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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

POLYMER80, INC., a Nevada Corporation; DAVID BORGES, an individual; LORAN KELLEY, an individual,

Defendants.

Case No. 21STCV06257

[Related to Case No. 21STCV29196]

[Assigned for all purposes to the Hon. Daniel S. Murphy, Department 32]

REPLY IN SUPPORT OF DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE ALTERNATIVE, FOR A STAY

Date: May 19, 2023
Time: 8:30 a.m.
Department: 32
Reservation ID: 305522480553

Complaint Filed: February 17, 2021
Trial Date: May 30, 2023

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I. PLAINTIFF DOES NOT DISPUTE THAT DEFENDANTS' MOTION IS PROCEDURALLY PROPER UNDER CALIFORNIA COMMON LAW.

Plaintiff argues that Defendants' motion is improper under section 438 because it allegedly argues the "same grounds" as Plaintiff's April 20, 2021 demurrer. Opp., at 2–3. This argument fails because Plaintiff does not dispute that Defendants "bring this motion for judgment on the pleadings under section 438 *and California common law*." Opening Memorandum ("Memo"), at 4 (emphasis added). Common law motions, like Defendants' motion, may assert the same grounds as previously filed motions: "[A] nonstatutory motion for judgment on the pleadings apparently survives *without* [section 438's] limitations." Weil & Brown, et al., Cal. Prac. Guide Civ. Pro. Before Trial (The Rutter Group June 2022 Update) § 7:277 (citing *e.g., Smiley v. Citibank (South Dakota) N.A.* (1995) 11 C4th 138, 145, 44 CR2d 441, 445, fn. 2) ("common law motion for judgment on the pleadings permitted despite fact CCP § 438 had been enacted during course of proceedings")); *see* O'Connor's Cal. Practice (2023 ed.) Civil Pretrial Ch. 4-I § 2 ("The statutory motion contains a number of restrictions that did not exist at common law" and "courts continue to recognize the common-law motion as being viable") (collecting case law). Plaintiff does not dispute that Defendants' motion is proper under California's common law, conceding that this motion is proper.

Regardless, with the exception of Defendants' arguments regarding Plaintiff's aiding-and-abetting claim, the motion does not argue the same grounds as the demurrer. Defendants argue here—but not in the demurrer—that Polymer80's unfinished frames and parts kits are not "firearm[s]" under the Gun Control Act or "handgun[s]" under the Child Safety Lock Act and that the Complaint fails to state a claim for public nuisance because Plaintiff failed to allege a public right and because Defendants' sales tactics were lawful. Defendants argued in the demurrer—but not here—that the Complaint failed to explain *how* Polymer80's products are "firearm[s]" or "handgun[s]" and failed to plead any conduct that is "fraudulent" or "unfair" under the Unfair Competition Law ("UCL").

While Defendants argue in both the motion and the demurrer that the Complaint failed to demonstrate aiding-and-abetting liability because it failed to allege adequately that Defendants intended any purchaser to violate a California law, (*compare* RJN, Ex. F at 5–7, *with* Memo, at 9–11),

the *Polymer80 v. Garland*, (N.D. Tex. Mar. 19, 2023) No. 4:23-cv-00029-O, ECF No. 27, at *10. (RJN, Ex. E at 10); *Renna v. Bonta* (S.D. Cal. Apr. 3, 2023) No. 3:20-cv-02190-DMS-DEB, 2023 WL 2846937; and *Boland v. Bonta* (C.D. Cal. Mar. 20, 2023) No. 8:22-cv-1421-CJC-ADS, 2023 WL 2588565, decisions are "material change[s] in applicable caselaw" that justify re-raising this argument. Plaintiff does not dispute the following facts that confirm *Polymer80*, *Renna*, and *Bonta* decisions materially changed applicable caselaw:

- Plaintiff's UCL cause of action hinges on this Court concluding that as a matter of law the products at issue in this case are "firearms" under the Gun Control Act. Opp., at 4–8.

- After this Court denied Defendants' demurrer, the United States District Court for the Northern District of Texas held that the products at issue in this case are not firearms under the Gun Control Act. Opp., at 3–4.

- Plaintiff's UCL cause of action hinges on the chamber load indicator ("CLI") and magazine disconnect mechanism ("MDM") provisions of the CUHA. (Plaintiff admits it "does not allege violations of the microstamping requirement," which was also held unconstitutional. Opp., at 3 n.2.).

- After this Court denied Defendants' demurrer, the United States District Courts for the Southern and Central Districts of California held these provisions of the CUHA unconstitutional. *Id.*

To the extent the motion relies on the same grounds as the demurrer, there have been "material change[s] in applicable caselaw" that justify re-raising arguments.

II. PLAINTIFF CANNOT DISPUTE THAT PLCAA PREEMPTS THIS LAWSUIT.

Plaintiff does not dispute that PLCAA preempts its public nuisance cause of action. Opp., at 5–12 (arguing only that PLCAA does not preempt the UCL cause of action). Plaintiff instead attempts to piggyback its public nuisance cause of action to its UCL cause of action, arguing in a footnote that the public nuisance cause of action is not preempted only because the UCL cause of action arguably is not preempted. Opp., at 5 n. 3. This argument ignores Congress's express purpose of preempting individual "causes of action" (and not entire "cases" or "lawsuits") in Section 7901(b)(1), *see also* Memo, at 5–6, and that other courts have conducted a claim-by-claim analysis to preempt individual causes of action while allowing others to proceed. *See, e.g., Delana v. CED Sales, Inc.* (Mo. 2016)

486 S.W.3d 316 (conducting claim-by-claim analysis). For the reasons set forth below and in the opening memorandum, PLCAA preempts both of Plaintiff's causes of action. To the extent only one cause of action is preempted, that cause of action should be dismissed.

A. Plaintiff's allegations confirm that this lawsuit is a "qualified civil liability action" under PLCAA.

Plaintiff argues that its UCL cause of action is not a qualified civil liability action under PLCAA because, as Plaintiff now contends, the harms Defendants allegedly caused are not at issue in this lawsuit. Plaintiff asks the Court to ignore Plaintiff's Complaint, which makes clear that Plaintiff brought this lawsuit because of harms resulting from the unlawful use of Polymer80's products. Plaintiff alleges the Polymer80's sales tactics have "proximately cause[d]": "the proliferation of untraceable ghost guns in the hands of prohibited purchasers," (Compl. ¶ 91), "increased ghost-gun related violence and illegal activity," (Compl. ¶ 80), "the perpetration of crime less easily combatable through traditional law enforcement means," (Compl. ¶ 101), and "an increase in investigative costs and expenditure of law enforcement resources due to [Polymer80's] ghost guns, which are currently circulating on the street, and will continue to do so long after Defendants cease their unlawful acts," (Compl. ¶ 102). To the extent Plaintiff seeks an abatement fund, (Compl. ¶ 102), it seeks those funds to abate the presence of allegedly illegal possession of "ghost guns, which are currently circulating on the street," *i.e.*, misuse of Polymer80's products by persons other than the Defendants. As the master of its own Complaint, Plaintiff chose to rely on harms that flow directly from independent actors' "criminal or unlawful misuse[s]" of Polymer80's products, 15 U.S.C. § 7903(5)(A), or as Plaintiff puts it: from "ghost gun-related violence and illegal activity." (Compl. ¶¶ 43, 58, 61, 80).

While, academically, unlawful misuse of a defendant's product is not a necessary part of every UCL claim, Plaintiff has alleged facts here that make its UCL claim squarely about the harms resulting from the criminal or unlawful misuse of Polymer80's products. Plaintiff's allegations materially differ from the allegations made in *People v. Blackhawk Manufacturing Group Inc.* (Super. Ct. S.F. City and County, Oct. 13, 2021, No. CGC-21-594577) (copy of amended complaint attached as Exhibit A to Marron Declaration), which focus on the defendant's sales practices and not on the harms that flow from independent actors' criminal or unlawful misuse of Blackhawk's products. Plaintiff cannot use

its opposition to amend its Complaint to conformity with *Blackhawk*, which did not contain similar allegations that web Plaintiff's claims here to unlawful actions by third parties.[1]

B. Plaintiff fails to demonstrate that the predicate exception applies.

Because this is a qualified civil liability action, PLCAA preempts this lawsuit unless Plaintiff can demonstrate that its causes of action fit within one of PLCAA's exceptions. Here, the parties agree that only PLCAA's predicate exception could apply. The parties also agree that California's UCL and public nuisance law are not themselves predicate statutes, requiring Plaintiff to sufficiently allege that Defendants knowingly violated a separate state or federal statute—here the Gun Control Act ("GCA"), Child Safety Lock Act ("CSLA"), California Unsafe Handgun Act ("CUHA"), and California Assembly of Firearms Law ("CAFL")—and that the violation of those statutes was a proximate cause of the harm for the relief Plaintiff seeks. Plaintiff's allegations are uniformly insufficient.

1. Recent case law confirms that Polymer80's unfinished frames and kits are outside the GCA's scope as a matter of law.

Rather than engage with the GCA's text, Plaintiff argues primarily that "there is no reason for this Court to depart from its own prior overruling of Polymer80's demurrers in this case and in the *Apolinar* case on the GCA issue" or other case law. Opp., at 5–6. The United States District Court for the Northern District of Texas supplied those reasons in *Polymer80 v. Garland* (N.D. Tex. Mar. 19, 2023) No. 4:23-cv-00029-O, at *10 (RJN, Ex. E at 10), and *VanDerStok v. Garland* (N.D. Tex. Sept. 2, 2022) No. 4:22-cv-00691-O, 2022 WL 4009048, at *4. Both opinions were issued after this Court's previous rulings cited by Plaintiff. In both opinions, the court hewed to plain meaning and held that unfinished frames and kits are outside the GCA's scope. *Id*. That reasoning mirrors legislative history, ignored by Plaintiff, which confirms that Congress enacted the GCA to stop regulating parts other than frames and receivers. *See, e.g.*, S. Rep. No. 90-1097, at 2200 (Apr. 29, 1968).

[1] Plaintiff also incorrectly argues that PLCAA cannot apply if Polymer80's products are not firearms. Opp., at 8 n.10 (relying on *Ileto v. Glock, Inc.* (9th Cir. 2009) 565 F.3d 1126, 1145–46). *Ileto* held that an unlicensed firearms manufacturer could not avail itself of PLCAA merely because it was also a seller of ammunition, without a nexus between the allegations and protected activity. 565 F.3d at 1145–46. But PLCAA preempts actions against *all* manufacturers of "a component part of a firearm," 15 U.S.C. § 7903(4), just as it protects "*all* sellers of ammunition," so long as there is a nexus between the allegations and protected activity, *see Ileto*, 565 F.3d at 1146. Unlike *Ileto*, a sufficient nexus exists here because Defendants are sued precisely for the manufacturing of "component part[s] of a firearm." 15 U.S.C. § 7903(4). *Ileto* could not be further afield.

The GCA's plain text confirms that Polymer80's relevant products fall outside the scope of the GCA. Subsection (A) covers "any *weapon* (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive." 18 U.S.C. § 921(a)(3)(A) (emphasis added). Uncontested principles of statutory interpretation, which Plaintiff ignores, confirm that an unmachined, unassembled, incomplete, and obviously inoperable "combination of parts" is not a "weapon" and does not satisfy Subsection (A) at the point of sale. *See* Memo, 7–8; *see United States v. Ryles* (5th Cir. 1993) 988 F.2d 13, 16 (explaining inoperable weapons cannot trigger sentence enhancement if "at the time of the offense" the weapon appeared "clearly inoperable" but holding that distinguishable, partially disassembled shotgun was a "firearm"). This Court should not follow Plaintiff's broad reading of the GCA that is unsupported by its text or legislative history. Nor should this Court rely on the cases Plaintiff cites, each of which are readily distinguishable from the issues presented in this case. *See, e.g.*, *United States v. Stewart* (9th Cir. 2006) 451 F.3d 1071, 1072–73 & n.2 (reviewing denial of evidentiary hearing on probable cause issue); *United States v. Theodoropoulos* (3d Cir. 1989) 866 F.2d 587, 595 (analyzing *disassembled* machine pistol that was fully capable of ready assembly); *United States v. Morales* (S.D.N.Y. 2003) 280 F. Supp. 2d 262, 272–73 (analyzing partially *disassembled* pistol that required no machining). Likewise, the Ninth Circuit in *United States v. Wick* (9th Cir. 2017) 697 F. App'x 507, did not sufficiently engage with the limited statutory text, and that decision is otherwise distinguishable because the defendant had sold at least three Uzi kits that contained no unfinished components, which are fundamentally different than Polymer80 products. *See* Answering Brief of the United States at 1, 27, 29–30, *United States v. Wick* (9th Cir. 2017) 697 F. App'x 507. Because no product at issue is a "weapon," it does not matter whether it "will or is designed to or may readily be converted to expel a projectile."

Subsection (B), which provides that a "firearm" includes "the frame or receiver of any such weapon," only covers *finished* frames and receivers. 18 U.S.C. § 921(a)(3)(B). Congress intentionally excluded "design[]" and "conver[sion]" from Subsection (B). *See Collins v. Yellen* (2021) 141 S. Ct. 1761, 1782 ("[W]hen Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely

in the disparate inclusion or exclusion."). The phrase "any such weapon" does not graft into Subsection (B) the language about design and conversion; it merely limits the scope of Subsection (B) to frames and receivers of weapons described in Subsection (A). *VanDerStok*, 2022 WL 4009048, at *3. If Congress wanted to regulate unfinished frames and receivers, it would have said so; it did not say so. In any event, an unfinished frame will never, on its own, "expel a projectile by the action of an explosive," so Plaintiff's effort to expansively rewrite Subsection (B) nevertheless fails.

To the extent the GCA's text's plain meaning is not clear, divided caselaw on this question suggests sufficient ambiguity to trigger the rule of lenity, which requires a narrow construction of the GCA favoring Defendants. *See People v. Manzo* (2012) 53 Cal.4th 880, 889 ("[T]he rule of lenity is a tie-breaking principle, of relevance when two reasonable interpretations of the same provision stand in relative equipoise." (citation and quotation marks omitted)); *see also Hardin v. Bureau of Alcohol, Tobacco, Firearms & Explosives* (6th Cir. 2023) 65 F.4th 895, 901. Plaintiff makes no effort to defend its conclusory assertion that its interpretation of the GCA is sufficiently clear to avoid the rule of lenity. Opp., at 7–8.

2. Plaintiff does not dispute that Defendants' unfinished frames and kits are not handguns under the CSLA.

Plaintiff alleges that Defendants' unfinished frames and kits are "handguns" under the CSLA because they are sold with parts that may be assembled into a completed handgun—even though they require "drilling or machining" workmanship *and* "assembly." (Compl. ¶¶ 32–40 & n.17). Plaintiff relies on *United States v. Kirkland* (9th Cir. 2018) 909 F.3d 1049 to argue that "assemble" may include drilling or machining. But *Kirkland* holds only that something may be "readily assembled" when "the defendant could acquire the missing part quickly and easily, and so long as the defendant could incorporate the part into the device quickly and easily." *Id*. at 1053. *Kirklan*d held that the defendant could readily assemble an explosive device when he "possessed a combination of parts 'from which' an explosive bomb could be 'readily assembled'" such that he "simply had to insert the batteries into the battery box and connect the detonator to the power source." *Id*. at 1051–52. *Kirkland* does not alter the definition of assemble: "to fit together the parts of." Assemble, WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1990). Drilling and machining are outside the scope of assembling because

drilling and manufacturing are fundamentally different than inserting a part into another combination of parts. Plaintiff cites no authority for its conclusory—and wrong—statement that this commonsense distinction is absurd.

3. Plaintiff fails to allege that Polymer80 violated the unconstitutional CUHA.

Plaintiff concedes that the CLI and MDM provisions of the CUHA have been held unconstitutional. Opp., at 9. Plaintiff's speculation that the Ninth Circuit may disagree does not justify Plaintiff's continued reliance on those unconstitutional and therefore unenforceable laws in this case. Plaintiff's CUHA claims otherwise fail on their merits because, as Plaintiff fails to dispute, its aiding-and-abetting allegations are too speculative, generalized, and conclusory to satisfy California pleading standards. No non-speculative, sufficiently specific allegation supports a finding that Defendants committed any act knowing that a purchaser would violate, and intended that the purchaser violate, any California law, *including* laws regarding the manufacture of unsafe handguns. *See* Memo, at 10–11; *George v. eBay, Inc.* (2021) 71 Cal.App.5th 620, 638, 641–42.

4. Plaintiff fails to demonstrate CAFL aiding-and-abetting liability.

Plaintiff does not address Defendants' argument that Plaintiff failed to adequately plead that Polymer80's products are "firearm[s]" under Penal Code § 29180(d)(1) when sold. *See generally* Opp., at 10–11. Plaintiff does not dispute that the CAFL does not prohibit a federally licensed firearms manufacturer, like Polymer80, from selling an unmanufactured or unassembled firearm.

Like with the CUHA, Plaintiff has made Defendants' alleged violations of the CAFL about harms resulting from the criminal or unlawful use of Polymer's products: "the increase in ghost gun-related violence and illegal activity in Los Angeles." (Compl. ¶ 61). Plaintiff again does not dispute that its allegations that Defendants aided and abetted this alleged harm are too speculative, generalized, and conclusory to satisfy California pleading standards.

5. Plaintiff fails to demonstrate that it sufficiently alleged proximate causation.

Plaintiff again pivots from the central focus of its lawsuit—the alleged harms resulting from the criminal or unlawful use of Polymer's products—to just Defendants' sales tactics. For the reasons discussed above, Plaintiff's don't-believe-your-lying-eyes argument fails.

Plaintiff does not dispute that federal proximate causation standards govern this issue. To satisfy this standard, Plaintiff states only in conclusory fashion in a footnote that the connection between Defendants and the alleged harms is "clear" because Defendants sold some "ghost guns" and there has been "an increase in the number of ghost guns recovered at crime scenes in Los Angeles and an increase in the proportion of ghost guns among all firearms recovered from crime scenes in Los Angeles." Opp., at 11 n.13. But Plaintiff does not dispute any of the many reasons why Polymer80 products might end up in the hands of criminal actors, any of which render Plaintiff's allegations that Defendants proximately caused the alleged harm mere speculation.

III. PLAINTIFF FAILS TO DEMONSTRATE THAT CALIFORNIA LAW PERMITS ITS PUBLIC NUISANCE THEORY.

Plaintiff's alleged public nuisance—Defendants' sales practices that have resulted in "dangerous conditions that threaten Los Angeles residents, (Compl. ¶ 99)—does not implicate a public right, so its public nuisance cause of action fails irrespective of the legality of Defendants' alleged sales practices. Plaintiff does not dispute that the legality of Defendants' conduct is irrelevant to this part of the nuisance analysis. Legality informs whether "an interference with a public right is unreasonable," not whether that public right exists. *In re Firearms Cases* (2005) 126 Cal.App.4th 959, 987.

Plaintiff mischaracterizes Defendants' argument to be that no interference with the public's health and safety could ever give rise to a public nuisance. Opp., at 13. Defendants argue, instead, only that California law forecloses Plaintiff's attempt here to overgeneralize the "individual right that everyone has not to be assaulted or defamed or defrauded or negligently injured," *People v. Acuna* (1997) 14 Cal.4th 1090, 1104, into the public right to be free from Defendants' alleged sales practices. California law is no outlier. Plaintiff cites no case in which any court anywhere in the country has countenanced a public right of individuals to be free from assault or violence involving a firearm.

Plaintiff does little more than recite Section 3480 and then conclude that Plaintiff has alleged public nuisance. Plaintiff notes that interior residential "lead paint" was once held to be a public nuisance but does not even attempt to analogize interior residential lead paint to Defendants' sales practices. Under California law, interior residential lead paint and Defendants' sales practices are not

analogous. Interior residential lead paint "interferes with the community's 'public right' to housing that does not poison children." *People v. ConAgra Grocery Prods. Co*. (2017) 17 Cal.App.5th 51, 112. "Residential housing, like water, electricity, natural gas, and sewer services, is an essential community resource. Indeed, without residential housing, it would be nearly impossible for the 'public' to obtain access to water, electricity, gas, and sewer services. Pervasive lead exposure in residential housing threatens the public right to essential community resources." *Id*. Defendants' sales practices, on the other hand, interfere with at most "the individual right that everyone has not to be assaulted or defamed or defrauded or negligently injured," which as a matter of law is not a public right. *Acuna,* 14 Cal.4th at 1104. Whereas residential interior lead paint is more than an "aggregation of private harms," *ConAgra,* 17 Cal.App.5th at 112, Defendants' sales practices are not, *Acuna,* 14 Cal.4th at 1104.

Plaintiff also relies on Comment g. to Section 821 of the Restatement of Torts for the proposition that interference with a "public right is not strictly required" in California. Opp., at 14. But Comment g. runs headlong into the California Supreme Court's characterization of California's public nuisance law: "that a defendant knowingly created or assisted in the creation of a substantial and unreasonable interference *with a public right*." *ConAgra,* 17 Cal.App.5th at 79 (emphasis added). Plaintiff cites no authority suggesting that Comment g. overrides California precedent.

Plaintiff does not dispute that California nuisance law does not extend to the lawful distribution of firearms components and kits. Because Defendants' sales practices were lawful, *supra* at 4–7, Plaintiff's public nuisance cause of action also fails for this separate reason.

IV. PLAINTIFF OFFERS NO GOOD REASON TO TRY THIS CASE BEFORE THE NINTH CIRCUIT DETERMINES WHETHER CERTAIN PROVISIONS OF THE CUHA ARE CONSTITUTIONAL.

Plaintiff concedes its continuing intent to rely on the unconstitutional and therefore unenforceable provisions of the CUHA. Plaintiff's argument that it also alleges Defendants violated other CUHA provisions does not change Plaintiff's request that this Court hold a weeklong trial over whether Defendants violated unconstitutional and unenforceable (precisely because they are unconstitutional) California laws, regardless of the status of the stay pending appeal. Even considering the stays pending appeal, Plaintiff offers no legitimate reason to try such issues given the *risk* that those laws are held unconstitutional on appeal

Defendants do not wish to "derail" trial. They seek only to limit the triable issues to those involving valid laws, to preserve the parties' and this Court's resources, and to otherwise avail themselves of the due process to which they are entitled.

Alternatively, this Court should strike any allegations relying on unconstitutional provisions and otherwise bar Plaintiff from pursuing liability on those grounds. Plaintiff does not dispute this Court's authority to strike those allegations. If this Court is disinclined to stay proceedings, then it should strike allegations from the Complaint relying on unconstitutional CUHA provisions. Civ. Proc. Code § 436. (Compl. ¶¶ 53–54, 87, 90). Defendants cannot be subjected to liability based on held-to-be-unconstitutional statutes.

CONCLUSION

This Court should grant Defendants' motion for judgment on the pleadings. In the alternative, this Court should stay proceedings pending the Ninth Circuit's appellate review of CUHA.

DATED: May 17, 2023

GREENSPOON MARDER LLP

By: _____
MICHAEL MARRON
Attorney for Defendants Polymer80, Inc., David Borges, and Loran Kelley

PROOF OF SERVICE

The People of The State of California vs. Polymer80, Inc., David Borges, Loran Kelley
Case No. 21STCV06257

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

I am employed in the County of Jefferson, State of Alabama. I am over the age of eighteen years and not a party to this action. My business address is 1819 5th Avenue N, Birmingham, AL 35203. On May 17, 2023, I served true and correct copies of the following document(s) described as **DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE ALTERNATIVE, FOR A STAY** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address clamar@bradley.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on May 17, 2023, at Birmingham, Alabama.

/s/ W. Chadwick Lamar, Jr.
W. Chadwick Lamar, Jr.

SERVICE LIST

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