluate in a fractional factorial design also increases nonlinearly as the number of attributes and levels increase.

33. The proposed conjoint analysis in the Declaration of Steven P. Gaskin (**Exhibit HH** and hereafter “Gaskin Declaration”) notes that:

“To determine the remaining attributes, I consulted the Third Amended Class Action Complaint, used information from Glock’s website pages, reviewed the brand websites and third-party websites of Defendants’ competitors, reviewed retailers websites, and reviewed sales data for Class Guns in order to choose features and prices that would be recognizable to a common audience and would simulate a firearm comparison experience.”

34. The Gaskin Declaration identifies eight attributes that will be used in the proposed conjoint analysis study. I summarize these attributes, their levels, and their sources in the table below.

Table 1. List of Attributes, Levels, and Source(s) from the Gaskin Declaration

<u>Attribute</u>	<u>Levels</u>	<u>Source(s)</u>
Brand	Glock Heckler & Koch SIG Sauer Springfield Smith & Wesson	https://us.glock.com/en https://hk-usa.com/ https://www.sigsauer.com/ https://www.springfield-armory.com/ https://www.smith-wesson.com/
Pistol Sight Capability	Adjustable iron sight capable Optical sight capable	https://www.minutemanreview.com/different-types-of-pistolsights/#:~:text=Like%20with%20long%20guns%2C%20pistols.sights%20(or%20simply%20optics)
Muzzle Devices	Compensator ready Muzzle break ready Flash hider ready	https://lynxdefense.com/muzzle-devicesexplained/#:~:text=Muzzle%20devices%20also%20help%20reduce.at%20each%20one%20in%20turn
Caliber	9mm 10mm .357 Caliber (Sig) .380 Caliber 40 Caliber (S&W) 45 Caliber (ACP or GAP)	https://gunpros.com/pistol-calibers/ https://guns.com Document provided by Counsel: Gun Chart (Glock)
Chamber Support	Unsupported chamber where the pistol may unexpectedly explode in your hand while firing, causing damage to the pistol or injuries, even when used properly. Supported chamber where the pistol will not unexpectedly explode in your hand while firing	Third Amended Class Action Complaint (Filed 06/07/2021)
Double Fire Susceptibility	Susceptible to double fires Not susceptible to double fires	https://www.policemag.com/weapons/news/15336369/springfield-recalls-xd-spistol?page=4 https://www.pbs.org/wgbh/pages/frontline/shows/guns/more/faq.html#:~:text=45..until%20the%20trigger%20is%20released https://firearmtraining.nra.org/ (National Rifle Association (NRA). (n.d.). Firearm Training) https://www.justice.gov/criminal-ccips/firearms-and-ammunition-industry-standards

		(United States Department of Justice. (2018). Firearms and Ammunition Industry Standards.)
Feeding Failures	Prone to feeding failures Not prone to feeding failures	https://aegisacademy.com/blogs/test-blog-post/diagnosing-pistol-malfunctions-part-ifailure-to-feed https://www.nssf.org/gun-safety-and-education/ (National Shooting Sports Foundation (NSSF). (n.d.). Gun Safety and Education.) https://www.justice.gov/criminal-ccips/firearms-and-ammunition-industry-standards (United States Department of Justice. (2018). Firearms and Ammunition Industry Standards.)
Price	\$399.99 \$599.99 \$799.99 \$999.99 \$1,199.99 \$1,399.99	https://bluebookofgunvalues.com/ https://us.glock.com/en https://hk-usa.com/ https://www.sigsauer.com/ https://www.springfield-armory.com/ https://www.smith-wesson.com/

35. The choice of these attributes and their respective sources raises several concerns that will make the results of the survey unreliable in accurately measuring a consumer's willingness to pay. I discuss the problems with the choice of attributes in this section and the selection of levels for these attributes in the following section (**Section III.c**).

36. I obtained data from three sources with respect to identifying attributes that are important when consumers make decisions to purchase a handgun. These sources included: (1) Declaration of Emmanuel Kapelsohn (hereafter "firearm expert's report"), (2) two well-known retail websites that sell handguns: Cabela's⁵ and Guns.com⁶ (hereafter "handgun retailers"), and (3) the

⁵ <https://www.cabelas.com/l/rimfire-pistols> and <https://www.cabelas.com/l/centerfire-pistol>

⁶ <https://www.guns.com/firearms/handguns#all>

Deposition of Steven C. Johnson (**Exhibit JJ** and hereafter “Johnson Deposition”), i.e., the proposed class representative.

37. In the firearm expert’s report in the Section titled, “**Desirable Qualities and Characteristics of Handguns that Motivate Purchasers to Purchase Them**”, he listed 13 attributes he felt were the most important when deciding to purchase a handgun and 6 sources of information where consumers can get this information. The 13 attributes included: (1) Caliber, (2) Size, Weight, and Carry Ability, (3) Brand and Reputation, (4) Price, (5) Ammunition Capacity, (6) Trigger Pull, (7) Sights, (8) Ergonomics, (9) Manual Safety, (10) Reliability, (11) Accuracy, (12) Customizability, and (13) Ease of Maintenance. The 6 sources he listed where consumers can get information about these attributes included: (1) advice or recommendation from a salesperson, (2) reviews from websites, gun blogs, or on YouTube, (3) handguns that consumers see on TV or other streaming websites (e.g., Netflix), (4) articles in firearms publications, (5) advertisements by retailers or gun manufacturers, and (6) previous training or experience with certain make and model of handguns.

38. I visited two well-known handgun retailers’ websites: Cabela’s and Guns.com. Retail websites will often provide consumers with filtering options on their webpages. Filtering options reduce the choice set consumer’s see on the website to products which only include the option selected in the filter. This is especially important when there are a lot of options to choose from. For instance, in the case of Guns.com, there are over 15k handgun options for consumers to consider, and in the case of Cabela’s, there are 584 handgun options for consumers to consider. These filtering options are usually selected based on retailers’ databases on consumers’ past search and transaction information and retailers’ beliefs about the attributes that are most likely to help consumers find the product they want to purchase more efficiently (i.e., sooner and with

less effort) and effectively (i.e., find exactly the product that best fits their needs). The Guns.com website provides the following filtering options:

- a. Availability – “In Stock” or “Out of Stock”
- b. Price Range – 9 different levels from “less than \$250” to “\$2000 and greater”
- c. Subcategories – “Bolt Action”, “Derringer”, “Not Specified”, “Revolver”, “Semi Auto”, and “Single Shot”
- d. Manufacturer – 328 different levels from “AA Arms” to “ZRO Delta”
- e. Action – 20 levels from “Blow Back” to “Striker”
- f. Barrel Length – 10 levels from “Less than 1.0 In.” to “45.0 In. and greater”
- g. Caliber – 10 more common levels from “9mm Luger (9x19 Para)” to “.45 LC/.410 GA” and 162 less common levels from “.17 HMR” to “Unmarked”
- h. Capacity – 61 levels from “1 Round” to “Single shot”
- i. Finish – 366 levels from “1” to “Woodland Dark Grey Cerakote”
- j. Weight – 8 levels from “Less than 2.0 LBS.” to “35.0 LBS. and greater”

39. The Cabela’s website provides the following filtering options:

- a. Retail Inventory – “Available in store” which refers to which guns are in stock at your selected store
- b. Availability – “In Stock”, “Limited Stock”, and “Out of Stock”
- c. Cartridge or Gauge – 73 levels from “.22 Long Rifle” to “9mm”
- d. Brand – 68 levels from “Auto Ordnance” to “ZEV”
- e. Action – “Semi-Automatic”, “Single/Double”, “Double”, “Single”, “Striker”, “Revolver”, and “Break Open”
- f. Current Offers – “Sale”, “Rebate”, “New”, “Clearance”, and “CLUB Member Savings”
- g. Hand – “Right”, “Ambidextrous”, and “Left”
- h. Price – 5 levels from “Between \$100 to \$200” to “More than \$500”
- i. Average Ratings – 4 levels from “★★★★” to “★★★★★” (2-stars to 5-stars)

40. I also read the Johnson Deposition in detail where the class representative (“Johnson”) answered questions about which attributes he considered important when purchasing a handgun. This may not be an exhaustive list as he was not specifically asked to list all the attributes he considered when purchasing a handgun. However, these are the attributes he felt were important based on his answers to the questions (all quoted text comes from the Johnson Deposition):

- a. Caliber and Ergonomics – see page 103

“Q All right. But you nonetheless went out and bought your own Smith & Wesson .45?”

“A Correct”

“Q Tell me why.”

“A It had a bigger round. I liked the feel of it.”

b. Safety, Reliability, Use, Durability, Weight – pages 104-105

“Q What are some of the things that are important for the firearm purchaser with regard to firearms they choose? What are some of those things?”

“THE WITNESS: Safety, reliability.”

“Q What else? Anything else?”

“A It’s suitable for the purpose that they buy it.”

“Q Durability, is that important?”

“A Sure.”

“Q What do you like better, polymer or steel?”

“A Well, I prefer polymer because it is lighter.”

c. Manual Safeties – page 106

“Q Okay. So that firearm had a safety. We’ll call it a manual safety, right?”

“A Correct.”

“Q But, like, your .357 and your Glocks didn’t have that type of safety on it, correct?”

“A Correct.”

“Q So that’s another feature. Some people may like it, some people may not, right?”

“Q Correct?”

“A Correct.”

d. Recoil – page 108

“Q Heavy recoil, soft recoil, do you think that’s important?”

“A Yes.”

e. Size – pages 109-110

“Q That’s another thing, right? Some guns come subcompact, compact, full-size; they come in different sizes, correct?”

“A Correct.”

“And that’s another choice that consumers make. ‘Do I want a subcompact, compact, full size,’ right?”

“A Yes.”

f. Brand – page 144

“Q Because you had known about Glocks before you fired that person’s – that unnamed person’s pistol, right?”

“A Yes.”

“Q How did you know about it?”

“A Glock is a very popular weapon.”

g. Ammunition Capacity – page 157

“Q Okay. Why did you purchase that one?”

“A It had a double stack.”

“Q Just explain what you mean by ‘double stack.’”

“A The magazine held more ammunition.”

h. Price (Cost) insensitivity – page 165

“Q Cost, was that a factor in purchasing the first Glock pistol?”

“A Not really.”

“Q You would have paid whatever it was to get that gun?”

“A Within reason.”

i. Reputation – pages 165-166

“Q I think you said the fact that law enforcement was using it, that was also a factor in you purchasing it?”

“Yes.”

41. Here I summarize the results of the three sources of information I used, i.e., the firearm expert’s report, the handgun retailers’ websites, and the proposed class representative Johnson (as a past purchaser and a future potential purchaser of firearms). There were certain attributes that all three sources suggested are important. These were the caliber (cartridge or gauge), brand and reputation, size/weight/carry ability, ammunition capacity, and price. There were also attributes that two sources suggested are important. These were ergonomics (firearm expert and Johnson), the presence of a manual safety (firearm expert and Johnson), reliability (firearm expert and Johnson), and recoil (firearm expert with respect to different caliber of handguns having different recoil and Johnson). Finally, there were some attributes that only showed up in one source. These

were trigger pull, sights, accuracy, customizability, and ease of maintenance from the firearm expert and retail inventory, availability, special/current offers, finish, action, and hand from the handgun retailers. While this is not an exhaustive list of all the attributes found on handguns, those that are found across all three sources are attributes that are likely to influence consumer purchase decisions for handguns.

42. It is important to note that the proposed conjoint analysis survey includes some attributes that were mentioned by a single source (Pistol Sight Capability), and it does not include attributes that were identified by multiple sources (size/weight/carry ability, ammunition capacity, manual safety, Feeding Failures (reliability), and ergonomics). This suggests that the proposed survey is likely to suffer from omitted variable bias as it includes less relevant attributes and excludes highly relevant attributes to consumers when buying a handgun (e.g., ammunition capacity).

43. It is important to note that there were three attributes in the proposed survey that were not raised by any of the three sources. These were Chamber Support (the focal attribute of this case), Double Fire Susceptibility, and Muzzle Devices. This creates several problems with the analysis. A key reason that an expert, handgun retailers, and even the class representative Johnson did not raise the first two attributes (Chamber Support and Double Fire Susceptibility) as drivers of purchase is because when used as intended, handguns of any manufacturer rarely exhibit either of these issues. For example, the firearm expert's report in paragraph 163 notes, "In all my years of using Glocks, conducting Glock training programs, and seeing others shoot Glocks, I am personally aware of only one instance of catastrophic case failures in Glock pistols, although the incident did not occur in my presence." And, then he noted, "Several years later, during which time I had had no further dealing with the department, I heard that they had just experienced

three catastrophic case failures in one training session with their Glock pistols at the range.”

However, he also noted when talking to the sheriff about the incident with three catastrophic case failures, the sheriff said, “that during the training, they had just opened a new case of ammunition, from which all three of the deputies had loaded their magazines.” And, that he was advised, “that after inspecting the ammunition, the ammunition manufacturer did a nationwide recall of all the ammunition from that production lot.” He finishes his statement by saying, “The sheriff’s department continued to use their Glock pistols without any further incident, and uses Glock pistols to this day, over 25 years later.” So, it seems that these catastrophic case failures were more an ammunition issue versus a Glock handgun issue. Given the firearm expert’s experience of over 45+ years which involved him shooting hundreds of thousands of rounds and watching others in training courses shoot even more rounds over the years, the frequency of these events is extremely rare. So, these are not relevant attributes to real-world handgun purchase settings and their inclusion as attributes would lead to a focalism bias and unreliable estimates for the part-worths and consumer willingness to pay. In this case, focalism bias refers to the situation where respondents of the conjoint analysis survey would likely focus too much on these attributes which have no relevance to actual handgun purchasing scenarios. Attributes that suffer from a focalism bias usually receive inflated and unrealistic willingness to pay valuations.

44. Further, while Muzzle Devices are a feature of guns that consumers can and some do consider at the time of purchase, the fact that the three sources I used did not mention this feature suggests that it may not be an important attribute that plays a significant role in driving how an average consumer purchases a handgun. Thus, it may be unnecessary to include this attribute as

it only increases the number of product profiles consumers need to evaluate in the conjoint analysis survey without adding value to the results, i.e., it is a burden for the survey taker.

45. Thus, the inclusion of attributes including, but not limited to, Chamber Support and Double Fire Susceptibility, which are not attributes that consumers search for in purchasing a handgun at a retailer, are misleading and inappropriate. And, the inclusion of attributes including, but not limited to Muzzle Devices, which do not seem to be important factors driving handgun purchasers, are burdensome. The inclusion of these attributes likely resulted from the list of sources used in designing the proposed conjoint analysis (see column 3 in Table 1 which is taken directly from pages B-5 and B-6 in the Gaskin Declaration). Many of these sources are not part of an average consumer's purchase process, making the proposed conjoint analysis not realistic to a real-world handgun purchase decision. In other words, if a gun manufacturer hired a market researcher to conduct a conjoint analysis about drivers of handgun purchases in the real world, they would not include these attributes, i.e., Chamber Support, Double Fire Susceptibility, and Muzzle Devices, in the proposed conjoint analysis. You would not include an attribute in a conjoint analysis for a firm just because you want to know the willingness to pay for that attribute. The attribute needs to be appropriate, i.e., it needs to be meaningful in driving customer purchase and it needs to be presented with a realistic point of reference. As a result, the proposed conjoint analysis with the proposed attributes would be unreliable and not in any way capture a consumer's willingness to pay for any of the attributes.

c. Selection of levels

46. After the attributes are selected for the conjoint analysis, the survey designer needs to select the levels or ranges for each of the attributes. While there is usually some flexibility in how the levels are chosen, there are some best practices⁷ that will lead to more reliable results.

47. The first consideration in identifying the attribute levels is that the levels represent the range of actual values represented in the marketplace. There is very little supporting evidence that the levels chosen for the different attributes are the appropriate levels to display to potential consumers. For instance, we can start by looking directly at the focal attribute of this case: Chamber Support. There are two levels for this attribute, supported and unsupported. Each level is provided with the following descriptions from the Gaskin Declaration:

Table 2. Chamber Support Attribute and Description in the Proposed Conjoint Analysis

<u>Unsupported chamber</u> where the pistol may unexpectedly explode in your hand while firing, causing damage to the pistol or injuries, even when used properly	<u>Supported chamber</u> where the pistol will not unexpectedly explode in your hand while firing
This pistol has an unsupported chamber, where the pistol may unexpectedly explode in your hand while firing, causing damage to the pistol or injuries, even when used properly	This pistol has a supported chamber, where the pistol will not expectedly explode in your hand while firing

48. There are significant issues here. One issue is that this description gives survey takers no reference point to what is reasonable to expect. Glock handguns have been fired more than anyone can count over the years. Given the rarity of the incidents, it would suggest that a better description would be that an “unsupported chamber”, if that is the proper way to describe it, usually fires without malfunction. The proposed conjoint analysis would need to provide some reasonable reference point for consumers to consider that relates to the frequency of handgun malfunctions observed over the years relative to the number of times these handguns have been

⁷ Rao, Vithala R. (2014). *Applied conjoint analysis*. New York: Springer, page 44.

fired. Second, and equally importantly, there is no evidence that a supported chamber never malfunctions. For example, over pressurized ammunition can cause a supported chamber to explode as well. So, if the number of malfunctions, which are very low, per thousand (or million) fires is similar for Glock vs competing handguns, then this description is wholly inaccurate and only misleading survey respondents. If this is true, a better description would be that unsupported and supported chambers lead to similar levels of reliability, since the handguns regardless of chamber support are much more likely to fire without incident, with only rare instances of malfunction.

49. Further, the choice of these two levels and their respective descriptions do not seem to match the theory of liability as stated in the **Plaintiff’s Notice of Motion, Motion, Motion for Class Certification and Supporting Memorandum of Points and Authorities**. On page 2 of this motion, it states:

“The lack of regulation has allowed Glock to sell to California consumers guns that it knows can erratically explode under certain conditions, even while using ‘high quality commercially manufactured ammunition’ as Glock instructs.”

50. This sentence specifically states that there are *certain conditions* which can cause Glock handguns to erratically explode. These certain conditions are important factors that have been ignored in the description of the levels of the attribute Chamber Support. For instance, on page 4 of the same motion, it states:

“In a Glock, when there is a weakness in the brass cartridge wall, or the round of ammunition has excessive pressures, the ammo cartridge case wall may rupture as a result of the Unsupported Chamber causing the gun to explode. **Ex F**, Nixon Decl., ¶¶ 23-24; **Ex G**, Bosch Decl.; Concl. & Op., **Ex A**, Kroyer (2023), 17:8-18:11.”

51. This statement which references the two handgun experts for the plaintiffs (Nixon from **Exhibit F** and Bosch from **Exhibit G**) and the former Chief Technology Officer and Developer for Glock Ges.m.b.H (Kroyer from **Exhibit A**), specifically highlight some of the certain

conditions where this downward pressure might happen which includes “weakness in the brass cartridge wall” or if “the round of ammunition has excessive pressures.” This is further supported by the sentences on page 5 of the same motion:

“Glock claims, however, that if the ‘Safety Valve’ explodes when the ammunition has normal pressures it will not cause injury or damage to the pistol. Mr. Nixon disagrees and cites to the case of Gary Brown who was severely injured when he was firing is G29 10mm. Black Hills Ammunition did pressure testing on the remaining rounds of ammunition in the box and found that all were within SAAMI specified pressures. They determined the cause of the failure had nothing to do with over-pressured ammunition, it was ‘probably weak brass in unsupported area.’ *Id.* at ¶ 39; **Ex Y**, Black Hills Ammunition, JOHNSON_001808, 1811.”

52. Plaintiff’s representation of the facts in the Gary Brown case suggests that while the ammunition was manufactured to the specified pressure, “weak brass” was identified as the certain condition that caused this incident. This further supports the idea that there may exist some rare cases where there are defects in the production of ammunition, even from highly reputable ammunition manufacturers, that may cause handguns to not perform as expected.

53. Thus, the selection of levels for all attributes in general lack support from the marketplace. Further, the selection of levels for the specific attribute Chamber Support is extremely problematic. They expand the scope of damages from unsupported chambers from certain conditions where the problem can happen to the situation where it can happen randomly at any time. Further, these descriptions for the levels of Chamber Support give no reference to what consumers should expect in the marketplace. Thus, any part-worth estimates from the attributes in general and the Chamber Support attribute in particular from the proposed conjoint analysis would be unreliable and incorrect.

d. Number of class handgun models and customer segmentation

54. A topic which is related to the discussion of the selection of levels from **Section III.c**, is what constitutes the appropriate levels to use for all the attributes in the proposed conjoint

analysis study. Choosing levels, even realistic ones, for any of the attributes in the proposed conjoint analysis may be particularly challenging in this case because the plaintiffs have identified so many different “Glock Class Gun models”. These models in the list are: G17, G19, G26, G43, G34, G17L, G22, G23, G27, G35, G24, G20, G29, G40, G21, G30, G30SF, G36, G41, G37, G38, G39, G25, G28, G42, G31, G32, G33, and all sub-models and generations. This list is from page 1 of the **Plaintiff’s Notice of Motion, Motion, Motion for Class Certification and Supporting Memorandum of Points and Authorities**. As the firearm expert’s report notes in paragraph 65, “Glock has approximately 1,500 SKUs to designate all of its variations of models, calibers, sight configurations, etc.” This shows that it is not only a lengthy list of models, the number of sub-models and generations as well as the configurations make the variations in options too numerous for any single conjoint analysis survey to cover.

55. These Glock pistols have many different attributes and are purchased for many different uses. For instance, page 19 in the Glock 2022 Buyer’s Guide⁸ specifically notes 6 different reasons which influence a buyer’s firearm purchase decision. These reasons include Duty, Sport Shooting, Concealed Carry, Personal Defense, Enthusiast, and Hunting. Further, these reasons have led Glock and many other gun manufacturers to create a wide range of guns with a wide range of attributes. This will make it hard to narrow down the appropriate levels for the proposed conjoint analysis study and is also likely to lead to infeasible combinations of product profiles as there are different attributes and levels across the different models of handguns. In other words, consumers might be shown product profiles with combinations of attribute levels which might not have ever been or will ever be sold in the marketplace. Inclusions of inaccurate or infeasible product profiles,

⁸ https://us.glock.com/-/media/Global/US/old/US-Site/83-Downloadable-Materials/2022/GLOCK_BG_2022_FINAL_Combined_LoRes.ashx

which will happen the way this proposed conjoint analysis study is designed, would lead to erroneous results from the proposed conjoint analysis.

56. Further, there are different segments of consumers who are likely to purchase the different models of handguns. An analogy to this in the real world would be studying what are the drivers for consumer purchases of automobiles. First, a market researcher would recognize that not all consumers purchase an automobile for the same reason. Second, a market researcher would recognize that once the use cases are identified (e.g., family car, commuting car, high-performance car, etc.), the attributes and levels would be different in each case. For instance, a family car might focus on attributes such as capacity, a commuting car might focus on attributes such as fuel efficiency, and a high-performance car might focus on attributes such as horsepower. Third, a market researcher would then assemble different consumer panels and surveys which are matched based on the use case and corresponding attributes and levels appropriate for the use case. There is no greater evidence of this than the fact that automobile manufacturers design and sell an extensive number of makes and models of automobiles which appeal to different segments of the population. Handgun purchasers are no different in this respect as they choose to purchase handguns for several use cases and focus on different attributes depending on those use cases.

57. Another consideration in identifying the number of attribute levels is that when different attributes have vastly different numbers of levels, this often leads to certain attributes, i.e., the ones with more levels, to be empirically identified as having higher importance than the attributes with fewer levels. The proposed conjoint analysis has attributes with as few as two levels and as many as six levels creating a high likelihood of bias in measuring attribute importance.

58. An additional consideration is the framing of the attribute levels. Attributes that are framed as positive, i.e., more is better for the consumer, often are seen as less important than attributes that are framed as negative, i.e., more is worse for the consumer. This is the foundation of prospect theory in behavioral economics. The inclusion of the focal attribute (Chamber Support) being framed as either supported or unsupported, where unsupported chambers, “may unexpectedly explode in your hand while firing, causing damage to the pistol or injuries, even when used properly,” is framed negatively. In fact, extremely negatively as it is an all or nothing framing, i.e., it either unexpectedly explodes or it does not. This, when compared to other attributes with a positive framing (e.g., Pistol Sight Capability and Muzzle Devices), will lead to two issues. First, negatively framed attributes suffer from focalism bias as survey takers are more likely to consider negatively framed attributes more as they stand out in a survey. Second, the negative framing will lead to an inflation in a survey respondent’s weight they place on this attribute. For instance, if there was an inversely proportional positive framing on Chamber Support which focused on firing reliability, rather than unexpected explosions, consumers would likely place less weight on this attribute relative to the same attribute with a negative framing. Thus, any consumer who took this survey would likely put an unrealistic amount of weight on the Chamber Support attribute as it is currently described, and the results of the proposed conjoint analysis survey would not reflect real world purchase decisions in any accurate way. However, this does not mean a positive framing of Chamber Support is appropriate to include in the proposed conjoint analysis as I noted in my detailed discussion on the selection of attributes for the proposed conjoint analysis in **Section III.b.**

59. As a result of the selection of so many class handguns, it will likely result in infeasible product profile combinations due to the variety of identified class pistols without some

consideration of use case, i.e., the need for consumer segmentation, positive vs. negative framing issues that lead to a focalism bias as well as an overweighting of the attribute for the focal attribute of this case, and an imbalance of levels across attributes. Thus, the proposed conjoint analysis would be misleading and will lead to unreliable conjoint analysis survey results as it would be inappropriate to apply uniform damages across different segments of consumers.

e. Estimation method

60. The Gaskin Declaration states that the proposed conjoint analysis will be choice-based, i.e., respondents will choose between profiles shown, and will be estimated using a hierarchical Bayes approach. Choice-based conjoint analysis is one of a few methods used by market researchers to estimate the part-worths of attributes as noted in **Section III.a**. However, one main issue that arises with choice-based conjoint analysis comes from the way the data is collected. In cases where one of your attribute levels leads to a choice that never varies, you lose your ability to reliably estimate the part-worths in the choice-based conjoint analysis for that attribute. For instance, if it is the case that when the conjoint product profile includes the unsupported chamber level for the Chamber Support attribute and it always leads to a no purchase decision, you cannot reliably recover the parameter estimate, or part-worth, for Chamber Support. And if it does recover a part-worth, it would be challenging to explain why this is not measurement error (e.g., the survey taker was not paying attention to the survey) vs. capturing a willingness to pay for an unsupported chamber.

61. Another issue that will arise from the design of the proposed conjoint analysis study is related to an issue that was raised in **Section III.d** which noted the number of different Glock gun models which were named as “Glock Class Gun Models”. As noted in **Section III.d**, it is not appropriate to include so many different models of handguns in a single conjoint analysis survey

as it often creates infeasible product profiles. When different consumer segments take a survey which is meant to cover the attributes and levels of so many different handguns, it will lead to high variation in the individual-level part-worth estimates from the hierarchical Bayesian model estimation. In other words, aggregating the results of individual-level hierarchical Bayesian model across different consumer segments would create nonsensical results.

62. As a result of the design of the proposed conjoint analysis survey and the choice of using hierarchical Bayes and a choice-based approach, it is highly unlikely the survey will provide any usable results that could identify the part-worth that can be attributed to the attribute Chamber Support. Based on my experience estimating these types of hierarchical Bayesian models,⁹ it would provide extremely heterogenous part-worths across consumers, making it difficult, if not impossible, to generalize the result to any segment of consumers in the population.

f. Supply-side issues

63. Conjoint analysis is generally regarded as a demand-side analysis. In other words, it tries to measure consumer preferences in the face of hypothetical product alternatives. The assumptions being made by market researchers are that the product profiles being shown in the survey actually are the appropriate attributes and levels driving purchase decisions (see **Sections III.b, III.c, and III.d** for the discussion on selecting attributes and levels), actually feasible, i.e., a supplier could supply the market with a product with those features (see **Section III.d** for a discussion about infeasibility of the product profile combinations with so many class guns), and that suppliers would be conceivably willing to supply a product with the profile being shown.

⁹ An example of my experience with hierarchical Bayesian estimation can be found in a paper I co-authored which was published in the *Journal of Marketing Research*. See: Petersen, J. A., & Kumar, V. (2015). Perceived risk, product returns, and optimal resource allocation: Evidence from a field experiment. *Journal of Marketing Research*, 52(2), 268-285.

64. The first two assumptions go to the design of the conjoint analysis survey (see the discussion in **Sections III.b** and **III.c**). The third assumption is the one that relates to the supply side considerations of a conjoint analysis. In the Declaration of Colin B. Weir (**Exhibit II** and hereafter “Weir Declaration”), Weir notes:

“Mr. Gaskin’s survey includes market-based price points derived, at least in part, from Glock’s website, other pistol manufacturer websites, and pricing guides produced in this litigation, dealer record of sales data from the State of California, and retailer sales data, which I have also reviewed.”

and

“... has also taken into account the fact that the number of Class Pistols sold is a known fact and is fixed as a matter of history.”

65. The Gaskin Declaration also states as an appropriate way to deal with supply side issues:

“(1) the price range used in the survey reflects the actual market prices that prevailed during the Class Period; and (2) the quantity use (or assumed) in the damages calculations reflects the actual quantity of products supplied during the Class Period (the number of units sold being fixed as a matter of history)”.

66. These statements are meant to try to handle the third assumption of conjoint analysis. The general idea is that if you want to calculate the total damages from the part-worth estimates from the conjoint analysis, you need to multiply the part-worth, or reduction in price a consumer is willing to pay for an undesirable attribute level, by the total sales of the product that is the focus of the litigation. This would give you an estimate of the change in demand for the focal product which would result from the change in an attribute level. Given that you do not actually know the sales that would have occurred in the but-for world, you need to make some assumptions about the sales that would have happened. The Weir Declaration and Gaskin Declaration assume that past prices would be similar and past sales would be the same in the but-for world.

67. Here there are significant problems with the past price and past sales assumptions in the Weir Declaration and Gaskin Declaration. If the focal attribute which is described as an

unsupported chamber was a defect, Glock would have been forced to make alterations to its manufacturing process of its handguns. Changing the manufacturing process would change the price that Glock would charge in the marketplace. This is unrelated to consumer preferences and willingness to pay as changes to the manufacturing process are related to production and distribution costs. Thus, assuming that historical prices of handguns in a but-for world would be the same is unreasonable.

68. This scenario would also likely change the supply of handguns that Glock would want to produce and distribute to retailers in the marketplace at a given price. A common assumption in the field of Economics is that the supply and demand curve jointly determine the prices and quantities that a manufacturer would want to supply to the market. Given that prices would likely change for Glock, it would also impact Glock's desired number of handguns to supply to the market. Further, if Glock is changing its prices and supply decisions, it would likely result in competitive responses that would further lead to changes in market prices and supplies of handguns.

69. Thus, to suggest that holding historical price ranges and sales as fixed in a but-for world, there would need to be evidence that altering the manufacturing process for Glock would lead to no changes in price or supply decisions. Further, it would be necessary to show that if Glock would likely make changes to its price and supply decisions, other manufacturers would not react to these decisions, i.e., the cross-price elasticity for different makes and models of handguns would have to be 0. In other words, there would need to be historical evidence that price changes from Glock had no effect on competitor prices and on consumer purchase behavior of competing brands. This would be an unlikely result given the high level of competition in the handgun category.

70. Without satisfying the supply side assumption of conjoint analysis, the results of the damages calculation would be based on inaccurate past price and sales data in the but-for world and would inaccurately estimate the total damages resulting from the focal attribute of the case. In other words, a change in willingness to pay is not equivalent to changes in market prices and supplies making the proposed conjoint unreliable.

g. External validity

71. Conjoint analyses are based on hypothetical situations where consumers are making decisions about randomly generated product profiles. The idea behind conjoint analysis is that the choices consumers make reflect actual behavior they would engage in out in the real world. Given there is often no direct link between a conjoint analysis survey and actual purchase behavior, as is the case here, it is necessary to provide evidence that consumers are likely to behave in the way that the results of the conjoint analysis survey suggest. This is referred to as external validity. External validity is especially important to consider here given the focal attribute (Chamber Support) is an attribute that has not been identified by a key driver of handgun purchase decisions (see **Section III.b** related to the selection of attributes).

72. For instance, plaintiffs have provided historical cases in the form of media reports (see **Exhibit GG**) where Glock pistols have malfunctioned. In the case of **Exhibit GG**, the media report describes an instance where the Portland police replaced .45-caliber Glock pistols with, surprisingly, another Glock model, the 9mm. This raises doubts as to whether the attribution of the unexpected malfunctions is with Glock handguns in general or if something else was the problem that led to the change in handgun selection.

73. Another example of this can be found in the Deposition of John Nixon on pages 187-188:

“Q And this other person, unnamed person, unknown time showed you a cartridge case that he reloaded and had a bulge; right?”

“A It wasn’t reloaded. It was fired in a Glock.”

“Q Fired in a Glock. This person, this person on the range?”

“A Yes. And it’s probably persons. I’ve seen them over the years. I don’t really log it.”

“Q It’s so common. When did you start hearing about this bulging?”

“A A long time ago.”

“Q Give me a year.”

“A Probably 20 years ago. Maybe even longer than that. In the early 2000s.”

“Q So for 20 years – over 20 years ago you heard about bulging on Glock cartridge cases. But, yet, you never looked at one of your cartridge cases to see if it was bulging?”

“A That’s correct.”

“Q And you continued to carry and fire Glock pistols after that; correct?”

“A Yes, I did.”

74. Further, we see another example in Mr. Nixon’s deposition on page 104:

“Q Okay. Where did you see this publicity?”

MR. LEWIS: “Foundation.”

“A It was on a forum called Glock Talk. And there was also a website. I believe the owner of the website was a man called Dean Speer. That had a lot of occurrence of Glock kabooms on it.”

BY MR. RENZULLI:

“Q Let me understand. This is from the early 2000s?”

“A I believe it was early to mid-2000s.”

“Q So you're talking 20 years ago?”

“A Yes.”

75. Mr. Nixon’s answers suggest that even though he was aware of instances where Glock handguns had bulges and occurrences of ‘Glock kabooms’ from Dean Speir’s website as early as in the early 2000s, he continued to purchase and carry several Glock handguns for years into the future and even as recently as within the last year. This creates further doubts as to whether the attribution of the unexpected malfunctions is with Glock handguns in general or if something else was the problem, e.g., issues with the type of ammunition used.

76. Without evidence of external validity, i.e., showing that notifications of Glock handgun malfunctions led to a change in Glock’s sales relative to competing handgun manufacturers, any evidence that the attribute Chamber Support in the proposed conjoint analysis leads to a reduction in willingness to pay would not be easily attributable to Glock’s handguns. In other

words, if there is a lack of evidence that consumers in the real world reacted to these handgun malfunction announcements, there would be a lack of credibility in the proposed conjoint analysis.

h. Summary

77. In **Section III**, I explain why the use of conjoint analysis in general is inappropriate for this context (see **Section III.a**). Further, the proposed conjoint analysis itself suffers from several significant flaws making the results from this conjoint analysis unreliable. Specifically, it features a focal attribute (Chamber Support) which distracts from a real world handgun purchase scenario (see **Section III.b**), the selection of levels, especially for the focal attribute Chamber Support, gives consumers no reference to what is ‘normal’ in a purchase situation (see **Section III.c**), the number of class guns creates inaccurate and potentially infeasible product profiles (see **Section III.d**), the estimation method of hierarchical Bayes is problematic when the focal attribute level (unsupported chamber) is likely to never be chosen (see **Section III.e**), the assumption that past prices and sales should be held constant given this context is economically unsound (see **Section III.f**), and the lack of external validity, i.e., the ability to show that consumers actually react to public announcements of handgun malfunctions, makes any results from this conjoint analysis lack any connection to reality (see **Section III.g**).

IV. Estimation of Damages

a. Equations for Measuring Overpayment

78. To estimate the total damages due to the alleged overpayment, the Weir Declaration provides two equations. Specifically, they are:

$$\text{Total Dollar Sales of Class Pistols} \times \text{Conjoint Overpayment \%} = \text{Overpayment Damages}$$

and

$$\text{Average Purchase Price per Class Pistol} \times \text{Number of Class Pistols} \times \text{Conjoint Overpayment \%} = \text{Overpayment Damages}$$

79. The Weir Declaration states that the calculation of the overpayment damages is “straightforward and based on a common methodology”. However, there are some significant problems with how Weir plans to use the results of the methodology as described in the Gaskin Declaration for calculating the *Conjoint Overpayment %* in these two equations.

80. The first issue arises from how Gaskin plans to estimate the proposed conjoint analysis model using hierarchical Bayes. As I noted in **Section III.e**, hierarchical Bayes provides individual-level estimates for the part-worths of the attribute levels for each consumer who takes the survey. Given the likely heterogeneity of the part-worth estimates, it is inappropriate to average across these estimates to generate a *Conjoint Overpayment %*.

81. The second issue arises in that there is heterogeneity in the prices of each handgun that is listed as a “Class Pistol” over time. This creates two problems. The problem is that (as noted in the **Plaintiff’s Motion for Class Certification, Section D**), the prices of Glock handguns varied significantly across the Glock handgun models listed as “Class Pistols”. For example, even for the same model of a Glock handgun, the G19, the range in price for this gun on Cabela’s website is \$529 to \$979¹⁰ as there are many different configurations for this gun which can change the price. This creates an issue when you average across all these retail prices and suggest that there is a single “average price” that should be applied to all class handguns. Additionally, if the proposed conjoint analysis suggests that there are different segments of buyers that value the Chamber Support attribute differently, which is likely the case given each handgun buyer likely

¹⁰ The Glock G19 Pistol – 9mm – Black – Black Polymer Grip/Frame – 10 + 1 is listed at \$529.00 and the Glock 19 Gen5 MOS Pistol with HOLOSUN SCS Reflex Sight – 15 + 1 Round Capacity is listed at \$979.00.

purchases for different reasons, the *Conjoint Overpayment %* is likely to not be proportional to the price of each “Class Pistol” as it is common in conjoint analysis for the attribute part-worths to be different at different levels of price. In other words, the estimated conjoint part-worths for price are often nonlinear in that consumer sensitivities to price changes usually decrease as price increases. For example, if price increases from \$1 to \$2, consumers are likely to change their preferences faster than if price increases from \$100 to \$101, even when it is a \$1 increase in both cases.

82. The third issue arises from the nature of sampling for the conjoint analysis. The *Average Purchase Price per Class Pistol* and the *Conjoint Overpayment %* would need to be correctly weighted by comparing the proportion of the survey takers who prefer each make and model of handgun (i.e., the segments of consumers in the survey) with the population sales data to make sure you were not over or under valuing the prices and preferences of each handgun listed as a “Class Pistol” due to the survey sampling. This is because conjoint analysis can only be generalized to the sample of consumers in the survey and not the population in general without accounting for differences in the distributions of the survey sample and the general population. Going back to my analogy in **Section III.d** on automobiles, this would be equivalent to a situation where you surveyed mostly minivan purchasers in your conjoint analysis survey and then generalized the results to the entire population of car buyers.

83. The fourth issue arises in how Gaskin states that he determines the *Conjoint Overpayment %*. In the Gaskin Declaration **Section XI**, he states that:

“I will find the lower price of the alternative Class Gun option with the Unsupported Chamber Defect so that half of the market (as represented by the data from all of the respondents in our analysis) chooses the Class Gun option with the Unsupported Chamber Defect and half of the market chooses the alternative Class Gun option without the Unsupported Chamber Defect (i.e., each one has a market share of 50%). The reduction in market value equals this difference between the two prices, which represents the amount

necessary to compensate for the presence of the Unsupported Chamber Defect. This process will then be repeated at the other price levels, lowering the price of the Class Gun with the Unsupported Chamber Defect to get one measure of reduction in market value, and then raising the price of the Class Gun without the Unsupported Chamber Defect to get another. I will choose, among the price differences obtained at the different levels of starting prices, the smallest (which is the most conservative) as the reduction in market value for the Class Guns with the Unsupported Chamber Defect.”

84. There are several issues here. First, there is no reason to justify making the expected market share of two options 50% where the only difference between the two options is the attribute Chamber Support and the attribute Price. This would assume that your conjoint analysis model has no prediction error (a very strong and often incorrect assumption). In other words, you are substituting some type of ease of comparability for accuracy, where accuracy in this case is much more important given your desire to compute damages rather than to understand the relative tradeoffs between attributes. You would have to measure the statistical error of your prediction for each of the part-worths for all the attributes and levels to be able to get any notion of accuracy in your aggregate-level predictions. Second, choosing the smallest change in willingness to pay to be conservative does not make any economic sense. One would assume that you would try to isolate the expected difference between the focal attribute at each price level and then apply that difference to “Class Pistols” which have prices at those specific price levels. Third, by holding the other attributes constant assumes that the willingness to pay for the Chamber Support attribute has no interaction effect with any other handgun attributes. In other words, it assumes that a survey respondent would value Chamber Support equally regardless of the set of attribute levels in the product profile – usually an unreasonable assumption.

85. These four issues are all part of a greater issue referred to as aggregation bias. The idea that you can aggregate across these different individual-level measures in a uniform way without accounting for the relative proportions of consumers in the sample, the relative preferences of

each type of consumers, the choice of the smallest overpayment value to be conservative when “Class Pistols” have such price variation, and the distributions of prices and sales of the different “Class Pistols” is not supported by any economic theory or argument.

b. Individual Inquiry

86. At the end of **Section VIII** (Calculation of Damages) of the Weir Declaration, Weir states, “No individualized inquiry will be required.” Then, Weir goes on in **Section IX** to provide reasons for why he feels it is unnecessary to do individual inquiry. Let me explain why each part of this argument is flawed in this situation.

87. *Variations in purchase price do not alter the calculation of total, class-wide damages.* In this part of **Section IX**, Weir argues that variations in purchase price do not prevent them from calculating the total overpayment damages. The argument made here is that there is no difference from the bottom-up vs top-down approach in calculating damages. As I noted in **Section IV.a**, the method for calculating damages proposed by Weir suffers greatly from aggregation bias. Thus, Weir’s top-down approach of averaging across all the numbers Gaskin’s approach of taking the smallest overpayment percentage would create very different results from a bottom-up approach which dealt with the aggregation bias issue.

88. *Individual behavior or use of the pistols is irrelevant to the determination of class-wide damages.* In this part of **Section IX** of his report, Weir argues that how a class member uses the handgun will have no impact on the overpayment %. As I noted in **Section III.d**, there are so many “Glock Class Gun models” and that the drivers of purchase for consumers who want to purchase a handgun vary significantly. If there are different customer segments for handgun purchasers, then their choices of handguns, the handgun attributes that matter to them, and their willingness to pay will all vary based on their individual behavior.

89. *Individual reasons for purchase do not change the price, or overpayment experienced by an individual.* Like the previous argument, if there are different uses of handguns that appeal to different segments of handgun purchasers, then the reasons for purchase will affect the perceived overpayment % (that is exactly what the proposed conjoint is trying to measure) of individuals who take the survey. Further, supporting this statement by arguing that it is irrelevant, “Even if a consumer bought a Class Pistol with the intention to immediately throw that firearm in the trash and make no use of it at all, the consumer has been harmed because the consumer paid more for the item than the consumer would have if the Chamber Defect had been disclosed,” is a non sequitur. It holds as much weight as if I argued that consumers who bought handguns with the intention of throwing them away immediately had different sensitivities to the prices they paid for the handgun.

90. Further, these statements concerning individual inquiry by Weir are especially problematic when determining any potential restitution for a Glock handgun purchased in the past. Individuals who purchased a Glock handgun in the past likely derived some value from this handgun. For example, in the Johnson Deposition on pages 133-134, it states:

“Q Now, did that -- what are the other two? I think you said you had three others.”

“A Yes. Glocks.”

“Q Glocks. Which was the first Glock that you used to qualify?”

“A The -- the second one was the Glock SF, so the one prior to that.”

“Q Glock SF. What does "SF" stand for?”

“A I'm not sure.”

“Q You're not sure. So that was the second one you qualified with?”

“A Correct.”

“Q The second one, meaning there was a Glock before that that you qualified with?”

“A Correct.”

91. It is clear here that Johnson received some value from his Glock handguns in the past when he used them in qualifications. Additionally, on page 154 of the Johnson Deposition, it states:

“Q Did you use it -- did you carry it on you?”

“A Yes, I did.”

“Q Did you use it for self-protection?”

“A Yes.”

“Q Protect -- were you married at that point?”

“A No.”

“Q Did you have your child?”

“A What year are we talking?”

“Q Well, you started out -- you said 2015 or 2016. So over the years, from that point forward.”

“A Yes. During some period of time, I did have my child.”

“Q So you trusted that first Glock to protect you and your family?”

“A Yes.”

“Q And you never had any problems shooting that pistol, correct?”

“A None.”

“Q All right. You -- you trusted your life to that pistol, right?”

“A Yes.”

“Q And it never let you down, right?”

“A No.”

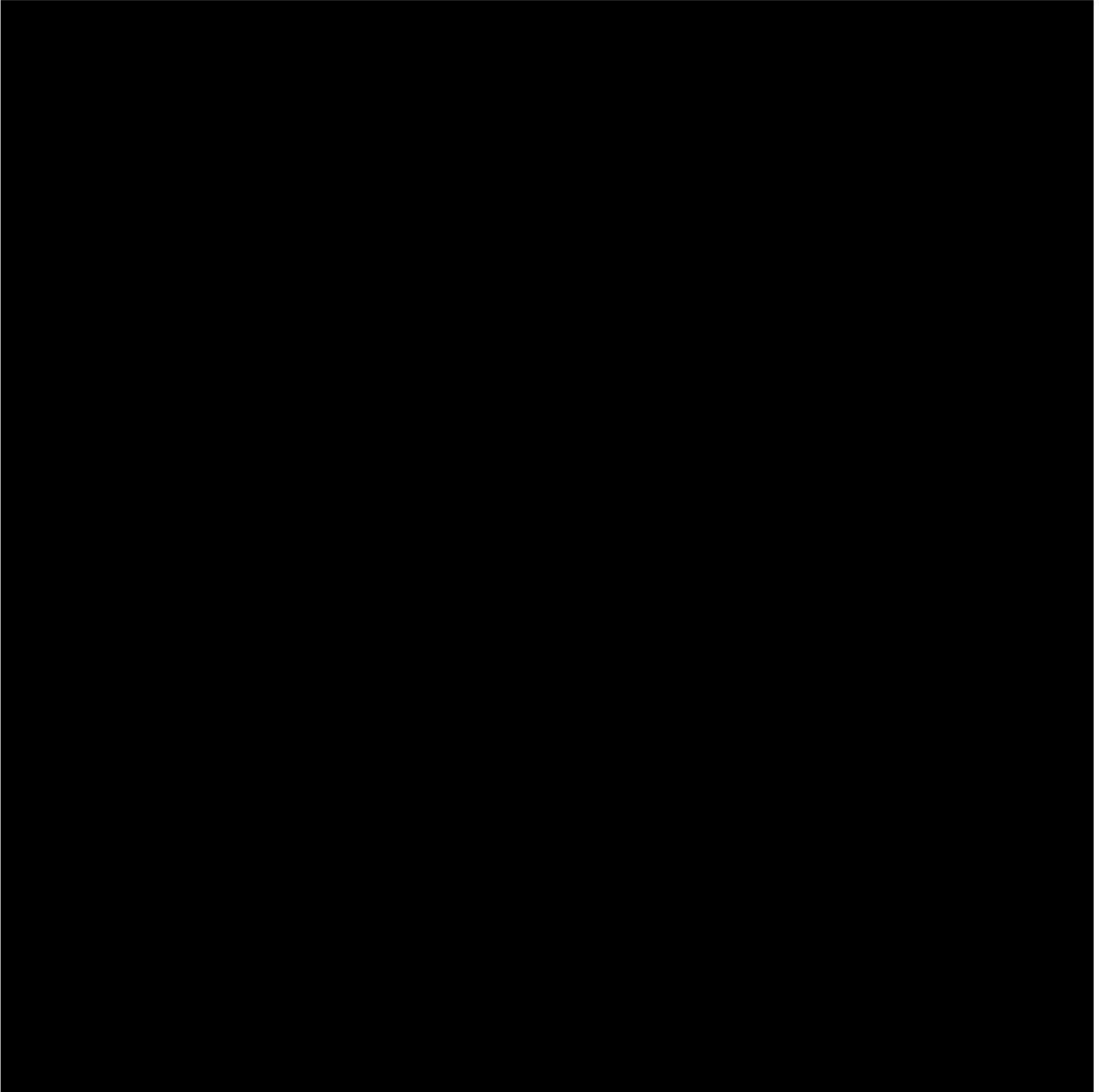
92. It also seems clear here that Johnson received some value from the Glock handguns as he used them for his and his child’s protection. Other purchasers of Glock handguns have also likely derived different amounts of value from their Glock handguns in the past. This negates the idea that any potential overpayments can be generalized across a class of individuals, especially if the overpayment amount is 100% of the price of the handgun.

93. To summarize, the idea that no individual inquiry is required goes against the proposed conjoint analysis with hierarchical Bayes estimation and the inclusion of so many models of handguns as “Class Pistols” that appeal to so many different segments of consumers. In fact, if you follow the proposed conjoint analysis, it is individual inquiry which drives the calculation of damages in the first place.

c. Summary

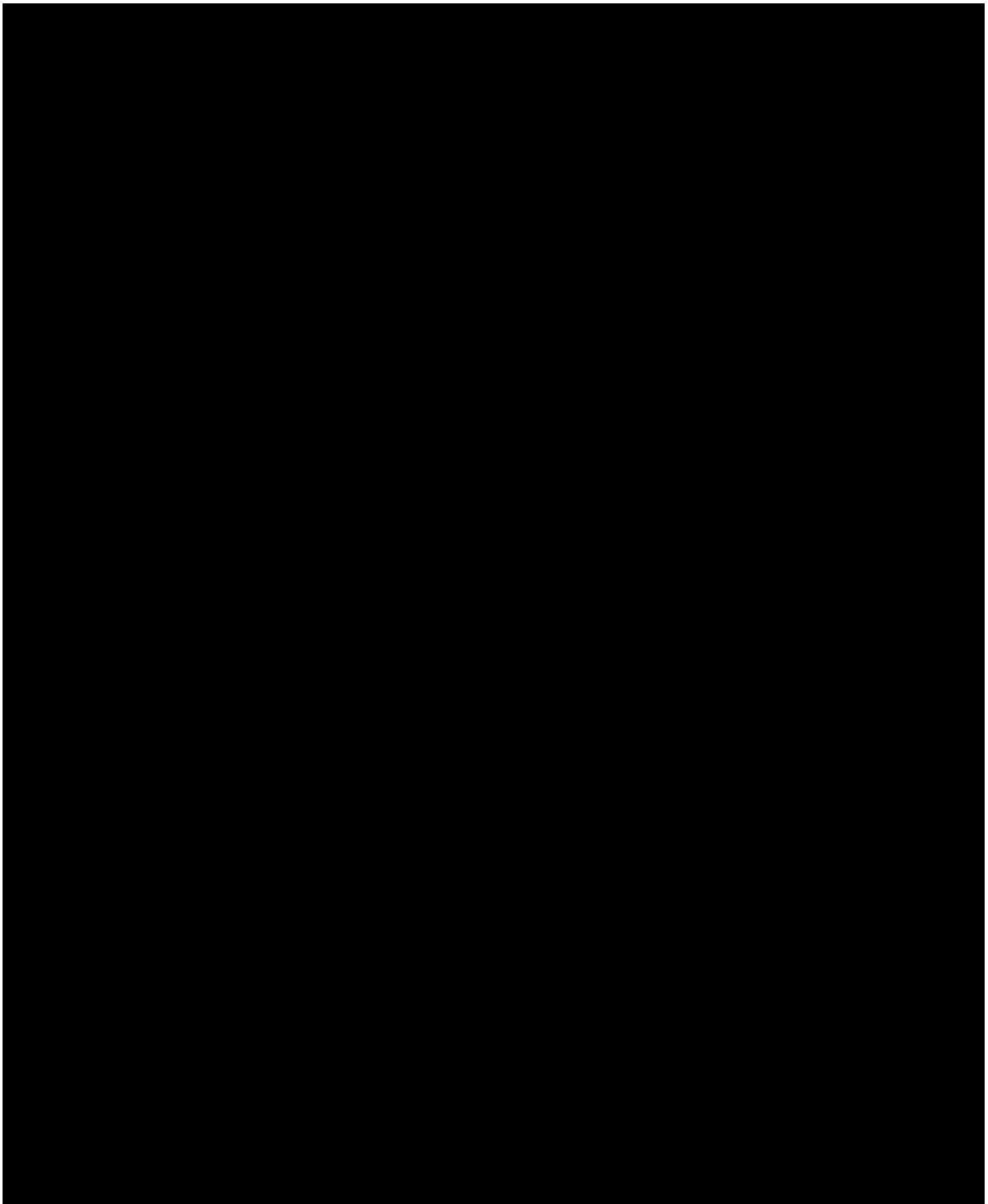
94. In **Section IV**, I explain why the proposed method for overpayment and the assumption that no individual inquiry is needed both suffer from significant flaws. Specifically, any top-

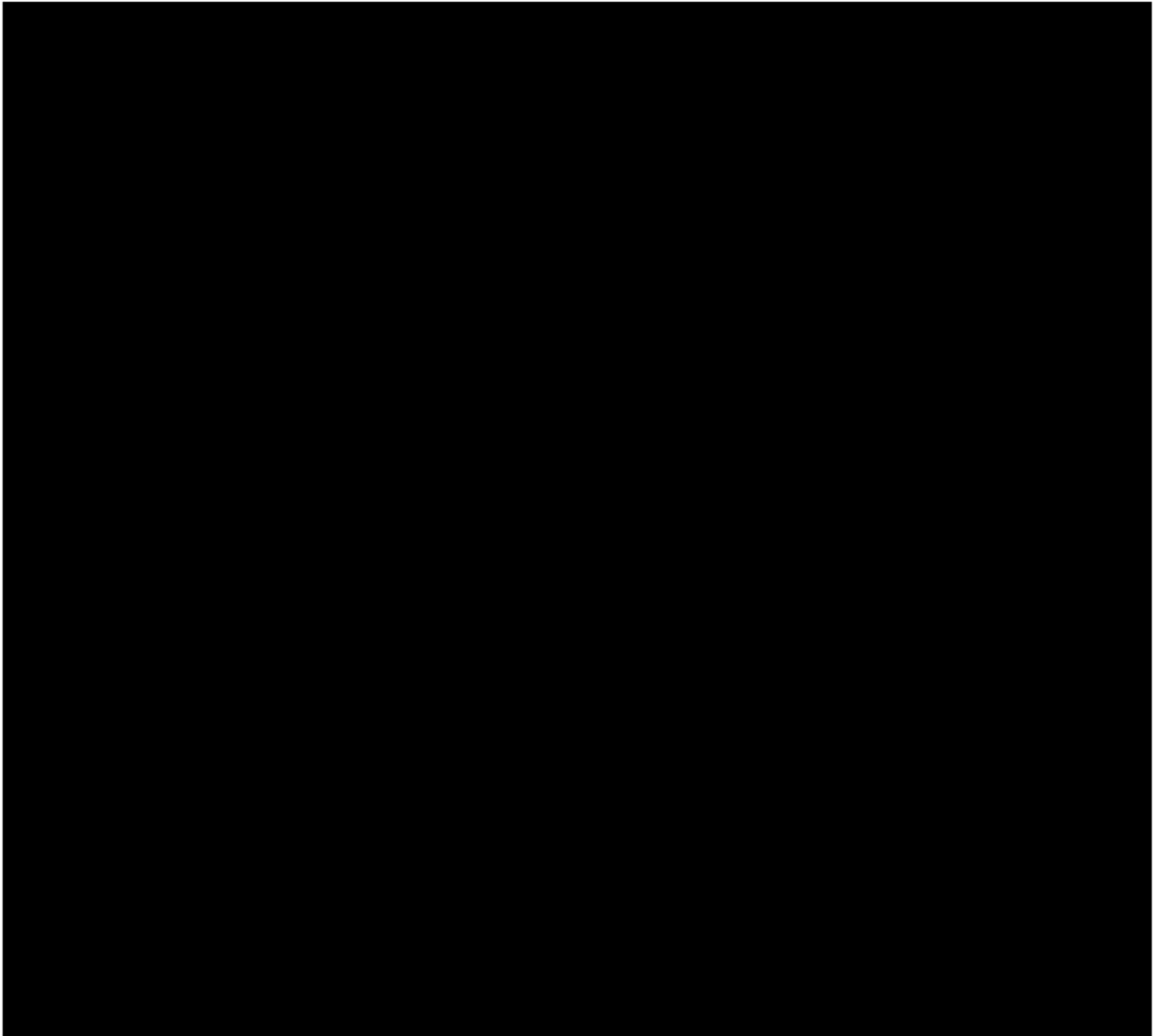
down approach to estimating overpayment damages flies directly in the face of the proposed hierarchical Bayes estimation in the proposed conjoint analysis (see **Sections III.e** and **IV.a**). Further, the ‘conservative’ method for estimating these overpayments has no connection to the economic foundations for calculating willingness to pay (see **Section IV.a**). Finally, this invalidates the notion proposed in the Weir declaration that no individual inquiry is required (see **Section IV.b**).



[REDACTED]

[REDACTED]





VI. Conclusions

102. In the previous three sections, I provide details on the significant flaws in the proposed conjoint analysis (**Section III**), the significant flaws in the proposed calculation of overpayment damages (**Section IV**), and the significant flaws in the argument that choosing not to advertise a product safety feature from marketing collateral is problematic (**Section V**).

103. To summarize, the proposed conjoint analysis is not designed to mimic real-world handgun purchase situations as it suffers from numerous issues including, but not limited to,

selection of the proper attributes, selection of the proper levels, estimating a model with no variation of choice on the level of the focal attribute, failure to properly account for supply side issues, and a general lack of external validity. The proposed calculation of overpayment damages is a top-down calculation approach to a bottom-up proposed conjoint analysis. This ignores the individual differences between consumer segments of handgun purchasers and will suffer immeasurably from aggregation biases. As a result, the proposed approaches to measuring overpayments due to the alleged unsupported chamber attribute and calculating total damages across the entire class would fail to produce any results that have any meaning that is grounded in any economic foundations. Finally, the decision to not advertise the information about a safety feature to consumers is not uncommon and not unreasonable when the goal is to deter consumer behaviors the safety feature is meant to mitigate.

VII. Declaration

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on February 23, 2024 in State College, Pennsylvania.



J. Andrew Petersen, Ph.D.

Included:

Appendix A: Curriculum Vitae for J. Andrew Petersen
Appendix B: List of Materials Used

Appendix A: Curriculum Vitae for J. Andrew Petersen

Curriculum Vitae
J. Andrew Petersen
Smeal College of Business
The Pennsylvania State University
457 Business Building
University Park, PA 16802
Phone: (814) 863-1988; Email: jap57@psu.edu

Education:

University of Connecticut, Ph.D. in Business Administration [Marketing] (May 2008)
Advisor: V. Kumar

UNC Chapel Hill, BA with Honors in Economics (May 2002)
Advisor: Claudio Mezzetti

Professional Experience:

The Pennsylvania State University, Smeal College of Business

- Associate Professor of Marketing (2015 – Present)
- Associate Director, ISBM (2017 – Present)
- Faculty Director, Master's in Marketing Analytics and Insights (MMAI) (2019 – Present)

University of North Carolina at Chapel Hill, Kenan-Flagler School of Business

- Assistant Professor of Marketing (2008 – 2015)
- Assistant Director of Center for Integrated Marketing and Sales [CIMS] (2009 – 2015)

University of Connecticut, School of Business

- Graduate Assistant (2003 – 2008)

SS&C Technologies, Windsor, CT

- Marketing Associate and Web Developer (2002 – 2003)

Honors:

- **Faculty Fellow**, 2024 AMA-Sheth Foundation Doctoral Consortium, University of Manchester
- **Faculty Fellow**, 2024 Marketing Strategy Doctoral Consortium, University of Cologne
- Winner, **2023 Outstanding Area Editor Award**, *Journal of the Academy of Marketing Science*
- **Faculty Fellow**, 2023 Marketing Strategy Doctoral Consortium, University of Georgia
- **Faculty Fellow**, 2019 Marketing Strategy Doctoral Consortium, Indiana University
- **Faculty Fellow**, 2018 AMA-Sheth Foundation Doctoral Consortium, University of Leeds
- Winner, **2018 Outstanding Reviewer Award**, *Journal of Marketing*
- Winner, **2018 Outstanding Area Editor Award**, *Journal of the Academy of Marketing Science*
- Winner, **2017 Varadarajan Award** for Early Career Contributions to Marketing Strategy Research
- 2015 Marketing Science Institute (MSI) Young Scholar
- **Faculty Fellow**, 2010 AMA-Sheth Foundation Doctoral Consortium, Texas Christian University
- Winner, **2009 Mary Kay Doctoral Dissertation Competition** Presented by The Academy of Marketing Science

- **Faculty Fellow**, 2009 AMA-Sheth Foundation Doctoral Consortium, Georgia State University
- **Student Hall of Fame**, University of Connecticut School of Business, Class of 2008
- **Doctoral Fellow**, 2006 AMA-Sheth Foundation Doctoral Consortium, University of Maryland

Refereed Journal Articles (Google Scholar Citations: 4,405 as of 1/10/2024):

Khodakarami, Farnoosh, **J. Andrew Petersen**, Rajkumar Venkatesan (2023), “Customer Behavior Across Competitive Loyalty Programs,” *Journal of the Academy of Marketing Science*, forthcoming.

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**** Honorable Mention, 2020 JPSSM Marvin Jolson Award for Best Contribution to Selling and Sales Management Practice**

Petersen, J. Andrew, V. Kumar, Yolanda Polo, and Javier Sesè (2018), “Unlocking the Power of Marketing: Understanding the Links between Customer Mindset Metrics, Behavior, and Profitability,” *Journal of the Academy of Marketing Science*, 46 (5), 813-836.

**** Finalist, 2018 Sheth Foundation Award for the Best Article in the Journal of the Academy of Marketing Science**

van Doorn, Jenny, Martin Mende, Stephanie M. Noble, John Hulland, Amy L. Ostrom, Dhruv Grewal, and **J. Andrew Petersen** (2017), “Domo Arigato Mr. Roboto: Emergence of Automated Social Presence in Organizational Frontlines and Customers’ Service Experiences,” *Journal of Service Research*, 20 (1), 43-58.

**** Winner, 2017 Best Article Award for the Journal of Service Research**

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**** Winner: 2010 Don Lehmann Award for best dissertation-based paper published in the Journal of Marketing or Journal of Marketing Research**

**** Finalist for 2009 MSI/H. Paul Root Award**

**** Finalist for 2009 Harold H. Maynard Award**

**** Co-Best Paper in Conference and Best Paper in Track** (Pricing and Retailing), 2008 Summer AMA Educator's Conference

Petersen, J. Andrew, Leigh McAlister, David Reibstein, Russell Winer, V. Kumar, and Geoff Atkinson (2009), "Choosing the Right Metrics to Maximize Profitability and Shareholder Value," *Journal of Retailing*, 85(1), 95-111.

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**** Finalist for 2007 Journal of Service Research Best Article Award**

Kumar, V. and **J. Andrew Petersen** (2005), "Using a Customer-Level Marketing Strategy to Enhance Firm Performance: A Review of Theoretical and Empirical Evidence," *Journal of the Academy of Marketing Science*, 33 (4), 504-519.

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Textbooks:

Palmatier, Robert W., **J. Andrew Petersen**, and Frank Germann (2022), "Marketing Analytics: Based on First Principles," Bloomsbury Publishing.

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Grants:

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Petersen, J. Andrew and V. Kumar (2009), "Getting Smart About Product Returns," *Business Insight in the Wall Street Journal* (co-produced by *Sloan Management Review*), November 30, 2009. (Link: <http://online.wsj.com/public/page/business-insight-113009.html>). Includes Supplemental Podcast: "Lenient Product Return Policies" (Link: <http://podcast.mktw.net/wsjaudio/20091125/pod-wsjrpetersen/pod-wsjrpetersen.mp3>).

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Invited Conferences and Presentations:

Faculty Fellow at the Direct Marketing Educational Foundation (DMEF) Professor's Institute, Dallas, TX (2012)

Peer Reviewed Conference Presentations:

Schmid, Franziska, **J. Andrew Petersen**, and Rajkumar Venkatesan, "The Value of Intellectual Capital in Business-to-Business Selling" presented at:

- 2023 EMAC Conference, Odense, Denmark

Bashirzadeh, Yashar, Stacey Malek, **J. Andrew Petersen**, Amanda Pruski Yamim, and Ali Nadalizadeh, "Having Your Cake and Eating it Too: Investigating the Effects of Cross-selling in the Freemium Game Context through a Field Experiment," presented at:

- 2021 SCECR Conference, Spain, Virtual
- 2021 INFORMS Marketing Science Conference, Virtual
- 2021 EMAC European Marketing Academy, Spain (Virtual)

Bashirzadeh, Yashar, **J. Andrew Petersen**, and Ali Nadalizadeh, "Pinch Points: Investigating the Effects of Multi-level Effort-reward Program Designs in the Freemium Game Context through a Field Experiment," presented at:

- 2024 INFORMS Marketing Science Conference, Sydney, Australia
- 2020 EMAC European Marketing Academy, Hungary (Virtual)

Bashirzadeh, Yashar, **J. Andrew Petersen**, and Corinne Faure, "Gaining More with Less: Investigating the Effects of Sales Promotional Strategies in the Freemium Context through Field Experiments," presented at:

- 2019 EMAC European Marketing Academy, Hamburg, Germany

Nagpal, Mayank and **J. Andrew Petersen**, "Keyword Selection Strategies in Search Engine Optimization: How Relevant is Relevance?," presented at:

- 2018 INFORMS Marketing Science Conference, Philadelphia, PA

van Doorn, Jenny, Martin Mende, Stephanie M. Noble, John Hulland, Amy L. Ostrom, Dhruv Grewal, and **J. Andrew Petersen** (2017), "Domo Arigato Mr. Roboto: Emergence of Automated Social Presence in Organizational Frontlines and Customers' Service Experiences," presented at:

- 2016 Winter Marketing Educators' Conference, Las Vegas, NV

Khodakarami, Farnoosh, **J. Andrew Petersen**, and Rajkumar Venkatesan, "Consumer Search, Purchase, and Reward Redemption Behavior across Loyalty Programs," presented at:

- 2018 Marketing Academic Research Colloquium (MARC), University Park, PA
- 2018 Winter Marketing Educators' Conference, New Orleans, LA
- 2017 Frankfurt School Marketing Research Camp, Frankfurt, Germany
- 2017 Theory and Practice Marketing Conference, Charlottesville, VA
- 2017 Winter Marketing Educators' Conference, Orlando, FL
- 2015 INFORMS Marketing Science Conference, Baltimore, MD

Petersen, J. Andrew, V. Kumar, Yolanda Polo, and Javier Sesè, "Unlocking the Power of Marketing: Understanding the Link Between Customer Mind-set, Behavior, and Profitability," presented at:

- 2015 Theory and Practice Marketing Conference, Atlanta, GA
- 2010 INFORMS Marketing Science Conference, Köln, Germany

Kumar, V., **J. Andrew Petersen**, and Adam A. Rapp, “Making Solution Selling More Effective: The Role of Team Size,” presented at:

- 2017 Thought Leadership on the Sales Profession Conference, Paris, France
- 2015 Organizational Frontlines Research Symposium, Stillwater, OK
- 2014 Thought Leadership on the Sales Profession Conference at Columbia Business School, New York, NY

Petersen, J. Andrew and V. Kumar, “Perceived Risk, Product Returns, and Optimal Resource Allocation: Evidence from a Field Experiment,” presented at:

- 2014 INFORMS Marketing Science Conference, Atlanta, GA
- 2014 UC San Diego Applying Field Experimentation to Behavioral Research Conference, San Diego, CA

Kushwaha, Tarun and **J. Andrew Petersen**, “Any News is Good News: The Impact of Enduring and Situational Involvement on Charitable Giving,” presented at:

- 2013 INFORMS Marketing Science Conference, Istanbul, Turkey.

Venkataraman, Sriram, **J. Andrew Petersen**, and V. Kumar, “Is Universal Healthcare Universally Good?,” presented at:

- 2013 INFORMS Marketing Science Conference, Istanbul, Turkey.

Khodakarami, Farnoosh, **J. Andrew Petersen**, and Rajkumar Venkatesan, “All for One or One for All: The Impact of Donation Concentration on Donation Behavior,” presented at:

- 2014 AMA Winter Educator’s Conference, Orlando, FL
- 2013 Marketing Dynamics Conference, Chapel Hill, NC

Petersen, J. Andrew, Tarun Kushwaha, and V. Kumar, “The Effect of National Culture on Consumer Behavior and the Consumer’s Response to Firm-Initiated Marketing Efforts,” presented at:

- 2013 AMA Winter Educator’s Conference, Las Vegas, NV.
- 2012 International Conference on Marketing in Emerging Economies, Amritsar, India.
- 2012 Marketing Science Emerging Markets Conference at Wharton School of Business, Philadelphia, PA.
- 2012 INFORMS Marketing Science Conference, Boston, MA.
- 2011 Marketing Strategy Meets Wall Street II Conference, Boston, MA.

Rapp, Adam A., **J. Andrew Petersen**, and Douglas E. Hughes, “The Impact of Sales Manager Time Allocation on Sales Team Performance: Should Sales Managers Sell, Manage, or Both?,” presented at:

- 2012 Harvard Thought Leadership on the Sales Profession Conference, Boston, MA.

Kumar, V., **J. Andrew Petersen**, and Robert P. Leone, “Measuring the Value of Business References,” presented at:

- 2011 New Developments in the practice of Marketing Science Conference, Washington, DC.
- 2010 AMA Winter Marketing Educators’ Conference, New Orleans, LA.

Kumar, V., **J. Andrew Petersen**, and Robert P. Leone, “Understanding the Drivers of Customer Referral Value,” presented at:

- 2010 INFORMS Marketing Science Conference, Köln, Germany.
- 2006 AMA Winter Marketing Educators' Conference, February, St. Petersburg, FL.

Petersen, J. Andrew and V. Kumar, "The Impact of Product Returns on Customer and Firm Profit," presented at:

- 2009 AMA-Sheth Foundation Doctoral Consortium, Atlanta, GA.
- 2009 AMS Annual Conference, Baltimore, MD.
**** Winner of 2009 Mary Kay Doctoral Dissertation Competition**
- 2008 AMA Summer Marketing Educators' Conference, San Diego, CA.
**** Winner Co-Best Paper in Conference and Best Paper in Track (Retailing and Pricing)**
- 2006 INFORMS Marketing Science Conference, Pittsburgh, PA.

Petersen, J. Andrew and V. Kumar, "Measuring and Maximizing Donor Lifetime Value Using Donor Selection and Resource Allocation Strategies," presented at:

- 2009 AMA Winter Marketing Educators' Conference, Tampa, FL.

Zeithaml, Valarie A., Tarun Kushwaha, and **J. Andrew Petersen**, "Customer Equity and Its Impact on Firm Performance: Synthesis and Evidence from Research and Implications for Practice," presented at:

- 2009 Marketing Strategy Meets Wall Street, Emory University, Atlanta, GA.

Teaching Record:

Marketing Management (BA 800, MKTG 556) – Smeal College of Business (MBA, EMBA, PhD)

Taught: 2018 - Present

Data Analytics (BA 815) – Smeal College of Business (EMBA)

Taught: 2019 – 2020 and 2023

Data-driven Customer Acquisition and Retention (MKTG 813) – Smeal College of Business (Online)

Taught: 2018 – Present

Marketing Research (MKTR 185) – Indian School of Business (Mohali Campus)

Taught: 2016 – 2017 and 2019

Marketing Strategy (MKTG 571) – Smeal College of Business (MBA, EMBA)

Taught: 2016 – 2019

Advanced Sales Management (MKTG 428) – Smeal College of Business (Undergrad)

Taught: 2016 - 2017

Customer Relationship Management (MBA 743) – Kenan-Flagler Business School (MBA)

Taught: 2011 - 2014

Sales Management (BUSI 561) – Kenan-Flagler Business School (Undergrad)

Taught: 2008 - 2014

Principles of Marketing (BUSI 406) – Kenan-Flagler Business School (Undergrad)

Taught: 2008 - 2010

Media Quotes and Mentions:

- *Wall Street Journal*: “The Smartest Ways for Companies to Manage Product Returns” on November 20, 2022
<https://www.wsj.com/articles/customer-product-returns-management-11668810822>
- *FiveThirtyEight*: “What Happens To Your Mail-Order Mattress After You Return It” on February 19, 2020
<https://fivethirtyeight.com/features/what-happens-to-your-mail-order-mattress-after-you-return-it/>
- *Lehigh Valley Business (LVB)*: “Loyalty Cards Pay if Retailers are as Savvy as Consumers” on December 5, 2016
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- *American Marketing Association (AMA)*: “Lenient Return Policies Can Increase Sales” on July, 2016
<https://www.ama.org/publications/MarketingInsights/Pages/lenient-return-policies-increase-sales.aspx>
- *Forbes India*: “The Effects of Culture on Marketing Effectiveness” on May 30, 2016
<http://www.forbesindia.com/article/kenanflagler/the-effects-of-culture-on-marketing-effectiveness/43347/1>
- *BizWomen*: “Here’s why landing on ‘Oprah’s Favorite Things’ is a big deal for a startup like High Camp Supply” on November 26, 2014
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- *Journal of Marketing Research*, 2018 to Present
- *Journal of Retailing*, 2017 to Present
- *International Journal of Research in Marketing*, 2011 to 2015

Ad Hoc Reviewer:

- *Journal of Marketing*, 2009 to 2016
- *Journal of Marketing Research*, 2012 to 2018
- *Management Science*, 2008 to Present
- *Marketing Science*, 2013 to Present
- *Journal of Service Research*, 2011 to Present
- *Journal of Interactive Marketing*, 2009 to Present
- *Journal of Consumer Psychology*, 2010 to Present
- *Production and Operations Management*, 2010 to Present
- *California Management Review*, 2011 to Present
- *Decision Support Systems*, 2012 to Present
- *Marketing Letters*, 2017 to Present

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Appendix B: List of Materials Used

Focal Case Materials

Johnson v. Glock, Inc. et al (Case #: 3:30-cv-08807)

Plaintiff's Notice of Motion, Motion for Class Certification and Supporting Memorandum of Points and Authorities (Case #: 3:20-cv-08807-WHO)

Exhibit A – Video-recorded Deposition of Glock Ges.m.b.H Josef Kroyer

Exhibit E – Special Safety Valve (GINC008008)

Exhibit F – Report & Declaration of John Nixon

Exhibit G – Report & Declaration of Daivd Bosch

Exhibit Y – Black Hills Ammunition

Exhibit GG – Press Releases

Exhibit HH – Declaration of Steven P. Gaskin

Exhibit II – Declaration of Colin B. Weir

Exhibit JJ – Video-recorded Deposition of Steven C. Johnson

Video-recorded Deposition of John Nixon from January 31, 2024

Declaration of Emmanuel Kapelsohn

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EXHIBIT T

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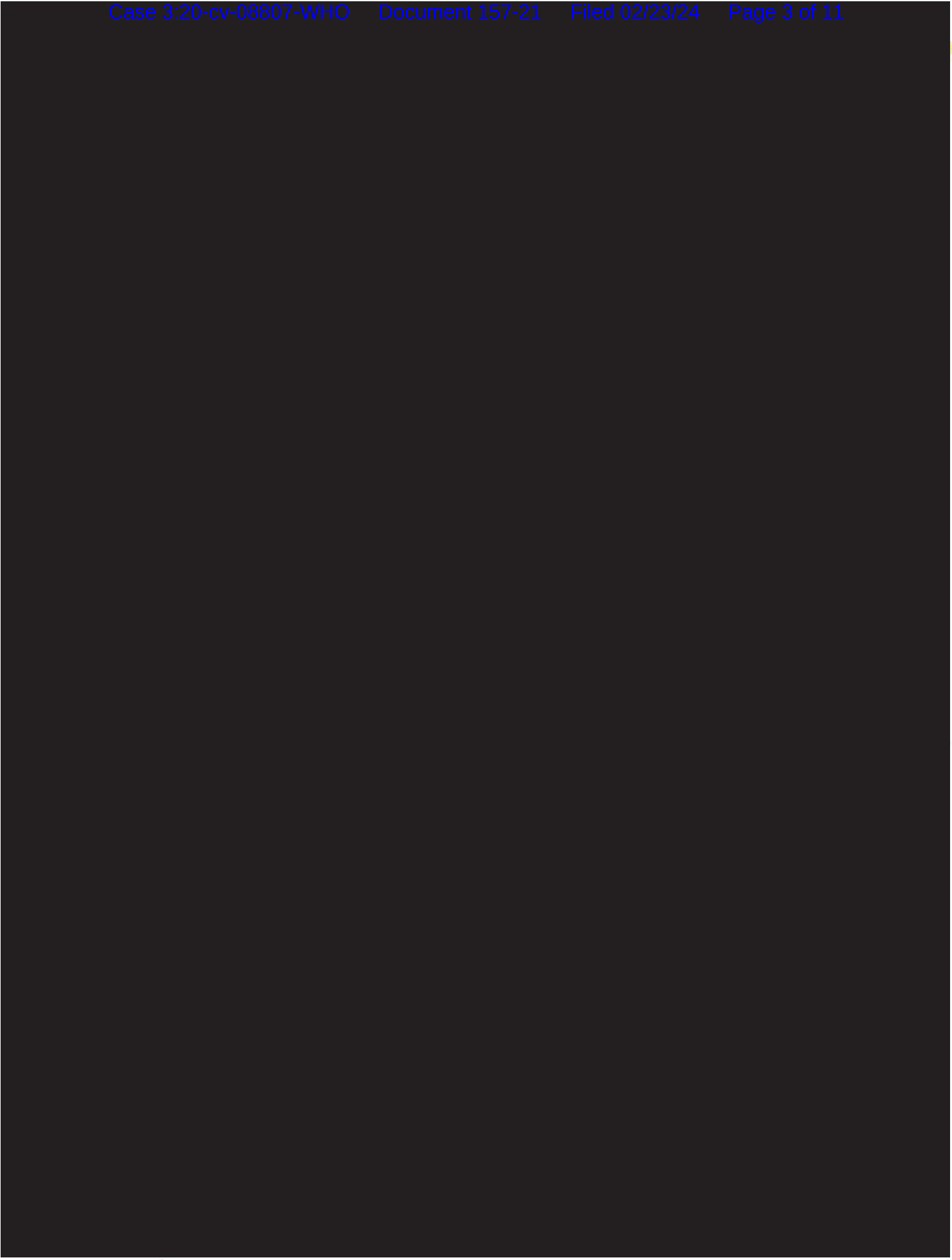
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Superior Court of the State of Arizona
County of Maricopa
Case No. CV2016-005086

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SUBJECT TO PROTECTIVE ORDER

Page 1

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1 SUPERIOR COURT OF ARIZONA
2 COUNTY OF MARICOPA
3 MICHAEL GROSSO, Individually,
4 Plaintiff,
5 vs. No. CV2016-005086
6 GLOCK, INC., a Georgia Corporation;
7 OAKLEY, INC., a Washington Corporation;
8 OAKLEY SALES CORP., a Washington
9 Corporation; BEAR ARMS FIREARMS, an
10 Arizona Corporation; GLOCK Ges.m.b.H,
11 an Austrian entity; JOHN and JANE DOES I
12 through V; ABC CORPORATIONS I-X, XYZ
13 PARTNERSHIPS, SOLE PROPRIETORSHIPS
14 and/or JOINT VENTURES I-X, GUN
15 COMPONENT MANUFACTURERS II-V,
16 Defendants.

17 -----x

18
19 DEPOSITION OF JEFFREY WARREN SEARLES
20 WHITE PLAINS, NEW YORK
21 FEBRUARY 17, 2020
22

23 Reported by:
24 MARK RICHMAN, CSR, RPR, CM
25 JOB NO: 176598

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Page 66 DO NOT COPY 1 Q. You didn't have an exact system, 2 so you didn't have anything? 3 A. We -- 4 Q. Let me finish. You didn't have 5 anything in writing which would show 6 your standard operating procedure when 7 reloading ammunition, correct? 8 A. Correct. 9 Q. So you didn't have an exact 10 system in order to document how many 11 times the brass was reused, right? 12 A. Correct. 13 Q. You didn't have an exact system, 14 you didn't have any kind of protocol, 15 written protocol that you put together, 16 I'm going to follow this protocol every 17 time I reload my ammunition, correct? 18 A. No, we didn't have that. 19 Q. So if you bought a box of 500, 20 you would just keep reloading that same 21 brass a number of times, correct? 22 A. Yes. Like I said, we'd usually 23 track it through how many times, just 24 based on -- we would go through and be 25 able to track okay we've had that	Page 67 1 through twice or we had it through three 2 times and then we would junk it. 3 Q. Probably going by memory, right? 4 A. Yes. 5 Q. So the ammunition that you put 6 through the Glock 36 would have been 7 your reloaded ammunition, correct? 8 A. Yes. 9 Q. Or factory ammunition, correct? 10 A. Yes. 11 Q. Anyone else's ammunition that you 12 would have put through that firearm? 13 A. No. 14 Q. Did you ever have an armorer 15 examine that pistol? 16 A. No. I just sent it off to Glock. 17 Q. At any time, even before you sent 18 it off to Glock? 19 A. Oh, no, no. 20 Q. Did your brother-in-law ever go 21 through the pistol? 22 A. I am sure he handled it. I mean 23 I think this was probably before he was 24 a Glock armorer. But I'm sure that we 25 took it down and we would after a range
Page 68 1 session we would clean guns together. 2 So I'm sure we took it apart together. 3 But as far as like an official armorer 4 level takedown and examination, no. 5 Q. Did you show him the pistol after 6 that ammunition failed that day? 7 MR. LEWIS: Which one, the 8 primer? 9 MR. C. RENZULLI: The Glock 36. 10 A. I don't recall. He was not the 11 one that was at the range with me the 12 day we had that failure. I don't recall 13 if I had him take a look at it. I do 14 remember that I was kind in a hurry to 15 get it done because it was my carry gun 16 at the time and that was all I had. I 17 wanted to get it out and back as quick 18 as possible. He lives an hour away and 19 our schedules don't always line up well. 20 So I don't think I had the opportunity 21 to have him take a look at it after it 22 happened. 23 Q. Because you wanted to get it 24 right back to Glock because you wanted 25 it back as quickly as possible?	Page 69 1 A. Yes. 2 Q. All right. Did you show it to 3 anyone else at any point after that 4 ammunition failed that day? 5 A. I probably showed it to Neil 6 Livingston at Dead Rock because I had 7 him mail it for me. Because I was not 8 sure how the mailing with -- mailing a 9 firearm works. So I wanted to go 10 through his FFL. 11 Q. Didn't Neil tell you it looked 12 like an overpressured round? 13 A. I don't recall. 14 Q. You don't recall him saying that? 15 A. No. 16 Q. Did you ask him if it was an 17 overpressured round? 18 A. I don't recall the conversation. 19 Q. Did you tell Neil you had 20 reloaded ammunition in it at the time? 21 A. I probably did. 22 Q. And you had a discussion about 23 that with Neil? 24 A. It's likely. I do not recall the 25 specifics or anything about it.

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DO NOT COPY Page 70 1 Q. Did Neil say because it's a 2 reloaded round maybe that was the cause 3 of the failure? 4 A. Again, I don't recall. You know, 5 I know there was some discussion about 6 it was a reloaded round so maybe Glock 7 might not honor the warranty, whatever. 8 But we didn't -- I mean I don't know the 9 specifics. 10 Q. So your understanding is that Mr. 11 Livingston had a conversation with you 12 and in that conversation he said if you 13 tell them it's reloaded they will not 14 honor their warranty? 15 A. It was -- I don't think he said 16 it was in absolute terms, no. But 17 because it was a reloaded round, you 18 know, there would probably be an issue 19 with the warranty. 20 Q. And you never told Glock it was 21 reloaded, did you? 22 A. So the letter that I sent was the 23 letter that went with it that you guys 24 have. And I know there was a 25 conversation I had on the phone with one	Page 71 1 of the guys, whoever it was that looked 2 at it at Glock. I don't remember in 3 that conversation if I told him it was a 4 reload or not. But I also figured, you 5 know, if they take it apart and pull it, 6 they're going to be able to tell me if 7 it was overpressurized or not or 8 whatever the case may be. 9 I did think it was a little odd 10 that it only blew straight out the 11 bottom. An overpressurized round, 12 everything I've seen from 13 overpressurized round the chamber splits 14 and whatever. And this was it just blew 15 everything out the bottom. Blew. 16 Anyway, all that said, it was so 17 long ago I don't have a good bead on 18 what the conversations were around that. 19 Q. And it's a good thing that the 20 chamber didn't split because if the 21 chamber splits then you have big 22 problems, right? 23 A. Yes. 24 Q. So good thing it didn't split, 25 correct?
Page 72 1 A. Yes. 2 Q. So as we sit here, you have no 3 specific recollection of ever telling 4 Glock that this was a reloaded round, 5 correct? 6 A. I can't speak to yes or no on 7 that. 8 Q. In the materials you sent to them 9 or anything you received from Glock, 10 nowhere did it say remanufactured or 11 reloaded round, correct? 12 A. Not in the written materials. 13 Q. And you knew before you sent it 14 in that if they knew it was reloaded 15 they may not honor your warranty, 16 correct? 17 A. It's a possibility. 18 Q. Let's talk about this particular 19 round of ammunition that was in the 20 pistol, okay? 21 A. Okay. 22 Q. On the G36. When did you 23 manufacture it? 24 A. I don't have a specific date on 25 it.	Page 73 1 Q. Best recollection, sir? 2 A. Most likely within the preceding 3 six months. 4 Q. Do you have any documentation -- 5 withdrawn. 6 Do you have any documentation 7 which would determine when this round of 8 ammunition was made? 9 A. I don't. 10 Q. You made this round of ammunition 11 perhaps within six months before you 12 used it? 13 A. That is the most likely case, 14 yes. 15 Q. Can you tell me the year? 16 A. That was in 2013, right? Yes. 17 Q. Sometime in 2013? 18 A. Yes. 19 MR. J. RENZULLI: This is not a 20 guessing game. When did he send it 21 in? 22 MR. C. RENZULLI: 2013. 23 MR. J. RENZULLI: This is not a 24 guessing game. Give him the date. 25 2013 is the date on it. 7/11/13?

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Page 134 DO NOT COPY 1 pistol. 2 Does it look familiar to you? 3 A. Well, of course. 4 Q. And you read the Glock manual 5 before you fired -- 6 A. Of course. 7 Q. You read the Glock manual before 8 you fired a Glock pistol, correct? 9 A. Yes. 10 Q. So let's go to page 15 lower 11 left-hand corner. See number 26? 12 A. Yes. 13 Q. "Use only high quality, 14 commercially manufactured ammunition in 15 excellent condition and in the caliber 16 of your pistol." 17 That makes sense, right? 18 A. Yes. 19 Q. You agree with that statement? 20 A. Yes. 21 Q. Go down a little bit. "The use 22 of reloaded ammunition will void the 23 Glock warranty." 24 You knew that, correct? 25 A. Yes.	Page 135 1 Q. "Due to the unpredictability of 2 the standards, SAAMI and NATO, adhered 3 to, since reloads of poor quality 4 ammunition may not meet SAAMI and NATO 5 specifications, may exceed limits and 6 therefore be unsafe." 7 You understood that, correct? 8 A. Yes. 9 MR. LEWIS: Form and foundation. 10 Q. And that makes sense to you, 11 correct? 12 MR. LEWIS: Form and foundation. 13 A. Yes. 14 Q. Now I think -- do you know where 15 your brother-in-law buys his guns from? 16 A. No. A variety of places. 17 Q. Can you tell me some of them? 18 A. Recently we went bird hunting and 19 he bought a shotgun at a store in 20 Hermiston called Smitty's OutPost. 21 Q. This is in your town? 22 A. Yes. 23 Q. Is that where you go for your 24 firearms? 25 A. I've done transfers through them
Page 136 1 several times, yes. Like if I buy 2 online, ship it, do the FFL paperwork. 3 Q. And what about the components 4 that are being used for reloading, do 5 you buy that at Smitty's at well? 6 A. No. 7 Q. That's all online? 8 A. Not always, but I haven't done -- 9 I haven't done that at Smitty's. I 10 haven't purchased reloading components 11 there recently. I'm a cheapskate and 12 full retail prices, I don't buy at full 13 retail. I only buy at pricing that is 14 agreeable to me. How about that? 15 Q. In reviewing the materials that 16 you had from Glock with regard to this 17 pistol, would you agree with me that 18 there was only cosmetic damage to your 19 pistol? 20 MR. C. RENZULLI: Form and 21 foundation. 22 A. I have no idea. 23 Q. No idea what the damage was? 24 A. Yes. I would not agree that it 25 was purely cosmetic.	Page 137 1 Q. When ammunition fails, and it 2 could be for any one of these reasons 3 that we just spoke about, wouldn't you 4 expect to see some kind of witness marks 5 on the rounds? 6 A. Witness marks on the round like 7 indication of failure? 8 Q. Indication of excessive 9 pressures, things like that? 10 A. Yes. 11 Q. You would expect to see that on 12 the cartridge case, right? 13 A. Yes. 14 Q. Didn't you have a conversation 15 with John Renzulli, oh, back around July 16 22nd of 2019? Do you remember that 17 conversation? 18 A. Mm-hmm. 19 Q. Didn't you tell him in no 20 uncertain terms that you didn't have the 21 brass that was involved with the 22 ammunition failure in the G36? 23 A. Yes. 24 Q. And you weren't lying to him, 25 right?

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Page 138 DO NOT COPY 1 A. Not that I'm -- not 2 intentionally. 3 Q. And at that point you told him 4 you didn't have the brass, correct? 5 A. I don't currently have the brass, 6 yes. 7 Q. You didn't have the brass. You 8 told him that you didn't have the brass, 9 correct? 10 A. I think so, yes. 11 Q. And couldn't that brass perhaps 12 have given us more insight into whether 13 or not there was excessive pressures in 14 that gun? 15 MR. LEWIS: Form and foundation. 16 A. Yes. 17 Q. But you never sent it to Glock, 18 correct? 19 MR. LEWIS: Form and foundation. 20 Go ahead. 21 A. It may have been in the pistol. 22 I don't recall the entire -- I guess if 23 they documented it was not there, then 24 it was not there. 25 Q. And you would have told Mr.	Page 139 1 Renzulli when you were on the phone with 2 him on July 22nd of 2019 that I sent 3 that cartridge case into Glock, right, 4 wouldn't you have told him that? 5 A. If I was explaining it was still 6 in the gun after failure, yes. 7 Q. Absolutely. And you didn't tell 8 him that, right? 9 A. I don't recall. 10 Q. Do you have a concealed carry 11 license? 12 A. Yes. 13 Q. What do you have to do to get the 14 concealed carry license in your city? 15 A. In Oregon? 16 Q. Yes. 17 A. Clean criminal background and you 18 have to do a firearm safety class, pay 19 the nice man some money and wait. 20 Q. Put holes in paper in the class? 21 A. The class I did, yes. But it's 22 not required. 23 Q. When did you take this class? 24 A. I have no -- I don't recall. 25 That was a long time ago.
Page 140 1 Q. Best recollection, early 2000s? 2 A. It would have -- 2008-9, 3 somewhere around there, around the time 4 I started carrying Glock or before. 5 Actually before. 6 Q. Did you bring the Glock pistol 7 with you to the concealed carry class? 8 A. No, it wasn't that one. I would 9 have been -- I would have carried 10 something else at the time I think. 11 Q. Remember earlier we had a 12 conversation about all different 13 firearms on the Internet that could 14 explode with bad ammunition? 15 MR. LEWIS: Form and foundation. 16 A. Yes. 17 Q. Let me show you some pictures. 18 (Exhibit 12, photographs was 19 marked for identification.) 20 A. Is it okay to remove paperclips? 21 Q. Yes, sure. Did you have a chance 22 to go through those? 23 A. Some of them, yes. 24 Q. Just in general, would you agree 25 with me that these are bunch of	Page 141 1 photographs of firearms that have been 2 basically blown up? 3 A. They look like firearms that have 4 been damaged by something. 5 Q. And some of them you've got some 6 ammunition that's blown out? Take a 7 close look. 8 A. Yes. 9 Q. Is this perhaps some of the blown 10 up guns that you've seen on the 11 Internet, all the different 12 manufacturers? 13 A. Oh, I'm sure there's some of 14 these pictures that I've seen 15 previously. 16 Q. You've seen some of these? All 17 right. You agree with me that if 18 there's improper ammunition, that it 19 could damage any type of firearm? 20 MR. LEWIS: Form and foundation. 21 A. Yeah, ammunition can damage a 22 firearm. 23 Q. Like an M&P, correct? 24 MR. LEWIS: Form and foundation. 25 A. Yes.

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Page 254 DO NOT COPY 1 A. I may have. 2 Q. You may have. Did Mr. Lewis tell 3 you to say well maybe it was still stuck 4 in the gun? 5 A. No. 6 Q. Did he suggest that to you? Be 7 honest. 8 A. No. 9 Q. You know that when you send a 10 firearm back to the manufacturer you 11 can't have any ammunition in it, right? 12 A. Well, yeah. 13 Q. So you would check to see if 14 there's ammunition in before you would 15 send it, right? 16 A. Yes. 17 Q. You don't recall seeing anything 18 when you looked inside the handle of the 19 gun, correct? 20 A. Man, I don't know. It's been a 21 long time. I don't remember what it 22 looked like. 23 Q. I want to know if you saw 24 anything when you looked inside the 25 handle of your pistol after the	Page 255 1 ammunition failed in the Glock 36S? 2 MR. LEWIS: Form and foundation. 3 A. I don't remember what I saw in 4 there. 5 Q. You don't remember if you even 6 looked in there, right? 7 A. Well I'm sure I did. I just 8 don't remember what I saw. I mean the 9 whole magazine came apart, out and 10 whatever. I just don't remember if I 11 saw -- what I saw in there. 12 Q. You don't know if you say 13 anything in there, right? Let's be 14 fair. 15 A. I don't know if I saw anything or 16 if I saw whatever. I don't know. 17 Q. No specific recollection of 18 anything, whether you saw it or not 19 inside that handle, right? 20 MR. LEWIS: Form and foundation. 21 A. I do not have a specific 22 recollection. 23 Q. When you wrote your letter which 24 is exhibit number 6, did you ever tell 25 Glock that you thought it was their
Page 256 1 fault that the ammunition failed? 2 A. I sent that intending to be as 3 impartial as possible. It was your 4 guys. I assumed they would fix it. If 5 it was my fault then they would diagnose 6 as my fault and I offered to pay. 7 Q. How is this impartial if you 8 never told anyone that you reloaded the 9 ammunition? 10 MR. LEWIS: Form and foundation. 11 Q. Sir? 12 A. Hold on. So what does the letter 13 say? What's the wording specifically? 14 Q. Here, you want to look at it? 15 Here. 16 A. Appreciate a phone call. Let me 17 know how much it will cost to repair. 18 Thanks for taking a look at this. 19 So like if there's a cost to 20 repair it, I think it's implied that I'm 21 going to pay for it. 22 Q. Wouldn't it have been fairer to 23 tell Glock that you reloaded the 24 ammunition? 25 A. I may have on the phone with them	Page 257 1 when they called me. 2 Q. No specific recollection of that, 3 right? 4 A. That's correct. 5 Q. Because you knew that if you told 6 Glock you made that round of ammunition, 7 that your warranty would have voided, 8 right? 9 A. I suspected that. But I also 10 figured they would be able to tell upon 11 inspection whether or not that was the 12 case. 13 Q. Right. But you can't say whether 14 or not -- withdrawn. 15 But you never sent them the 16 brass, right? 17 MR. LEWIS: Form and foundation. 18 A. That question comes up a lot. 19 Q. Yeah. 20 A. Yeah. 21 Q. When you wrote exhibit 6, the 22 feeling wasn't you have a firearm that 23 has a design problem, fix my gun, it was 24 more let me know how much it's going to 25 cost to repair, fair?

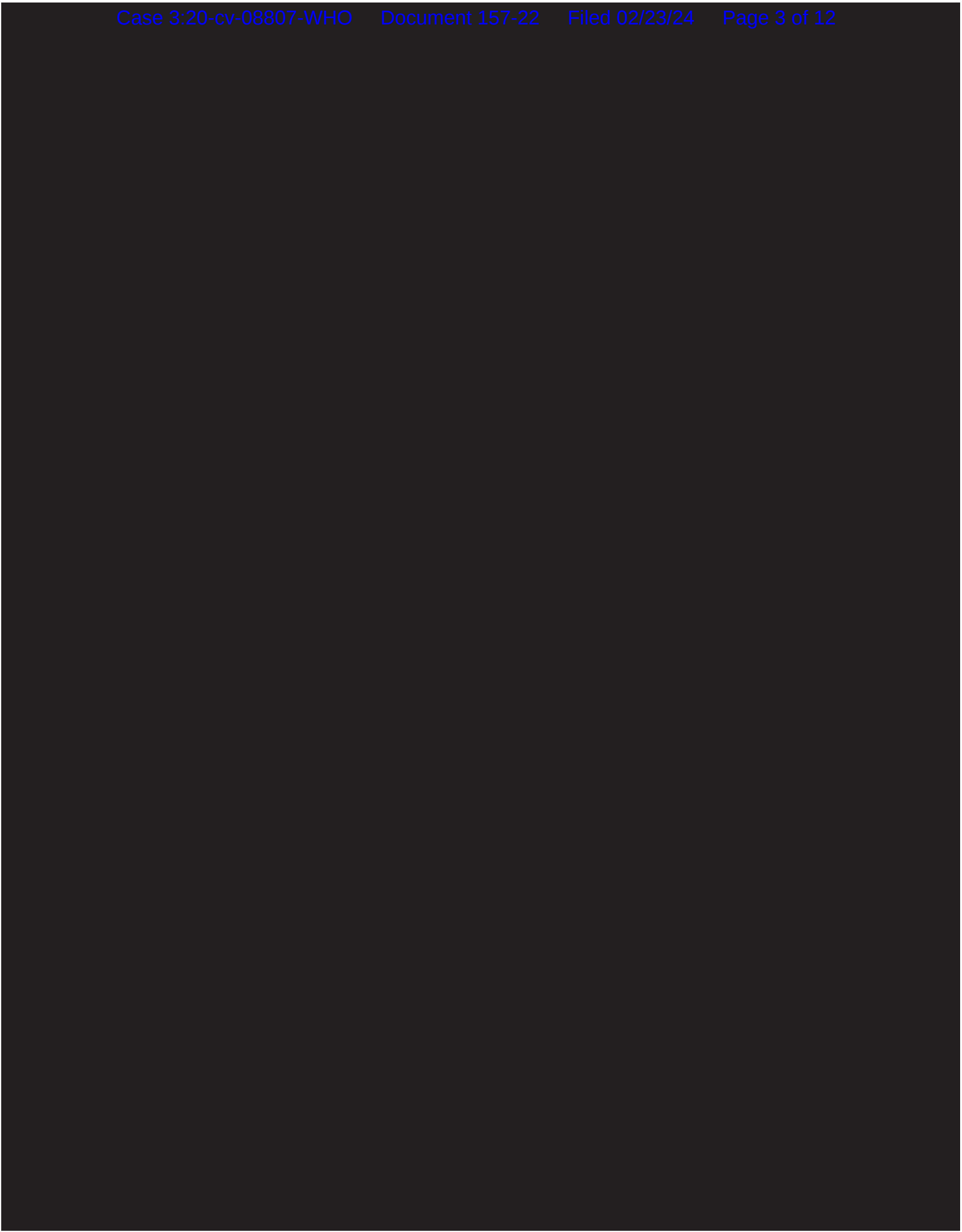
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Page 258 DO NOT COPY 1 A. Yeah. 2 Q. You agree with me that any 3 momentary lapse in concentration could 4 result in a second round -- can result 5 -- withdrawn. 6 Would you agree with me that any 7 momentary lapse of concentration could 8 result in a round of ammunition that's 9 out of specification? 10 MR. LEWIS: Form and foundation. 11 A. Any moment? 12 Q. Yes. 13 A. Well, we put a lot of different 14 spot checks on there to ensure that that 15 would not happen. 16 MR. C. RENZULLI: Move to strike 17 the responsiveness. 18 Q. Here's my question. Would you 19 agree with me that any momentary lapse 20 in concentration could result in a round 21 of ammunition being out of 22 specification? 23 MR. LEWIS: Form and foundation. 24 A. It is a very small possibility. 25 Q. It's a possibility?	Page 259 1 A. Just like in a factory, the same 2 thing is a possibility. 3 Q. If you get a phone call, that 4 could be a momentary lapse in 5 concentration, correct? 6 MR. LEWIS: Form and foundation. 7 A. It could be. 8 Q. An itch in your ankle, that could 9 be a momentary lapse of concentration, 10 correct? 11 MR. LEWIS: Form and foundation. 12 A. It could be. 13 Q. Your brother-in-law asking you 14 about the Phoenix Suns or the Arizona 15 Diamondbacks, that could be a momentary 16 lapse in concentration, correct? 17 MR. LEWIS: Form and foundation. 18 A. Theoretically. 19 Q. Theoretically? 20 A. Yes, it could be. 21 Q. It could be. And let me show 22 you, can you look at the Dillon manual, 23 please. Can you open that up to page 6. 24 Can you look at the bottom right-hand 25 side where it says pay attention?
Page 260 1 A. Yes. 2 Q. Can you read that into the record 3 please? 4 A. "Load only when you can give your 5 complete attention to the loading 6 process. Don't watch television or try 7 to carry on a conversation and load at 8 the same time. Watch the automatic 9 systems operate and make sure they are 10 functioning properly. If you are 11 interrupted or must leave and come back 12 to your loading always inspect the cases 13 at every" single station -- "every 14 station to ensure that the proper 15 operations have been accomplished." 16 Q. You understood that warning, 17 right? 18 A. Yes. 19 Q. You talked about powder dropping, 20 remember? 21 A. Yes. 22 Q. Conversation with Mr. Lewis. If 23 the powder dropping isn't consistent, 24 that could be disastrous, right? 25 A. Correct.	Page 261 1 Q. When you pulled the rounds of 2 ammunition that were left over from this 3 batch, how many rounds did you open? 4 MR. LEWIS: Form and foundation. 5 A. I think I answered that. It was 6 between a hundred and 200, I think. 7 Q. All the remaining? 8 A. Yes. 9 Q. And did you weigh each one? 10 A. I didn't weigh each one, but it 11 was -- the way the bullet puller works, 12 it drops them into a cylinder chamber. 13 Again, visually inspecting, you wouldn't 14 see the difference between 6.1 grains of 15 powder and 6.5 grains of powder. But 16 you would be able to tell a double 17 charge. I mean it just would. 18 Q. Did you weigh any of them though? 19 A. We weighed a few initially to 20 see. 21 Q. How many? 22 A. I don't know. 23 Q. Five? 24 A. Sure. I mean I don't know. I 25 don't have specifics.

EXHIBIT U

GINC001758



GINC001760

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JOHNSON V. GLOCK
Case No.: 3:20-cv-08807-WHO

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

MICHAEL GROSSO, individually,)
)
Plaintiff,)
)
v.) No. CV2016-005086
)
GLOCK, INC., et al.,)
)
Defendants.)

VIDEOTAPED DEPOSITION OF TOM HANLEY
WEDNESDAY, FEBRUARY 19, 2020
TAKEN ON BEHALF OF DEFENDANTS

REPORTED BY: MINDIE J. MESEKE, RPR CCR

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County of Maricopa
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Case No.: 3:20-cv-08807-WHO

25

1 would -- I would be happy to tell my story.

2 Q. And that's why we're here?

3 A. That's why we're here.

4 Q. All right. Did he use terms like
5 "mission critical" on the phone with you?

6 A. No.

7 Q. Did he tell you anything like Glock
8 blames their reloaders on failures of ammunition in
9 their pistols?

10 A. No.

11 Q. Nothing like that?

12 A. No.

13 Q. Because you and I also had two short
14 conversations, correct?

15 A. We did.

16 Q. And you remember the dates of those
17 conversations?

18 A. They were a couple of days ago.

19 Q. I'm going to help you.

20 A. I figured you knew.

21 Q. And it was on one day. It was on
22 February 16th, right? Just the other day, right?

23 A. Yes.

24 Q. You and I had two short conversations
25 that day?

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1 A. Yes, we did.

2 Q. You remember those conversations?

3 A. Yes.

4 Q. And, sir, isn't it true that in that
5 conversation you were very honest with me; and you
6 told me you weren't sure if it was a bad round that
7 caused the ammunition to fail in your Glock 30S,
8 correct?

9 A. That's correct.

10 Q. You also tell me, and you were very
11 honest, that you weren't sure if you made a mistake
12 in your reloading of the round that failed in your
13 Glock 30S, correct?

14 MR. LEWIS: Form, foundation.

15 A. That's correct.

16 Q. (By Mr. Chris Renzulli:) And as a -- you
17 don't have any formal training, right, in firearms
18 ammunition design?

19 A. No.

20 Q. No? Okay. Just making sure, you're not
21 an engineer?

22 A. No, I am not.

23 Q. Okay. No formal training in
24 engineering --

25 A. No.

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1 Q. -- right?

2 You're not an armorer of any sort --

3 A. No.

4 Q. -- or a firearms designer, anything like
5 that?

6 A. I am not.

7 Q. You're not, okay.

8 Now, I know Mr. Lewis spoke to you about
9 the design of Glock pistols on that first telephone
10 call, right?

11 MR. LEWIS: Form and foundation.

12 A. We talked about the barrel, yes.

13 Q. (By Mr. Chris Renzulli:) He talked about
14 the chamber and --

15 A. Yes.

16 Q. -- and he told you that there was some
17 unsupported part of that chamber, correct?

18 A. That's the way I remember it.

19 Q. Okay. But you yourself, sir, you didn't
20 measure any barrels or chambers of Glock pistols,
21 right?

22 A. No.

23 Q. You didn't measure any feed ramps of any
24 Glock pistols or any other manufacturers' pistols,
25 right?

1 were firing. I talked after it happened to the
2 people at On Target.

3 Q. After it happened, you spoke to folks
4 there?

5 A. Yes.

6 Q. What did you talk about?

7 A. The failure.

8 Q. What did you say to them?

9 A. I said, look what happened to my gun.

10 Q. Right, right.

11 A. I took it out to the -- to the front
12 desk, and I showed it to them. And he said, well, we
13 have a gunsmith here, why don't you show it to him?

14 Q. Right.

15 A. So he introduced me to the gunsmith. I
16 don't know his name; I don't remember. And he looked
17 at it, and he said, you need to -- he said, I would
18 not work on this firearm. He said, I could order
19 parts, put it back together, he said, but I wouldn't
20 do that. He said, you need to send it to Glock
21 because they can run tests on it to see if it's fire
22 worthy. And so that's what I did.

23 Q. Did you tell him you had reloaded
24 ammunition in it?

25 A. The gunsmith at On Target?

1 Q. Correct.

2 A. No.

3 Q. Did you tell anyone at the range that
4 you used reloaded ammunition in it?

5 A. No.

6 Q. You didn't tell anyone at Glock either
7 that you used reloaded ammunition either, correct?

8 A. No, I did not.

9 Q. You did not. It's not in your letter to
10 Glock?

11 A. That's correct.

12 Q. Were you under the understanding that if
13 you used reloaded ammunition your warranty would be
14 void?

15 A. I -- I read in the manual that it was
16 not advised to do that.

17 Q. Not advised to do what?

18 A. To use reloads, yeah.

19 Q. And you knew that before you fired your
20 Glock?

21 A. Absolutely, I did, yes.

22 Q. But you decided that you wanted to take
23 that risk?

24 A. Yes, I did.

25 Q. That was your personal choice?

1 A. That is correct.

2 Q. So is that why you never told Glock when
3 you sent it in that you had reloaded ammunition?

4 A. You know, had Glock asked me, I would
5 have told them, okay? I -- I didn't volunteer the
6 information. They never asked.

7 Q. But don't you think you should have told
8 them?

9 MR. LEWIS: Form and foundation.

10 A. I don't know. Maybe I should have, yes.

11 Q. (By Mr. Chris Renzulli:) You should
12 have, right?

13 If you could do it over again, would you
14 have told them it was reloaded ammunition?

15 MR. LEWIS: Form and foundation.

16 A. I don't know that I would. Maybe -- if
17 they asked, I would have told them. Okay?

18 Q. (By Mr. Chris Renzulli:) And, honestly,
19 the reason you didn't tell them is because you didn't
20 want that to void your warranty, correct?

21 A. Well, you know, the manual said don't do
22 it, and yeah, I was -- and I had done it of my own
23 volition, but I don't know that I was worried about
24 the warranty. Okay? If they would have said, we're
25 gonna charge you for it, I would have paid for it. I

1 was surprised that they just fixed it without asking
2 any questions or anything like that.

3 Q. Well, good customer service, right?

4 A. Yes.

5 MR. JOHN RENZULLI: Form and foundation.

6 Q. (By Mr. Chris Renzulli:) And it was
7 basically cosmetic damage --

8 A. No.

9 Q. Let me finish.

10 A. Oh, I'm sorry.

11 Q. Barrel was intact, correct?

12 A. Yes.

13 Q. Slide was intact, correct?

14 A. I think it was, yes.

15 Q. So you had some polymer parts that were
16 damaged?

17 A. The magazine was blown out of the bottom
18 of the --

19 Q. Okay.

20 A. -- grip. And it was unusable. The
21 magazine was unusable. And the spring had come out;
22 it was, you know, in pieces. But visibly looking at
23 the pistol, it seemed to be intact, yes.

24 Q. Yeah. So it was the magazine that was
25 affected mostly, correct?

EXHIBIT V



GINC001791

GINC001792

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PDF TRANSCRIPT COVER PAGE

Dennis L. Crabill
Grosso v. Glock

March 12, 2020



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Court Reporters

Videoconference

Transcription

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Superior Court of the State of Arizona

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County of Maricopa
Case No.: 3:20-cv-08807-WHO
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
SUBJECT TO PROTECTIVE ORDER
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IN AND FOR THE COUNTY OF MARICOPA

MICHAEL GROSSO,)
)
Plaintiff,)
)
vs.) No. CV2016-005086
)
GLOCK, INC. and BEAR ARMS OF)
SCOTTSDALE, INC., et al.,)
)
Defendants.)
_____)

VIDEO DEPOSITION OF DENNIS L. CRABILL

Phoenix, Arizona
March 12, 2020
10:30 a.m.

PREPARED FOR

ATTORNEY AT LAW
(COPY)

Reported by:
Kristi K. Spires, RPR
Arizona CR #50135
AZ Registered Reporting Firm No. R1008

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County of Maricopa
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Dennis L. Crabb
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1 you remember that?

2 A. Yes.

3 Q. And I told you that the reason I was doing
4 that was because that was the phone number that you
5 had given to Glock when you returned your -- the
6 Glock pistol. Do you remember that?

7 A. Yes, sir.

8 Q. You told me about your vacation, right?
9 You're going on vacation on the 16th, correct?

10 A. Correct.

11 Q. And do you agree with me that one of the
12 first things I asked you was about the ammunition you
13 were using in your Glock 36 pistol when it failed on
14 June 8th, 2015, correct?

15 A. Correct.

16 Q. And you told me that you were given six or
17 seven rounds of the ammunition from someone at a gun
18 show, correct?

19 A. Correct.

20 Q. And you said to me on that phone call that
21 you didn't know who that person was, right?

22 A. Correct.

23 Q. And you told me on our phone call that the
24 person gave you the rounds, that you didn't purchase
25 them, correct?

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A. That's correct.
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Q. And you also told me that this person at the gun show told you that they were reloaded rounds of ammunition, correct?

A. They were factory reloads.

Q. And factory reloads are -- number one, they are reloaded rounds of ammunition, correct?

A. To my knowledge, yes.

Q. That means that the brass was used previously before it was made, correct?

A. I can't deny or confirm that.

Q. Do you know what factory reloaded ammunition means?

A. Not really. I was told they were remanufactured to the specifications of the ammunition. That would guarantee there was not going to be any hot loads. And that's all I know.

Q. Okay. Now, you didn't say that to me at all on our conversation on March 5th, correct?

A. That's correct.

Q. And I specifically asked you about the nature of that ammunition and where it came from, and you told me, "I have no idea," correct?

MR. LEWIS: Form and foundation.

From time to time, Mr. Crabill, I'm going

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to place objections.
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1 It's for the judge to listen to
2 the question later. Unless someone tells you not to
3 answer it, just ignore me. Okay? And he will do the
4 same when I ask questions. Okay?

5 THE WITNESS: Okay.

6 MR. LEWIS: So if you can remember the
7 question --

8 MR. RENZULLI: Can you read back that
9 question, please?

10 (The requested portion of the record
11 was read by the court reporter.)

12 BY MR. RENZULLI:

13 Q. You can answer the question, sir.

14 A. Basically I'm not sure what the question
15 means.

16 Q. Okay. In our conversation, sir, didn't you
17 tell me you had no idea where that ammunition came
18 from other than it was handed to you by some unknown
19 person at a gun show?

20 A. I -- I don't know if I can answer that
21 question correctly.

22 Q. What's wrong? Tell me how I can make it so
23 that you understand it. What is the problem?

24 A. They had a booth. They were handing out
25 rounds of ammunition to multiple people. They had a

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1 name on it, which I don't remember. I ain't going to
2 say no idea. I just don't remember what name or
3 brand. And it was a local manufacturer here in
4 Arizona. That's all I can state as far as where the
5 ammunition came from.

6 Q. And you don't know who the person is,
7 correct?

8 A. I have no idea of the individual who handed
9 it to me.

10 Q. You have no idea of -- was there a sign-up at
11 the gun show --

12 A. Yes, there was.

13 Q. -- that says a name?

14 A. It had a name of the company and packaging
15 was on there. It had a name on it which I didn't
16 keep. So it's --

17 Q. Can you just --

18 A. Go ahead.

19 Q. No. You can finish, sir.

20 A. I don't have anything else to add.

21 Q. Can you tell the jury anything else about
22 this unnamed person or unnamed booth at the gun show
23 that you haven't told us about yet?

24 A. No.

25 Q. Now, fair to say, sir, you don't know how

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1 many times that brass was reused to reload that
2 ammunition, correct?

3 A. I have no history on what -- correct.

4 Q. You don't even know who actually reloaded
5 that ammunition, correct?

6 MR. LEWIS: Form and foundation.

7 Go ahead and answer the question.

8 THE WITNESS: I couldn't even tell you if
9 it was actually reloaded.

10 BY MR. RENZULLI:

11 Q. Other than they told you that it was?

12 A. Yes.

13 Q. You don't know what type of primers were used
14 in that ammunition, correct?

15 A. No.

16 Q. You don't know what type of powder was used
17 in that ammunition, correct?

18 A. Correct.

19 Q. You don't know the type of bullet that was
20 used in that ammunition, correct?

21 A. Correct.

22 Q. And didn't you tell me on the phone during
23 our 11-minute conversation that this ammunition
24 wasn't even in a box?

25 A. Correct.

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1 Q. You told me that it wasn't even in a bag,
2 correct?

3 A. It was in a bag, and it had a label on it.

4 Q. It had a bag and a label. Is that what
5 you're testifying to now?

6 A. That's correct.

7 Q. Did you tell me on Thursday, March 5th that
8 he just handed them to you and that there was no bag?

9 A. No. I didn't say -- if I did, I didn't state
10 it correctly.

11 Q. All right. And you don't have that bag,
12 correct?

13 A. That's correct.

14 Q. And you have absolutely no information to
15 tell this jury who that person was, correct?

16 A. That's correct.

17 Q. Did you look at the seven rounds of
18 ammunition?

19 A. Yes.

20 Q. Did they look the same?

21 A. Yes.

22 Q. Did they have different headstamps on them?

23 A. That, I didn't verify.

24 Q. So the jury -- so the jury knows, the
25 headstamp is on the edge of the case, correct?

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1 the one you see in the picture, and it -- and that
 2 one that you probably see in the picture is not a
 3 live round. It is a spent round.

4 So I didn't have any live cartridges if
 5 you read the documentation. It was the last one I
 6 shot that blew up in my gun. So I had shot the
 7 number of rounds that already were given to me. And
 8 on the very last one I shot, it blew the gun up.

9 Q. Let me see if I understand that, sir.

10 You received seven rounds of ammunition
 11 from this person at the gun show, correct?

12 A. Correct.

13 Q. And you fired all of those rounds of
 14 ammunition through the Glock pistol, correct?

15 A. Correct.

16 Q. And it was the last round that failed on
 17 June 8th, 2015, correct?

18 A. Correct.

19 Q. So at no time after that round failed on
 20 June 8th, 2015, did you have any more rounds of the
 21 ammunition that this unknown person gave you at the
 22 gun show, correct?

23 A. Correct.

24 Q. As far as the cartridge case that failed
 25 inside your gun on June 8th, 2015, where is that now?

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A. I beg your pardon.
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Q. Where is that cartridge case now, the one
that failed inside your gun on June 8th, 2015?

A. I no longer have it.

Q. You threw it away?

A. I assume because I can't find it.

Q. When did you throw it away?

A. I have no idea.

Q. I'm sorry, sir?

A. No idea.

Q. Now, after that round of ammunition failed in
your pistol on June 8th, 2015, you contacted Glock,
right?

A. Yes.

Q. I'm going to show you -- James, take
Exhibit 1, and we'll mark it as **Exhibit 2**.

MR. WILLIAMS: Got it.

(Deposition Exhibit No. 2 was marked
for identification.)

BY MR. RENZULLI:

Q. Now, sir, you told Glock that your handgun
was damaged by a shell exploding in the barrel,
correct?

A. Yes.

Q. And in your first email to Glock, you made no

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1 mention that you were using reloaded ammunition,
2 correct?

3 A. That's correct.

4 Q. As a matter of fact, at no time throughout
5 all of your contact with Glock did you ever tell them
6 that you were using reloaded ammunition, correct?

7 A. That is correct.

8 Q. Now, in response to your first email to
9 Glock, what was the first question that you were
10 asked by Glock?

11 A. What I was asked by Glock?

12 Q. Correct. Sir, if you're looking at

13 Exhibit 1 -- Exhibit 2 --

14 MR. LEWIS: What is he referring to?

15 BY MR. RENZULLI:

16 Q. Turn to Bates number GLOCK510. Do you see
17 that?

18 A. Yeah.

19 Q. Now, can you read into the record what
20 Anthony Burdett asked you on Monday, July 6th at
21 5:22 a.m.?

22 A. "What type of ammunition was being used when
23 it happened? Attached are" --

24 Q. Sir, I'm --

25 A. Go ahead.

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 Q. Can you please -- we're talking over each
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other.

Can you please read into the record what
 Anthony Burdett asked you on July 6th at 5:22 a.m.?

A. "What type of ammunition was being used when
 it happened?" Is that what you're talking about?

Q. And then what else does he say?

A. "Attached are instructions on how to send
 your firearm in for evaluation."

Q. Now, you never sent him the cartridge case,
 correct?

A. No.

Q. You never sent Glock the cartridge case that
 failed inside your pistol, correct?

A. Nope.

Q. You never sent Glock any of those photographs
 that you took of the cartridge case that failed
 inside your pistol, correct?

A. Correct.

Q. Instead, you sent them what's at the top of
 GLOCK510. Take a look at that, will you, please?

A. Okay.

Q. Do you see the top of that email?

A. Yes, I do.

Q. Now, sir, when I -- when I asked you earlier

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1 whether you brought all of your emails with you today
2 with Glock, you told me that you did, correct?

3 A. That's correct.

4 Q. You told me that you had no other emails with
5 Glock, correct?

6 A. That's what I said.

7 Q. However, in front of you there were
8 additional emails with Glock, correct?

9 A. Evidently.

10 Q. You didn't provide those to counsel, correct?

11 A. I don't have them.

12 Q. You had some emails but not others?

13 A. Evidently. This is -- that's the only ones I
14 had in my email box.

15 Q. In this email to Glock, what you did was you
16 sold them -- you said -- withdrawn.

17 In this email to Glock, you sent the
18 factory specifications for .45 auto ammunition,
19 correct?

20 A. That's correct. That's what it shows.

21 Q. I'm sorry. Can you repeat that answer?

22 A. I said, "That's what it shows."

23 Q. But, in fact, you had no idea what the primer
24 was in your round of ammunition, correct?

25 MR. LEWIS: Form and foundation.

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THE WITNESS: Okay. Sure.

BY MR. RENZULLI:

Q. Sir?

A. We've already covered it. Yes. I said I do not know.

Q. And you don't know the weight of the round of ammunition, correct?

A. Correct.

Q. And you didn't know the grain of bullets, correct?

A. Correct.

Q. Yet, you sent this information to Glock anyway to attempt to lead them to believe that this was a factory round of ammunition, correct?

MR. LEWIS: Objection. Form and foundation.

THE WITNESS: I had no knowledge that it wasn't factory -- factory ammunition at this time. It wasn't until later that I examined other rounds that I had in my inventory. And I did not have this brand of ammunition in my inventory, which led me to believe that I got it from the gun show because that's the only place I've ever collected any ammunition outside what I had already purchased.

BY MR. RENZULLI:

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1 Q. So, sir, let me make sure we're on the same
2 page here.

3 When you contacted Glock, you didn't know
4 that this was a reloaded round of ammunition?

5 A. That's correct.

6 Q. And it was sometime later that you figured it
7 out?

8 A. That's correct.

9 Q. And when was it later that you figured it
10 out, that this was reloaded ammunition?

11 A. Probably months after I had got the gun back,
12 and I was trying to figure out why this happened to
13 begin with.

14 Q. Okay. What time period are we talking about
15 here, sir?

16 A. I really don't know. It was at some later
17 point in time that I decided that that had to have
18 been the only cause for that to happen because I
19 contacted the -- this particular gun manufacturer --
20 or ammunition people. And then I started thinking, I
21 don't have that particular brand in my inventory.

22 Q. So it's at that point that you contacted the
23 folks at the gun show?

24 A. No. No. I actually tried to contact the
25 people who make the ammunition.

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1 Q. Let's make sure you and I are on the same
2 page.

3 When you said the folks who made the
4 ammunition, are you talking about a company called
5 Aguila?

6 A. Yes.

7 Q. Now, Aguila is the name that's stamped on top
8 of the headstamp of the ammunition that you saved,
9 correct?

10 A. Correct.

11 Q. And you and I know that just because it says
12 Aguila on the top that brass was originally
13 manufactured by Aguila, correct?

14 A. Yes.

15 Q. But it was reloaded by someone else, correct?

16 MR. LEWIS: Objection. Form and
17 foundation.

18 THE WITNESS: At the time, I had no clue.

19 BY MR. RENZULLI:

20 Q. But you learned later that that was reloaded
21 by someone else, correct?

22 A. No. That's an assumption I made based on
23 what I had in inventory, that this ammunition was --
24 the only place I could have possibly got this type of
25 ammunition was at the gun show when I got seven free

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1
2 Q. Mr. Crabill, when Mr. Renzulli was asking you
3 questions about the ammunition and the email you sent
4 to Glock, you put it was the Aguila ammunition .45
5 auto, correct?

6 A. Correct.

7 MR. RENZULLI: Objection to form.

8 BY MR. LEWIS:

9 Q. And that was part of the email that's marked
10 as exhibit -- an exhibit to your deposition. Do you
11 recall that?

12 Is it marked as Exhibit 2?

13 MR. WILLIAMS: Yes.

14 BY MR. LEWIS:

15 Q. So it's marked as Exhibit 2.

16 A. Okay.

17 Q. Okay. And do you remember when Mr. Renzulli
18 was asking you questions about this being the
19 ammunition that you told Glock you were firing,
20 correct?

21 A. Correct.

22 Q. And the pictures show that it's Aguila .45
23 auto ammunition, right?

24 MR. RENZULLI: Objection to form.

25 THE WITNESS: Correct.

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1
2 Q. And at one point you talked about some
3 ammunition that you got from a gun show that you said
4 you shot all of them at one point, correct?

5 A. Correct.

6 Q. And is it possible, Mr. Crabill, that you did
7 shoot only some Aguila ammunition from the -- that
8 you bought from the Shooter's World?

9 MR. RENZULLI: Objection to form.

10 THE WITNESS: I never purchased
11 ammunition from them.

12 BY MR. LEWIS:

13 Q. Okay. Where did you -- do you purchase
14 ammunition from like that? Like Sportsman's
15 Warehouse? Big 5? Cabela's?

16 A. Cabela's.

17 MR. RENZULLI: Objection to form.

18 BY MR. LEWIS:

19 Q. Did you know that Cabela's sells this very
20 same ammunition?

21 MR. RENZULLI: Objection to form;
22 leading.

23 THE WITNESS: No, I do not.

24 BY MR. LEWIS:

25 Q. Okay. You know, it -- at one point you

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1 reported that it was this ammunition, and then at
2 another point you said that you thought perhaps that
3 you fired all of the ammunition that you got from the
4 gun show.

5 Is it possible that you purchased this
6 ammunition from one of these other facilities or
7 businesses like Cabela's or Sportsman's --

8 MR. RENZULLI: Objection to form.

9 BY MR. LEWIS:

10 Q. -- Shooter's World, any of those places?

11 MR. RENZULLI: Objection to form.

12 THE WITNESS: No, not to my knowledge.

13 BY MR. LEWIS:

14 Q. Okay. What I'm -- and I'm just trying to
15 understand this, Mr. Crabill, because a moment ago
16 you said that you went back and you looked and Aguila
17 wasn't part of your inventory that you had. And
18 that's what you -- that's why you came to the
19 conclusion that it must have been the rounds that you
20 got from the gun show, correct?

21 MR. RENZULLI: Objection to form. You're
22 testifying. Leading.

23 BY MR. LEWIS:

24 Q. Go ahead and answer the question.

25 A. Yes.