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

CITY OF CHICAGO, an Illinois)
Municipal corporation,)
)
)
Plaintiff,)
)
v.)
)
WESTFORTH SPORTS, INC.,)
)
)
Defendant.)

Case No. 21 CH 01987

Judge: Clare J. Quish

EXHIBIT D

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

CITY OF CHICAGO, an Illinois
Municipal corporation,

Plaintiff,

-vs-

WESTFORTH SPORTS, INC.,

Defendant.

Case No.: 21 CH 01987

Judge: Clare J. Quish

**AFFIDAVIT OF JOSEPH L. BISBEE IN SUPPORT OF
PLAINTIFF CITY OF CHICAGO'S OPPOSITION TO
DEFENDANT'S SECTION 2-619 MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

I, Joseph L. Bisbee, being duly sworn according to law, do depose and state as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated in this declaration.

2. I am the principal officer of Armed With Knowledge (AWK), a business aimed at education and outreach in regards to firearms issues and providing assistance on policy development and investigations to government, law enforcement and related organizations. AWK focuses on several areas including public education, policy development, strategies to reduce firearms-related violent crime, and expert consulting.

3. Prior to creating AWK, between 1989 and March 2015, I was employed as a special agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Between September 1989 and April 1995, I was assigned to the Youngstown, Ohio Field Office. The majority of my investigations related to firearms violations, including the identification and investigation of firearms traffickers operating between Ohio and such market areas as Detroit, Michigan; Philadelphia, Pennsylvania; and others.

4. In April 1995, I was promoted to the Firearms Enforcement Branch, Bureau Headquarters (BHQ) as a project officer. During this time, I was an active participant in the development and implementation of firearms-related investigative programs within ATF. I also met with high-ranking Bureau and Treasury representatives regarding monitored cases and conducted training sessions on firearms trafficking-related issues. In 1998, BHQ asked me to lead the ATF/US Customs, Country Assessment for Barbados in relation to their capabilities in addressing firearms-related violent crime as well as investigations of illegal firearms.

5. Between November 1997 and February 2001, I was assigned to ATF's Washington Group II Field Office. This office is devoted to the investigation of firearms trafficking violations. During this period, I conducted numerous domestic illegal firearms trafficking investigations and because of my expertise in this area, was selected by BHQ to be the case agent on a sensitive investigation involving the attempted assassination of the Police Commissioner of Japan.

6. Between February 2001 and January 2004, I was assigned to the US Consulate in Vancouver, B.C., Canada, as ATF's Assistant Country Attaché. In this position I was tasked with coordinating international firearms trafficking investigations as well as providing training to Canadian law enforcement on firearms-related matters. In 2002, BHQ assigned me to be the US representative to the Trafficking in Small Arms Working Group in relation to the G-8 Summit in Alberta, Canada.

7. Between January 2004 and September 2012, I returned to ATF's Washington Group II Field Office and again focused on illegal firearms trafficking investigations. I have been the case agent on numerous investigations in which hundreds of firearms have been identified as illegally moving between source States such as Ohio, West Virginia, Kentucky, North Carolina, and others; and market areas including the Washington, D.C. metropolitan region. As a result of my experience in the firearms trafficking arena, the March 2008 issue of the Washingtonian Magazine profiled me as "the top federal gun hunter in DC". Also, in 2010, BHQ asked that I be the ATF investigative representative for the El Salvador Country Assessment. I utilized information gathered from meetings with numerous law enforcement, military, and government

leaders to recommend ways El Salvador can improve its efforts in addressing firearms crime.

8. In September 2012, I was promoted to the Seattle Field Division as the Group Supervisor for the ATF Violent Gang Task Force. This Group focuses on armed violent criminals and criminal organizations utilizing firearms illegally. Many of the investigations I oversaw involved the illegal trafficking of firearms to criminal street gangs and Mexican Drug Trafficking Organizations in which Washington was the source State.

9. I have received instruction in both general and specific courses in pursuing firearms trafficking investigations. This training includes study at the Federal Law Enforcement Training Center with successful completion of Criminal Investigator School and New Agent Training, which dealt with ATF-specific instruction. I also attended and successfully completed ATF Firearms Interstate Nexus School and Advanced Interstate Nexus School, which provided specific instruction on determining the origin and movement of firearms and ammunition.

10. I have been an instructor on firearms-related investigative activity to local law enforcement officers in the State of Ohio; the International Law Enforcement Academies in Budapest, Hungary and Gaborone, Botswana; the Vancouver, B.C., Police Department; the Royal Canadian Mounted Police; and many others, as well as providing instruction at ATF's International Firearms Trafficking Conferences. I was asked to prepare and present a case study on one of my firearms trafficking investigations to the FBI's National Academy for State and Local Law Enforcement. I have also provided firearms trafficking training to new agents at ATF's National Academy in Glynco, Georgia.

11. I have previously testified as an expert witness in U.S. District Court and Superior Court (Washington, D.C.), in the areas of determining the origin and movement of firearms, illicit prices of illegally trafficked firearms, firearm trafficking indicators, and other issues related to illegal firearms trafficking.

12. I have been involved in hundreds of investigations into illegal firearms trafficking and have been the case agent on numerous investigations involving organized groups illegally acquiring and disposing of firearms. These investigations have involved thousands of firearms.

The majority of these cases involved the interstate movement of firearms.

13. Based on my years of experience with ATF, I am aware that firearms are frequently trafficked from areas with laxer gun laws to areas with stricter gun laws. This is a well-known phenomenon in the field, and something that federal firearms licensees (“FFLs”) should know based on their knowledge of firearms regulations, ATF trainings and interactions with ATF inspectors during inspections and otherwise. A frequent way that firearms are trafficked over state lines is through the use of a “straw purchaser,” i.e., an individual who purchases a firearm on behalf of someone else, commonly because the intended recipient (actual purchaser) is prohibited from possessing a firearm or does not want the firearm traced back to them. Individuals’ straw purchasing firearms from licensed gun dealers also have the ability to provide in-state identification and do not have a criminal record, allowing them to pass a background check.

14. While the *modus operandi* of firearms traffickers can change, and each trafficking investigation is unique and circumstance-specific, there are well-recognized indicators of trafficking and straw purchasing. One major indicator of straw purchasing is when the customer indicates on the federal transaction form (“Form 4473”) that s/he is not “the actual transferee/buyer of the firearm listed on the [the] form.” Given their position in the trafficking operation, straw purchasers often do not grasp that buying a gun for someone else is illegal – and it is only when the clerk indicates to that customer that the store cannot proceed with the sale unless the customer indicates that the gun is for him/her, that the customer will change his/her answer.

15. Based on my experience, other common indicators, or “red flags,” of straw purchasing or trafficking are: (i) when the customer purchases multiple firearms in a short period of time, especially when the guns are identical or nearly identical; (ii) when customers are shopping for guns in a group or in pairs, and members of the group are selecting firearms for someone else in the group to buy; (iii) when guns sold to a customer are recovered by law enforcement,

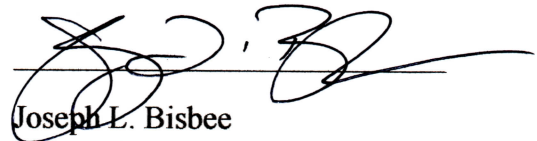
especially when the gun is recovered in a short time frame;¹ and (iv) when the customer intentionally utilizes or attempts to utilize an incorrect address on the Form 4473, as that indicates that the customer does not truly reside at the address on his identification.

16. Combined with the other factors, cash purchases can also be an indicator of straw purchasing because the straw purchaser will generally be handed cash by the actual recipient of the gun (sometimes outside of the store and sometimes inside the store), and will rarely want to use his or her own credit card to buy guns that are not intended for him or her.

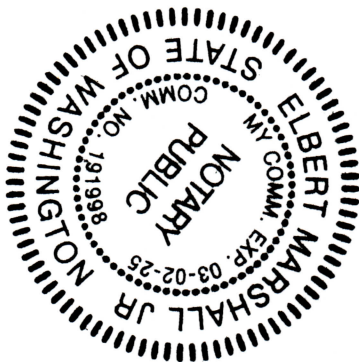
I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct.

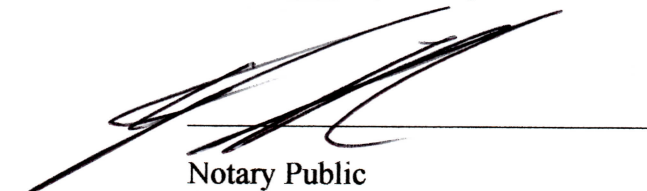
FURTHER AFFIANT SAYETH NAUGHT

Executed on this 12th day of September, 2022, at SEATTLE, Washington.


Joseph L. Bisbee

Sworn to before me and subscribed in my presence on this 12th day of September 2022.




Notary Public

¹ This is known as "time-to-crime." A time-to-crime of under 1 year is a significant indicator of trafficking. A time-to-crime of just days or weeks is highly indicative of illegal behavior on the part of the purchaser.