

Hearing Date: 11/15/2021 10:00 AM - 10:00 AM
Courtroom Number:
Location:

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION**

FILED
11/3/2021 11:15 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021CH01987

CITY OF CHICAGO, an Illinois municipal Corporation,

Plaintiff,

v.

WESTFORTH SPORTS, INC.,

Defendant.

)
)
)
) Case No. 2021CH01987
)
) Judge: Sophia H. Hall
)
)
)

15455573

EXHIBIT A

FILED DATE: 11/3/2021 11:15 AM 2021CH01987

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION**

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|---|---|----------------------|
| CITY OF CHICAGO, an Illinois municipal Corporation, |) | |
| |) | |
| Plaintiff, |) | Case No. 2021CH01987 |
| |) | |
| v. |) | |
| |) | |
| WESTFORTH SPORTS, INC., |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF’S FIRST SET OF PERSONAL JURISDICTION REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANT WESTFORTH SPORTS, INC.¹

Pursuant to Illinois Supreme Court Rules 201 and 214, Plaintiff City of Chicago hereby requests that Defendant Westforth Sports, Inc. produce all documents responsive to the following Requests for Production (the “Requests”) at the offices of Mayer Brown LLP, 71 S. Wacker Dr., Chicago, Illinois 60606, within 21 days after service of these Requests, together with an affidavit indicating that such production in accord with these Requests is completed.

DEFINITIONS

The following terms shall have the meanings set forth below whenever used in any Definition, Instruction or Request.

1. As used herein, the terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope. The term “each” shall be construed to include the word “every,” and “every” shall be construed to include the word “each.” The term

¹ As noted below, certain Requests incorporate, and are consolidated with, Plaintiff’s First Requests for Production.

“any” shall be construed to include the word “all,” and “all” shall be construed to include the word “any.”

2. As used herein, the term “communication” shall mean any contact, oral or written, formal or informal, at any time or place, by any medium, and under any circumstances whatsoever, whereby information of any nature was shared, transmitted or transferred. The term “communication” shall include contact in person or by e-mail, telephone, facsimile, computer or any other method. “Communication” includes documents received from or provided to another person. Documents that “refer or relate to” a “communication” always shall include documents relating to any possible, contemplated, potential, or intended communication without regard to whether the communication actually occurred.

3. As used herein, the term “document(s)” shall be used in the broadest sense and is coextensive with the meaning of the term “documents” in Illinois Supreme Court Rule 201(b)(1). The term shall mean any written, printed, typewritten, handwritten, recorded, tape recorded, videotaped, computer-generated, graphic, photographic or other tangible matter or material from whatever source (however produced, reproduced or recorded), including without limitation all of the following: correspondence, drafts, notes, telegraphs, facsimiles, memoranda, contracts (including all drafts and changes), calendars, reports, studies, diaries, time-slips, log books, daybooks, work schedules, pamphlets, charts, maps, plans, drawings, tabulations, calculations, financial records, bank records, schedules, spread sheets, tax returns, audit reports, invoices, drafts, work-papers, work sheets, books, computer printouts, computer cards, computer tapes, computer diskettes, e-mails, other repositories of computer-generated, computer-compiled, or computer-maintained information, minutes and minute books (of any meeting of any person(s), committee or board), statements, checks, receipts, administrative regulations, journals and authoritative texts,

statistical or information accumulations or summaries, files, photographs, microfilm or mechanical reproductions, attachments, enclosures and other materials related to any of the foregoing. The term “document(s)” shall include all copies of each document if the copies contain any additional writing or are not identical copies of the originals. The term shall also include each and every file folder or other material in which the above items are stored, filed or maintained.

4. As used herein, the terms “including” and “includes” shall mean including without limitation.

5. As used herein, the terms “refer” or “relate to” shall mean consisting of, reflecting, referring to, concerning, regarding, supporting, involving, evidencing, constituting, purporting, embodying, establishing, comprising, commenting on, responding to, describing, discussing, or in any way having a legal, logical, evidential, or factual connection with (whether to support or to rebut) the subject matter designated in the Request. A request that “refers” or “relates to” a specified subject matter always shall include notes and memoranda (whenever prepared) relating to the subject matter of the request.

6. As used herein, the term “ATF” shall mean the Bureau of Alcohol, Tobacco, Firearms and Explosives.

7. As used herein, the term “person(s)” shall include any individual, firm, partnership, corporation, proprietorship, association, governmental body, or any other organization or entity.

8. As used herein, the term “Straw Purchasers” shall include Walter Richardson; James Magee; Jevonte Thomas; James Clark; Mark Perez; Marcus Jones; Richard Rowe; Floyd Jones III; Tashanda Latrice Okoe; Aaron L. Green; Ruby Shearry; Carlo Chambers; Paul Fowlkes a.k.a. Paul Fowlkes; Blake Blakemore; Patricia Bonds; Phillip Harvey; James Green; Channel Larie Murphy; Robert Patrick Collins; Dakota L. McCeader; Levar Reynolds; Marc Lewandowski;

Tinisha Florence Hardy; Adrienne Danielle Bean; Kadeem Fryer; David Reginald Valentine; Kyle Jackson; Terrance Pratt Hubbard Jr.; Cassie Wilson; Marqwan Blasingame; Mayhalia Johnson; Darryl Ivery Jr.; Briana Williams-Heard; Cherisse Lavette Mitchell; Michael Todd Potter Jr.; Brianna Schleicher; Dawn Carden; Florastine Duncan; Tanyanika La Shay Conaway; Taniya Monee Williams; Raelynn Janet Kuykendall; Timothy Howard Kuykendall, Jr.; Caitlyn Rose Moore; Delmar Johnson, and any of their known associates.

9. As used herein, the term “Additional Straw Purchasers” shall include Terrence Pratt Hubbard Jr., Philip Carter Jr., David Covington, Alan Marseen Nunn, and Terrence McCray, and any of their known associates.

10. As used herein, the term “Westforth,” “you” or “your” shall mean Defendant Westforth Sports, Inc., as well as any of its directors, officers, agents, employees, representatives, persons acting for or on its behalf, and any and all persons affiliated with or controlled by Westforth.

11. As used herein, the term “litigation” or “action” shall mean *City of Chicago v. Westforth Sports, Inc.*, Case No. 2021CH01987.

12. As used herein, the term “Complaint” shall mean the Plaintiff’s Petition for Damages and Injunctive Relief filed in this action.

INSTRUCTIONS

1. The Requests herein shall be subject to a duty to amend or supplement in accordance with Illinois Supreme Court Rule 214.

2. The Requests extend to all documents in your possession, custody or control.

3. If you refuse to disclose any document requested herein (or any portion thereof) on the grounds of privilege, identify in a privilege log each such document or portion thereof as to

which the objection is made, and with respect to each document so identified, the exact basis, legal or otherwise, for your claim that such document (or any portion thereof) need not be disclosed. The remaining specificities regarding a privilege log will be determined by agreement of the Parties.

4. If an attachment to a document is also being withheld on the grounds of privilege, in addition to being identified as required by subpart (c) above, such attachment shall be identified in the privilege log as a separate document.

5. If, in answering the Requests, you claim that any Request, Definition or Instruction is ambiguous, do not use such claim as a basis for refusing to respond, but rather set forth as part of the response the language you claim is ambiguous and the interpretation of the language that you have used to respond to the Requests.

6. The Requests shall operate and be construed independently and shall not be limited by any other Request, except that documents responsive to more than one Request need be produced only once.

7. If, in answering the Requests, you object to any part of a Request, each part of said Request shall be treated separately. If an objection is made to a portion of a Request, the remaining portion(s) shall be answered.

8. In the event that more than one copy of a document exists, produce every copy on which there appears any notation or marking of any sort not appearing on any other copy (including routing or filing instructions) or any copy containing different attachments from any other copy.

9. For each Request, if you are unable to produce the requested documents in full or in part, please explain why you are unable to produce those requested documents.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All transaction records, from January 1, 2010, to the present, including acquisition and disposition records, ATF Form 4473s, invoices, orders, shipping labels, receipts, and recordings, including video, relating to any transaction involving:

- a. any of the Straw Purchasers, or any person to whom these named individuals are known to have provided a firearm purchased at Westforth;²
- b. any of the Additional Straw Purchasers, or any person to whom these named individuals are known to have provided a firearm purchased at Westforth; or
- c. any resident of the State of Illinois, or any person presenting any form of identification issued by the State of Illinois.

REQUEST FOR PRODUCTION NO. 2: Documents sufficient to show all customer profiles of:

- a. the Straw Purchasers;³
- b. the Additional Straw Purchasers; and
- c. any resident of the State of Illinois who purchased a firearm, firearm component, firearm accessory, or ammunition from Westforth between January 1, 2010, and the present.

REQUEST FOR PRODUCTION NO. 3: All records relating to any attempted purchase of firearms, firearm components, firearm accessories, or ammunition between January 1, 2010, and the present by a resident of the State of Illinois, or by any person presenting any form of identification issued by the State of Illinois.

² This request incorporates Plaintiff's First Requests for Production, Request No. 2.

³ This request incorporates Plaintiff's First Requests for Production, Request No. 3.

REQUEST FOR PRODUCTION NO. 4: All policies, procedures, and training materials, whether formal or informal, concerning the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois, or to residents of states other than the State of Indiana, including all versions of any such policy, procedure, or training material in effect at any time between January 1, 2000, and the present.

REQUEST FOR PRODUCTION NO. 5: All documents and communications concerning the adoption, termination, modification, or amendment of any policy or procedure concerning the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois, or to residents of states other than the State of Indiana, between January 1, 2000, and the present.

REQUEST FOR PRODUCTION NO. 6: All communications, from January 1, 2010, to present, that Westforth, or any employee, owner, or other representative of Westforth, had with any person concerning the actual or potential purchase of firearms, firearms components, firearms accessories, or ammunition by an Illinois resident. This request shall include, but not be limited to all “inquiries” and Westforth “respon[ses]” referenced in paragraph 21 of the August 12, 2021, Affidavit of Earl Westforth.

REQUEST FOR PRODUCTION NO. 7: All transaction records, from January 1, 2010, to the present, including acquisition and disposition records, ATF Form 4473s, invoices, orders, shipping labels, receipts, FFL certifications, or other forms of FFL licensing verification, relating to any transaction involving the shipment of a firearm, firearm component, firearm accessory, or ammunition to a customer or FFL located in the State of Illinois.

REQUEST FOR PRODUCTION NO. 8: All policies, procedures, and training materials, whether formal or informal, concerning the sale, transfer, or shipment of firearms,

firearm components, firearm accessories, or ammunition to a customer or FFL located in the State of Illinois (or to a customer or FFL located in a state other than the State of Indiana if no such policy or procedure exists specifically as to the State of Illinois), including all versions of any such policy, procedure, or training material in effect at any time between January 1, 2000, and the present.

REQUEST FOR PRODUCTION NO. 9: All communications, from January 1, 2010, to present, that Westforth, or any employee, owner, or other representative of Westforth, had with the ATF or the Chicago Police Department concerning:

- a. any of the Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth;⁴ or
- b. any of the Additional Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth.

REQUEST FOR PRODUCTION NO. 10: To the extent not encompassed in prior requests, all communications from January 1, 2010, to present that Westforth, or any employee, owner, or other representative of Westforth, had with the ATF, or any state or local law enforcement agency located in the States of Illinois or Indiana, concerning:

- a. Actual, planned, or attempted straw purchasing of firearms by residents of Illinois;
- b. Actual, planned, or attempted straw purchasing of firearms on behalf of or intended for transfer to individuals or criminal organizations located in Illinois;
- c. Actual, planned, or attempted trafficking of firearms into Illinois;
- d. Any sting operation involving the actual, planned, or attempted purchase of a firearm, firearm component, firearm accessory, or ammunition at Westforth Sports;

⁴ This request is adapted from Plaintiff's First Requests for Production, Request No. 5.

e. The recovery in Illinois of any firearm sold or transferred by Westforth.

REQUEST FOR PRODUCTION NO. 11: All documents and communications concerning or referencing the City of Chicago’s 2014 or 2017 reports concerning crime gun tracing, entitled “TRACING THE GUNS: THE IMPACT OF ILLEGAL GUNS ON VIOLENCE IN CHICAGO” (May 27, 2014) and “GUN TRACE REPORT” (2017), respectively.⁵

REQUEST FOR PRODUCTION NO. 12: All documents and communications between January 1, 2010, and the present concerning or referencing any press coverage of any firearm recovered in Illinois that was previously sold or transferred by Westforth.

REQUEST FOR PRODUCTION NO. 13: All video surveillance for July 2014, October 2014, November 2014, February 2015, June 2016, March 2017, May 2018, March 2019, December 2019, and February through August 2020. This request shall include, in particular, video surveillance of any transaction or attempted transaction involving any of the Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth.⁶

REQUEST FOR PRODUCTION NO. 14: To the extent not encompassed in prior Requests, all video surveillance of transactions or attempted transactions involving the Additional Straw Purchasers, including transactions or attempted transactions by these individuals in or about August 2017 through February 2018, August through September 2019, December 2019, and October 2020 through May 2021.

⁵ These reports may be viewed at <https://www.chicagobusiness.com/Assets/downloads/20151102-Tracing-Guns.pdf> and <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2017/October/GTR2017.pdf>, respectively.

⁶ This request is adapted from Plaintiff’s First Requests for Production, Request No. 14.

REQUEST FOR PRODUCTION NO. 15: Documents sufficient to show the percentage of Westforth's annual revenue, from January 1, 2010, to present, derived from the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois or to FFLs located in the State of Illinois.

REQUEST FOR PRODUCTION NO. 16: All documents that support or relate to the claims or defenses raised in Your Motion to Dismiss for Lack of Personal Jurisdiction or the August 12, 2021, Affidavit of Earl Westforth.

Dated: September 10, 2021

Respectfully submitted,

By: s/ James E. Miller

Celia Meza
Stephen J. Kane
Rebecca A. Hirsch
CITY OF CHICAGO DEPT. OF LAW
121 North LaSalle Street, Room 600
Chicago, Illinois 60602
(312) 744-6934
stephen.kane@cityofchicago.org
Rebecca.Hirsch2@cityofchicago.org

James E. Miller*
Krystan Hitchcock*
EVERYTOWN LAW
450 Lexington Ave.
P.O Box # 4184
New York, NY 10017
Phone: (646) 324-8365
jedmiller@everytown.org
khitchcock@everytown.org

Alla Lefkowitz *
EVERYTOWN LAW
P.O. Box 14780
Washington, DC 20044
Phone: 202-545-3257 ext. 1007
alefkowitz@everytown.org

* Admitted pro hac vice

**Pro hac vice applications forthcoming

Michael J. Gill
Michael A. Scodro
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
Firm No. 43948
mgill@mayerbrown.com
mjscodro@mayerbrown.com

Mark G. Hanchet**
Robert W. Hamburg**
Victoria D. Whitney**
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020
(212) 506-2500
mhanchet@mayerbrown.com
rhamburg@mayerbrown.com
vwhitney@mayerbrown.com

**ATTORNEYS FOR PLAINTIFF
CITY OF CHICAGO, ILLINOIS**

Judge: Sophia H. Hall

EXHIBIT B

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION**

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|---|---|----------------------|
| CITY OF CHICAGO, an Illinois municipal Corporation, |) | |
| |) | |
| |) | |
| Plaintiff, |) | Case No. 2021CH01987 |
| |) | |
| v. |) | |
| |) | |
| WESTFORTH SPORTS, INC., |) | |
| |) | |
| Defendant. |) | |

**WESTFORTH SPORTS, INC.’S RESPONSES TO PLAINTIFF’S FIRST SET OF
PERSONAL JURISDICTION REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant, Westforth Sports, Inc. (“Westforth”), hereby responds to Plaintiff’s First Set of Personal Jurisdiction Requests for Production of Documents as follows:

GENERAL OBJECTIONS AND LIMITATIONS

In addition to the specific objections set forth in response to any Document Request, Westforth incorporates the following objections into each objection and/or individualized answer set forth below, as well as into each amendment, supplement or modification to these answers:

1. Westforth objects to each of the Requests for Production insofar as they request documents pertaining to transfers of long guns to Illinois residents or transfers of any firearms to other federal firearms licenses. Plaintiff’s complaint is based upon the premise that “Westforth feeds the market for illegal firearms by knowingly selling its products to an ever-changing roster of gun traffickers and straw (sham) purchasers who transport Westforth’s guns from Indiana into Chicago, where they are resold to individuals who cannot legally possess firearms, including convicted felons and drug traffickers” because of Indiana’s “significantly weaker gun laws.” “[S]pecific jurisdiction is confined to adjudication of issues deriving from, or connected with, the

very controversy that establishes jurisdiction.” *Russell v. SNFA*, 2013 IL 113909, ¶ 40. Plaintiff’s stated claims do not derive from or relate to transfers to other federally-licensed dealers in Illinois or anywhere else making in-state transfers to individuals under those state’s laws, nor do they pertain to transfers of long guns in Indiana to out-of-state customers under the laws of both Indiana and the customers’ states of residence, and documents related to such can be of no jurisdictional significance. Further, specific personal jurisdiction cannot arise in Illinois out of sales in Indiana to Indiana residents.

2. Westforth objects to each of the Requests for Production insofar as they seek information that is protected from disclosure by the attorney-client privilege, the work product doctrine and/or any other privilege and/or immunity. The inadvertent or unintentional disclosure or production by Westforth of any information which is subject to the assertion of any privilege shall not be deemed to be a waiver in whole or in part of the confidential or privileged nature of the information disclosed or as to any other information relating thereto or on the same or a related subject matter.

3. Westforth objects to each of the Requests for Production insofar as they seek information protected from disclosure on the grounds that the information sought is confidential, proprietary, trade or of a commercially sensitive matter. Further, Westforth objects to the Requests for Production to the extent they seek disclosure of information that is treated as confidential by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“BATF”) or other law enforcement entity.

4. Westforth objects to each of the Requests for Production insofar as they seek documents that are irrelevant, inadmissible in this action or not reasonably calculated to lead to the discovery of admissible evidence on the issue of personal jurisdiction pertaining to Westforth.

Westforth objects to each of the Requests for Production insofar as they seek documents that are not in its possession, custody or control or in the possession, custody or control of others and further objects insofar as they seek documents already in the possession of Plaintiff or equally available to Plaintiff.

5. Westforth objects to each of the Requests for Production as overbroad, oppressive and unduly burdensome insofar as Plaintiff has failed to identify the relevant time period.

6. Westforth objects to each of the Requests for Production insofar as they call for legal conclusions.

7. Westforth objects to each of the Requests for Production insofar as they call for information concerning events that occurred after the date this lawsuit was instituted.

8. Nothing in these responses shall be construed as a waiver of any right or objections that otherwise might be available to Westforth. Westforth's responses herein shall not be deemed to be any admission of the relevancy, materiality, or admissibility in evidence of the Request for Production or Westworth's responses thereto.

9. Westforth has not fully completed its investigation of the facts relating to this action. The responses contained herein are based only upon such information which is presently available to and specifically known to Westforth. As such, Westforth reserves the right to supplement or amend the within responses to the extent any additional responsive information or things exist, where production of same would be appropriate and not contrary to any applicable privilege or objection, at a mutually convenient time and place.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All transaction records, from January 1, 2010, to the present, including acquisition and disposition records, ATF Form 4473s, invoices, orders, shipping labels, receipts, and recordings, including video, relating to any transaction involving:

- a. any of the Straw Purchasers, or any person to whom these named individuals are known to have provided a firearm purchased at Westforth;

RESPONSE: Objection. Westforth objects to Request for Production No. 1(a) on the grounds that it is not subject to reasonable temporal limitations and not reasonably calculated to lead to discovery of information relative to the issue of personal jurisdiction over Westforth in Illinois for the reasons described in detail in general objection No. 1. Subject to and without waiving its objections, all such documents relative to the individuals identified in Plaintiff's complaint are being produced.¹

- b. any of the Additional Straw Purchasers, or any person to whom these named individuals are known to have provided a firearm purchased at Westforth; or

RESPONSE: See response to Request for Production No. 1(a). In addition, Westforth objects to this Request for Production on the grounds that it is overbroad and unduly burdensome.

- c. any resident of the State of Illinois, or any person presenting any form of identification issued by the State of Illinois.

RESPONSE: See response to Request for Production No. 1(b).

REQUEST FOR PRODUCTION NO. 2: Documents sufficient to show all customer profiles of:

- a. the Straw Purchasers;

RESPONSE: See response to Request for Production No. 1(a).

- b. the Additional Straw Purchasers; and

¹ If Plaintiff can provide information to indicate that any "Straw Purchasers" or "Additional Straw Purchasers" reside in or have any other relevant connection to the State of Illinois, Westforth would consider revisiting its objections.

RESPONSE: See response to Request for Production No. 1(b).

- c. any resident of the State of Illinois who purchased a firearm, firearm component, firearm accessory, or ammunition from Westforth between January 1, 2010, and the present.

RESPONSE: See response to Request for Production No. 1(b).

REQUEST FOR PRODUCTION NO. 3: All records relating to any attempted purchase of firearms, firearm components, firearm accessories, or ammunition between January 1, 2010, and the present by a resident of the State of Illinois, or by any person presenting any form of identification issued by the State of Illinois.

RESPONSE: See response to Request for Production No. 1(b).

REQUEST FOR PRODUCTION NO. 4: All policies, procedures, and training materials, whether formal or informal, concerning the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois, or to residents of states other than the State of Indiana, including all versions of any such policy, procedure, or training material in effect at any time between January 1, 2000, and the present.

RESPONSE: Objection. Westforth objects to Request for Production No. 4 on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, not subject to reasonable temporal limitations, and not reasonably calculated to lead to discovery of information relative to the issue of personal jurisdiction over Westforth in Illinois. Subject to and without waiving its objections, as a federally-licensed firearm retailer whose operations are governed by the Gun Control Act of 1968, the National Firearms Act of 1934, applicable federal regulations, and applicable state and local laws and it is Westforth's policy to abide by such. As the applicable laws and regulations are equally available to Plaintiff, copies of such are not being produced.

REQUEST FOR PRODUCTION NO. 5: All documents and communications concerning the adoption, termination, modification, or amendment of any policy or procedure concerning the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois, or to residents of states other than the State of Indiana, between January 1, 2000, and the present.

RESPONSE: See response to Request for Production No. 4.

REQUEST FOR PRODUCTION NO. 6: All communications, from January 1, 2010, to present, that Westforth, or any employee, owner, or other representative of Westforth, had with any person concerning the actual or potential purchase of firearms, firearms components, firearms accessories, or ammunition by an Illinois resident. This request shall include, but not be limited to all “inquiries” and Westforth “respon[ses]” referenced in paragraph 21 of the August 12, 2021, Affidavit of Earl Westforth.

RESPONSE: Objection. Westforth objects to Request for Production No. 6 on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Subject to and without waiving its objections, Westforth states that it maintains no document record of any such communications.

REQUEST FOR PRODUCTION NO. 7: All transaction records, from January 1, 2010, to the present, including acquisition and disposition records, ATF Form 4473s, invoices, orders, shipping labels, receipts, FFL certifications, or other forms of FFL licensing verification, relating to any transaction involving the shipment of a firearm, firearm component, firearm accessory, or ammunition to a customer or FFL located in the State of Illinois.

RESPONSE: Objection. Westforth objects to Request for Production No. 7 on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence relative to the issue of personal jurisdiction over Westforth in Illinois for the reasons described in detail in general objection No. 1.

REQUEST FOR PRODUCTION NO. 8: All policies, procedures, and training materials, whether formal or informal, concerning the sale, transfer, or shipment of firearms, firearm components, firearm accessories, or ammunition to a customer or FFL located in the State of Illinois (or to a customer or FFL located in a state other than the State of Indiana if no such policy or procedure exists specifically as to the State of Illinois), including all versions of any such policy, procedure, or training material in effect at any time between January 1, 2000, and the present.

RESPONSE: See response to Request for Production No. 4.

REQUEST FOR PRODUCTION NO. 9: All communications, from January 1, 2010, to present, that Westforth, or any employee, owner, or other representative of Westforth, had with the ATF or the Chicago Police Department concerning:

- a. any of the Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth; or

RESPONSE: See response to Request for Production No. 1(a).

- b. any of the Additional Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth.

RESPONSE: See response to Request for Production No. 1(b).

REQUEST FOR PRODUCTION NO. 10: To the extent not encompassed in prior requests, all communications from January 1, 2010, to present that Westforth, or any employee, owner, or other representative of Westforth, had with the ATF, or any state or local law enforcement agency located in the States of Illinois or Indiana, concerning:

- a. Actual, planned, or attempted straw purchasing of firearms by residents of Illinois;

RESPONSE: Objection. Westforth objects to Request for Production No. 10(a) on the grounds that it is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence relative to the issue of personal jurisdiction over Westforth in Illinois for the reasons described in detail in general objection No. 1. Subject to and without waiving its objections, no such documents exist.

- b. Actual, planned, or attempted straw purchasing of firearms on behalf of or intended for transfer to individuals or criminal organizations located in Illinois;

RESPONSE: See response to Request for Production No. 10(a).

- c. Actual, planned, or attempted trafficking of firearms into Illinois;

RESPONSE: See response to Request for Production No. 10(a).

- d. Any sting operation involving the actual, planned, or attempted purchase of a firearm, firearm component, firearm accessory, or ammunition at Westforth Sports;

RESPONSE: All such documents are being produced.

- e. The recovery in Illinois of any firearm sold or transferred by Westforth.

RESPONSE: See response to Request for Production No. 10(a).

REQUEST FOR PRODUCTION NO. 11: All documents and communications concerning or referencing the City of Chicago's 2014 or 2017 reports concerning crime gun tracing, entitled "TRACING THE GUNS: THE IMPACT OF ILLEGAL GUNS ON VIOLENCE IN CHICAGO" (May 27, 2014) and "GUN TRACE REPORT" (2017), respectively.

RESPONSE: Objection. Westforth objects to Request for Production No. 11 on the grounds that it is vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence relative to the issue of personal jurisdiction over Westforth in Illinois. Subject to and without waiving its objections, Westforth has no such documents concerning or referencing either of the named reports.

REQUEST FOR PRODUCTION NO. 12: All documents and communications between January 1, 2010, and the present concerning or referencing any press coverage of any firearm recovered in Illinois that was previously sold or transferred by Westforth.

RESPONSE: See response to Request for Production No. 10(a).

REQUEST FOR PRODUCTION NO. 13: All video surveillance for July 2014, October 2014, November 2014, February 2015, June 2016, March 2017, May 2018, March 2019, December 2019, and February through August 2020. This request shall include, in particular, video surveillance of any transaction or attempted transaction involving any of the Straw Purchasers or any person to whom these named individuals are known to have provided a firearm purchased at Westforth.

RESPONSE: Objection. Westforth objects to Request for Production No. 13 on the grounds that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence relative to the issue of personal jurisdiction over Westforth in Illinois. Subject to and without waiving its objections, Westforth's system retains video for approximately thirty days, and while Westforth has provided video to ATF when timely requested, Westforth does not retain copies of such nor does it maintain any record of ATF's requests. Westforth presently has no video of any transaction involving any individual identified in Plaintiff's complaint.

REQUEST FOR PRODUCTION NO. 14: To the extent not encompassed in prior Requests, all video surveillance of transactions or attempted transactions involving the Additional Straw Purchasers, including transactions or attempted transactions by these individuals in or about August 2017 through February 2018, August through September 2019, December 2019, and October 2020 through May 2021.

RESPONSE: See response to Request for Production No. 13.

REQUEST FOR PRODUCTION NO. 15: Documents sufficient to show the percentage of Westforth's annual revenue, from January 1, 2010, to present, derived from the sale of firearms, firearm components, firearm accessories, or ammunition to residents of the State of Illinois or to FFLs located in the State of Illinois.

RESPONSE: See response to Request for Production No. 7.

REQUEST FOR PRODUCTION NO. 16: All documents that support or relate to the claims or defenses raised in Your Motion to Dismiss for Lack of Personal Jurisdiction or the August 12, 2021, Affidavit of Earl Westforth.

Response: Objection. Westforth objects to Interrogatory No. 16 on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, and premature. Subject to and without waiving its objections, Westforth states that such documents presently in its possession, custody, or control are being produced.

DATED: October 1, 2021

Respectfully submitted,

/s/ Timothy R. Rudd

Richard J. Leamy, Jr.
Rachel S. Nevarez
WIEDNER & MCAULIFFE, LTD.
1 North Franklin, Suite 1900
Chicago, IL 60606
(312) 855-1105
rjleamy@wmlaw.com
rsnevarez@wmlaw.com
Attorney No. 10524

Scott L. Braum (Illinois reinstatement pending)
Timothy R. Rudd (*pro hac vice*)
SCOTT L. BRAUM & ASSOCIATES, LTD.
812 East Franklin Street, Suite C
Dayton, OH 45459
(937) 396-0089
slb@braumlaw.com
trr@braumlaw.com

Attorneys for Defendant, Westforth Sports, Inc.

Judge: Sophia H. Hall

EXHIBIT C

EVERYTOWN LAW

October 19, 2021

Timothy R. Rudd
Scott L. Braum
Scott L. Braum & Associates, Ltd.
812 East Franklin Street, Suite C
Dayton, Ohio 45459
slb@braumlaw.com
trr@braumlaw.com

VIA EMAIL

**Re: *City of Chicago. v Westforth Sports, Inc.*, Case no. 2021CH01987
(Circuit Court of Cook County, Illinois)**

Mr. Rudd and Mr. Braum:

This letter memorializes our meet and confer regarding discovery on October 14, 2021. We write to you in the spirit of cooperation. Please let us know if your recollection differs and if there are opportunities to resolve the remaining points of impasse. Please also note that, because our review of Westforth's production is ongoing, the City reserves the right to raise additional issues with the adequacy of Westforth's production should the need arise.

As described in greater detail below, we look forward to receiving Westforth's response to Interrogatory No. 1 and supplemental response to Interrogatory No. 3 by October 22, 2021.

I. Interrogatories

In response to **Interrogatory No. 1**, Westforth confirmed that it will produce a list of employees for the time period of January 1, 2014 to the present. Westforth agreed to make this production by October 15, however counsel for the City has not yet received this document. Please provide this list by the end of this week, October 22, 2021.

The parties discussed **Interrogatory No. 3**, and Westforth agreed to supplement its initial response with additional detail, describing communications with ATF in categorical terms. While the parties did not discuss timing for this supplemental response at the meet and confer, we propose that Westforth provide this supplemental response by October 22, 2021. If you anticipate needing additional time, please inform us by October 22 when Westforth will provide this supplemental response.

Westforth confirmed that it does not have additional information to provide in response to **Interrogatory Nos. 4 or 5**, and stated that it has not hired any person or company to help with marketing and does not advertise on third party websites.

The City clarified that **Interrogatory No. 6** seeks information about buying groups that Westforth is a part of, rather than buying groups to which Westforth sells firearms. Westforth confirmed that it does not have additional information to provide in response to Interrogatory No. 6, as it is not a member of any such buying group.

II. Document Requests

The parties discussed **Request No. 1** at length. As to **subparts 1.A and 1.B**, Westforth confirmed that it has produced all responsive documents concerning the Straw Purchasers that are named in the City's Complaint, and has not withheld any document on the basis of its temporal objection. Westforth also confirmed that it intends to stand on its objections to relevance and undue burden and will not produce transaction records for any Straw Purchasers or Additional Straw Purchasers that are not identified by name in the Complaint. The parties discussed their respective positions concerning the relevance of these records and the burden of producing them, and have determined that they are at an impasse with respect to the remaining transaction records responsive to subparts 1.A and 1.B of Request No. 1.

The parties also discussed transaction records of over-the-counter sales to Illinois residents and transfers to Illinois FFLs, which are responsive to **subpart 1.C of Request No. 1**, as well as **Request Nos. 3 & 7**. Westforth stated its position that these records are not relevant to personal jurisdiction because Chicago does not allege a nuisance that arises out of or relates to retail sales to Illinois residents or transfers to Illinois FFLs. The City stated its position that these records are relevant to the reasonableness of the court's assertion of specific jurisdiction over Westforth, and that several recent cases have considered analogous Illinois transactions when evaluating specific jurisdiction. Westforth also stated its objection on the basis of undue burden, contending that the production of responsive documents would require a lengthy review of its transaction records.

To resolve the parties' disagreement, Westforth offered to produce (or to compile from its acquisition and disposition records ("A&D records") and then produce) data regarding the number of over-the-counter sales to Illinois residents and transfers to Illinois FFLs. This production would disclose the number of guns sold to Illinois residents or Illinois FFLs, but not the dollar value of those sales. At the meet and confer, the City agreed to consider this offer and let Westforth know whether it resolves the parties' dispute.

The City is concerned that Westforth's proposal does not provide sufficient information about the volume of Westforth's sales to Illinois customers and the number of unique Illinois customers involved. Nor does it provide the City adequate means to verify and/or contest factual assertions in Westforth's Motion to Dismiss, including assertions about Westforth's volume of sales to Illinois residents and its alleged policy for sales to Illinois residents. The City proposes that Westforth produce A&D records for all sales to Illinois residents or FFLs in 2018, 2019, and 2020, plus any year in which Westforth claims to have ended its practice of over-the-counter sales

to Illinois residents as well as the year immediately preceding this policy change. The City also asks that Westforth disclose its total volume of firearm sales during these years.

In response to **Request No. 2**, Westforth confirmed that it does not possess responsive records containing customer information beyond the types of records produced in response to Request No. 1.

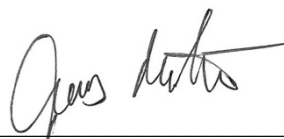
In response to **Request Nos. 4, 5, and 8**, Westforth confirmed that it does not maintain or possess responsive written policies, procedures, or training materials.

Westforth also confirmed that it does not possess additional responsive documents to **Request Nos. 9, 10, or 16**.

Finally, Westforth confirmed that it has not withheld any documents on the basis of General Objection Nos 3 or 7.

Please confirm whether this accurately reflects your understanding of the parties' discussion and agreement during our recent meet and confer.

Respectfully,



Alla Lefkowitz
James E. Miller
Krystan Hitchcock
EVERYTOWN LAW
450 Lexington Ave.
P.O Box # 4184
New York, NY 10017
Phone: (646) 324-8365
alefkowitz@everytown.org
jedmiller@everytown.org
khitchcock@everytown.org

ATTORNEYS FOR PLAINTIFF
CITY OF CHICAGO, ILLINOIS

cc: All Counsel of Record (via email)

Judge: Sophia H. Hall

EXHIBIT D

SCOTT L. BRAUM & ASSOCIATES, LTD.

Attorneys at Law
812 East Franklin Street
Suite C
Dayton, Ohio 45459
937-396-0089

WRITER'S E-MAIL
trr@braumlaw.com

WRITER'S FACSIMILE
937-396-1046

Also licensed in Indiana

October 22, 2021

VIA E-MAIL ONLY
(jedmiller@everytown.org)

Jed Miller
Everytown Law
450 Lexington Ave.
P.O. Box # 4184
New York, New York 10017

Re: *City of Chicago v. Westforth Sports, Inc.*
Circuit Court of Cook County, Illinois – Case No. 2021CH01987

Dear Jed:

This is to confirm that your letter of October 19, 2021, except as set forth below, fairly summarizes our conversation on October 14, 2014. Westforth's supplemental responses and follow-up to our meet-and-confer are set forth below.

INTERROGATORIES

Regarding Westforth's interrogatory responses, Westforth agreed to supplement its responses to Interrogatory No. 1 and Interrogatory No. 3. Subject to all general objections in Westforth's initial responses, those responses are supplemented as follows:

INTERROGATORY NO. 1: Identify the name, job title, job duties, dates of employment, and reason for termination or separation (if any) of each employee, owner, or other representative of Westforth who, from January 1, 2010, to present, was responsible for marketing or selling firearms, firearm components, firearm accessories, or ammunition.

RESPONSE: Objection. Westforth objects to Interrogatory No. 1 on the grounds that it is overbroad, unduly burdensome, not subject to reasonable temporal limitations, and not reasonably calculated to lead to discovery of information relative to the issue of personal jurisdiction over Westforth in Illinois. Subject to and without waiving its objections, Westforth states that the following individuals have been employed with it at some point from January 1, 2014 to the present: Earl Westforth, David Westforth, Matthew Nadolski, Sheila (Lewis) Matthewson, Corey Matthewson, Mike Cannon, Patricia Maywald, Tim Morrissey, Randall Williams, Alexander Zee, Robert Burns, and Jason Jelenek. The employees presently employed by Westforth consist of Earl Westforth, Tim Morrissey, Matthew Nadolski, and Mike Cannon. None of the individuals identified herein who are no longer employed by Westforth were terminated; all left of their own volition.

INTERROGATORY No. 3: State whether any employee, owner, or other representative of Westforth spoke in person or telephonically, or communicated by text, email, or other electronic communication, between January 1, 2010, and the present, with an employee, agent, or other representative of the ATF, Chicago Police Department, Illinois State Police, or any other state or local law enforcement agency located in the State of Illinois, and for any such communication identify the date of the communication, the name of the Westforth employee, owner, or representative who engaged in the communication, all other parties to the communication, the subject matter of the communication, and the person or party who initiated the communication.

RESPONSE: Objection. Westforth objects to Interrogatory No. 4 on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Subject to and without waiving its objections, Westforth states that it has no record or recollection of such communications with the Chicago Police Department, Illinois State Police, or any other state or local law enforcement agency located in the State of Illinois. Westforth further states that, as a federally licensed firearms retailer, it has periodic communications with individuals associated with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Westforth further states that its communications with ATF consist of

conversations relating to periodic compliance inspections, including scheduling, assistance with inspections, and closing conferences, communications related to assistance with sting operations, receipt and response to trace requests, and occasional telephone calls with questions.

DOCUMENT REQUESTS

Regarding Westforth's responses to the City's document requests, we agree that we are at an impasse as to Document Requests No. 1(A) and 1(B). Concerning Document Requests No. 1(C), 3, and 7, regarding over-the-counter long-gun sales to Illinois residents and transfers to FFLs, it is our position that Westforth did not agree to produce data regarding the number of those transactions. Rather, during the course of discussions, counsel indicated he would confer with Westforth if such would be an acceptable compromise for the City. As you have confirmed that compromise is unacceptable to the City, the issue of that compromise is moot, and Westforth stands by its position that Plaintiff's claims are *prima facie* unrelated to over-the-counter long gun sales in Indiana or transfers to Illinois FFLs. The A&D records depicting these transfers are of no jurisdictional significance as the City's claims are pled, and Westforth will not agree to produce such.

We will provide a new verification certifying to the supplemented document requests above and we remain open to discussing a solution to our impasse as to Document Requests No. 1(C), 3, and 7.

Finally, regarding General Objection No. 3, Westforth is not producing its confidential licensure documentation relative to ATF such as inspection reports, reports of violation, etc.

Please do not hesitate to reach out to us if the City wishes to address these matters further.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Rudd", with a stylized, cursive script.

Timothy R. Rudd

TRR/sdh

cc: Scott Braum
Madison Duff
Richard Leamy
Rachel Nevarez

Judge: Sophia H. Hall

EXHIBIT E



Jed Miller <jedmiller@everytown.org>

Westforth Sports - Personal Jurisdiction Discovery Responses

Tim <trr@braumlaw.com>

Tue, Nov 2, 2021 at 4:11 PM

To: Jed Miller <jedmiller@everytown.org>

Cc: Scott Braum <slb@braumlaw.com>, Krystan Hitchcock <khitchcock@everytown.org>, Alla Lefkowitz <alefkowitz@everytown.org>, Madison Duff <mmd@braumlaw.com>, "Leamy, Richard J" <rjleamy@wmlaw.com>, "Nevarez, Rachel S" <rsnevarez@wmlaw.com>

Jed,

I think both sides have fulfilled their respective obligations to try to work out a solution, but I agree we're at an impasse on both of those issues. We will keep an eye out for your motion.

Tim

From: Jed Miller <jedmiller@everytown.org>
Sent: Tuesday, November 2, 2021 4:09 PM**To:** Tim <trr@braumlaw.com>

Cc: Scott Braum <slb@braumlaw.com>; Krystan Hitchcock <khitchcock@everytown.org>; Alla Lefkowitz <alefkowitz@everytown.org>; Madison Duff <mmd@braumlaw.com>; Leamy, Richard J <rjleamy@wmlaw.com>; Nevarez, Rachel S <rsnevarez@wmlaw.com>

Subject: Re: Westforth Sports - Personal Jurisdiction Discovery Responses

Tim --

I'm writing to close the loop on our discussions Friday and yesterday about Illinois sales records. As we understand things, Westforth remains unwilling to produce any records of transactions with Illinois customers at its retail store or via transfer to Illinois FFLs. Westforth restated its offer to disclose certain information from its A&D records -- namely, handguns shipped to Illinois, long guns shipped to Illinois, in-store sales to Illinois customers, and total guns sold, all on an annual basis.

After further consideration, the City is unable to accept this offer, which would preclude the City from performing its own assessment of Westforth's Illinois contacts. The City stands by its offer to accept production of the A&D records of Westforth's sales to Illinois customers, but is unable to accept less than this.

In light of this impasse, I also wanted to confirm--as previewed in our final conversation--that the city is preparing a motion to compel further discovery on this issue and on the issue of transaction records with the remaining straw purchasers identified in the City's discovery requests. The city intends to file this motion as soon as practicable.

Please let me know if you have any questions, or would like to discuss any issue further. Best regards,

-Jed