

DOCKET NO: (X10) UWY-CV23-6072791-S : SUPERIOR COURT
NATHANIEL GETZ, EXECUTOR OF THE : J.D. OF WATERBURY
ESTATE OF SUZANNE FOUNTAIN
VS. : AT COMPLEX LITIGATION
DOCKET
STURM, RUGER & COMPANY, INC. : DECEMBER 3, 2024

**SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS
PURSUANT TO THE DOCTRINE OF *FORUM NON CONVENIENS***

Sturm, Ruger & Co., Inc. (“Ruger”) submits this Supplemental Brief pursuant to the Court’s September 9, 2024 Order requesting additional briefing on the following issues: (a) what type of plaintiff is “foreign to their chosen forum” for purposes of *forum non conveniens*, whether non-U.S. citizens or nonresidents of Connecticut; and (b) facts developed in supplemental discovery, and the legal import thereof with respect to the pending motion to dismiss.

As set forth in more detail below, the Court must apply a diminished level of deference to Plaintiffs’ choice of forum, because “foreign plaintiff” includes all nonresidents of Connecticut.¹ Furthermore, the facts developed in supplemental discovery support dismissal of this case. The vast majority of evidence is in Colorado and, to the extent there is relevant evidence in Ruger’s possession, it is overwhelmingly located outside of Connecticut. And, regardless of location, any potential Ruger witnesses and evidence are available to Plaintiffs outside Connecticut under applicable discovery rules.

I. Nonresidents of Connecticut are “Foreign” to this Forum.

The Court requested supplemental briefing on the issue of whether, in a *forum non conveniens* analysis, a plaintiff “foreign to their chosen forum” refers to non-U.S. citizens or

¹ This case is consolidated with Radmilo Stanisic, Rep. of the Est. of Nevin Stanisic, et al. v. Sturm, Ruger & Company, Inc., docket no. (X10) UWY-CV-23-6072789-S, and Ruger filed an identical motion to dismiss in that case. Therefore, all references to the plaintiff herein utilize the plural form of the word.

nonresidents of Connecticut. The Court noted a split of authority on the applicability of the “thumb test” to non-residents of the forum state, identifying two cases that determined that “foreign” refers only to plaintiffs who reside outside the country. *See* Tr. 9/9/24, at pp. 4-7 (identifying *Zions First Nat. Bank v. Moto Diesel Mexicana, S.A. de C.V.*, 629 F.3d 520, 525 (6th Cir. 2010) and *Cortez v. Palace Resorts, Inc.*, 123 So. 3d 1085 (Fla. 2013)).

This minority position, however, applies only to federal court cases or cases brought in states that have expressly adopted the federal common law doctrine of *forum non conveniens*. Indeed, as discussed in more detail below, at the federal level, a case can *only* be dismissed pursuant to the doctrine of *forum non conveniens* when the other forum is another country. When the alternative forum is another state, 28 U.S.C. § 1404(a) governs and the case may only be *transferred* to the other state, not dismissed pursuant to *forum non conveniens*. Thus, in cases pending in federal court or applying federal law, like the ones cited by this Court, “foreign” necessarily refers to citizens of another country in the *forum non conveniens* context.

Individual states have developed their own *forum non conveniens* body of law. While some states have expressly adopted the federal *forum non conveniens* limitations discussed in *Zions* and statutes that, like 28 U.S.C. § 1404(a), require transfer of a case to another state’s forum when circumstances warrant, the majority of states, including Connecticut, have not. A Connecticut court must apply the Connecticut common law doctrine of *forum non conveniens* by looking to history and binding precedent to determine whether to dismiss the case—regardless of whether the forum is within another state or another country. The Connecticut Appellate Court has made clear that Connecticut courts should apply a diminished level of deference to an out-of-state plaintiff’s forum selection. *See Sabino v. Ruffolo*, 19 Conn. App. 402, 408-09 (1989) (plaintiff entitled to greater deference because he resided in Connecticut and not New York at initiation of the lawsuit).

Moreover, Connecticut Supreme Court decisions, as well as the United States Supreme Court precedent upon which they rely, make clear that under Connecticut law and precedent, “foreign” includes out-of-state plaintiffs and not only plaintiffs who reside in another country. For this Court to hold otherwise would be contrary to well-established law and inconsistent with the policy rationale behind the level of deference to apply in *forum non conveniens* cases.

A. The Relevant History of *Forum Non Conveniens*.

The United States Supreme Court first adopted the doctrine of *forum non conveniens* in *Gulf Oil Co. v. Gilbert*, 330 U.S. 501 (1947). The plaintiff in *Gilbert* was a resident of Virginia who filed suit in the Southern District of New York. The district court dismissed the case on *forum non conveniens* grounds, and the court of appeals reversed. The United States Supreme Court reversed and reinstated the dismissal, holding that a federal court has discretion to dismiss a case, even when it has jurisdiction, if the plaintiff has a choice of courts and the convenience of witnesses and the ends of justice would be better served by another forum. *Gilbert*, 330 U.S. at 509. To that end, the Court prescribed a number of factors to be used in determining if the case should be dismissed. The *Gilbert* factors are still used by many courts today, including courts in Connecticut. *See Durkin v. Intevac, Inc.*, 258 Conn. 454, 466 (2001) (adopting *Gilbert* factors). In reaching its decision that the district court had appropriately dismissed the action, the Supreme Court repeatedly emphasized that the plaintiff was not a resident of New York. *Id.* at 509, 511.

The following year, Congress enacted Section 1404(a) of Title 28 of the United States Code, which allows a district court to transfer (rather than dismiss) a civil action to another district court for the convenience of parties and witnesses and in the interest of justice. By virtue of enactment of Section 1404(a), the doctrine of *forum non conveniens* in *federal* cases involving

residents of different states was effectively abolished. *American Dredging Co. v. Miller*, 510 U.S. 443, 449, n. 2 (1994).

Gilbert held that it was permissible to dismiss an action brought in a District Court in New York by a Virginia plaintiff against a defendant doing business in Virginia for a fire that occurred in Virginia. Such a dismissal would be improper today because of the federal venue transfer statute, 28 U.S.C. § 1404(a) . . . By this statute, “[d]istrict courts were given more discretion to transfer ... than they had to dismiss on grounds of forum non conveniens.” **As a consequence, the federal doctrine of forum non conveniens has continuing application only in cases where the alternative forum is abroad.”**

Am. Dredging Co., 510 U.S. at 449, n. 2 (emphasis added; internal citation omitted).

Notably, however, this analysis only limits applicability of *forum non conveniens* between different states in *federal* court cases. *See id.* (explaining that “the doctrine [of *forum non conveniens*] is one of procedure rather than substance” and that state courts are not bound by the federal court venue requirements of the United States Code). Indeed, Section 1404(a) is not available in state court actions. Accordingly, at the state level, the doctrine of *forum non conveniens* continues to have application, even where the alternative forum is domestic. There is, however, no single doctrine of *forum non conveniens* across the country’s state courts. *See id.* at 456 (recognizing that *forum non conveniens* in state courts is a matter of “local policy”).

B. Federal Court *Forum Non Conveniens* Decisions Do Not Apply To The Instant Case.

Both decisions identified by this Court advancing the minority position that out-of-state plaintiffs are not “foreign” apply the federal common law to the analysis. In both cases, the rationale for holding the out-of-state plaintiffs were not “foreign” demonstrates that the decisions are only applicable to cases pending in federal court. In *Zions First Nat. Bank*, a Utah corporation sued a Mexican company in a Michigan court. The Mexican company moved to dismiss, arguing that the case belonged in Mexico. The District Court granted the motion and the plaintiff appealed.

The Sixth Circuit reversed, finding, *inter alia*, that “the district court did not apply the deference required for a forum choice made by a U.S. plaintiff.” *Zions First Nat. Bank*, 629 F.3d at 524. The Court explained:

If the claim by [defendant] is that Utah is a more convenient forum, then such matter is addressed under 28 U.S.C. § 1404(a). If the claim is that the case is better suited for disposition in Mexico, then the doctrine of *forum non conveniens* provides the analysis, which includes the strong presumption in favor of the plaintiff's forum selection.

Id. at 525. This rationale highlights the distinction between *forum non conveniens* claims in federal court and state court. In a federal court *forum non conveniens* analysis, the other forum is *always* another country, due to the availability of 28 U.S.C. § 1404(a) for cases involving different forum states. As a result, a federal *forum non conveniens* analysis always looks to whether that plaintiff is at home in the United States. By contrast, in state court where 28 U.S.C. § 1404(a) is not available, the other forum may be another state. Therefore, the court must look to whether the plaintiff is at home in the state in which the case was brought.²

Similarly, in *Cortez v. Palace Resorts, Inc.*, 123 So.3d 1085 (2013), noting that Florida had expressly adopted the federal standard for assessing *forum non conveniens* questions, the court specifically acknowledged this distinction and the rationale for the federal position that “foreign” means “non-U.S.”

[W]e adopted the federal test for *forum non conveniens*, and we acknowledge that the federal courts have held that the presumption in favor of a plaintiff's forum choice does not apply with equal force in federal litigation to “foreign” plaintiffs, meaning those plaintiffs from another country. However, in federal litigation, a federal

² Additionally, *Zions First Nat. Bank* may no longer be good law. After *Zions First Nat. Bank* was decided, the Sixth Circuit Court indicated that the presumption in favor of out-of-state plaintiffs may be less than that in favor of in-state plaintiffs. *See, e.g., Hefferan v. Ethicon Endo-Surgery Inc.*, 828 F.3d 488, 494 (6th Cir. 2016) (“The degree of deference owed a plaintiff's forum choice will inevitably vary with circumstances, even among plaintiffs who claim the United States as home.”).

district court can transfer the case from the state where the case was filed to any other state within the United States [pursuant to Section 1404(a)]. **This means, therefore, that the federal forum is truly the entire United States, and the considerations that have led the federal courts to conclude that plaintiffs from another country are not entitled to the same deference with respect to their initial choice of forum are therefore different than the reasons for affording the presumption to a plaintiff from another state.**

Id. at 1095 (emphasis added; internal citation omitted). Florida’s express adoption of the federal *forum non conveniens* test and associated interpretations, including defining “foreign” to mean only non-U.S. parties, clearly distinguishes that case and highlights that this interpretation applies only to federal cases and states that have expressly adopted the minority position. Connecticut has not and, in fact, has repeatedly held otherwise.³

C. Connecticut State Courts Have Held that Nonresident Plaintiffs Receive a Diminished Level of Deference

Numerous Connecticut state courts have previously decided this issue. The Connecticut Appellate Court has implicitly held that Connecticut courts should apply a weakened deference to plaintiffs who live outside of Connecticut. In *Sabino v. Ruffolo*, 19 Conn. App. 402 (1989), the plaintiff was a New York resident who filed suit in Connecticut. The trial court dismissed the case on *forum non conveniens* grounds. The Appellate Court reversed and remanded, finding, *inter alia*, that at the initiation of the lawsuit, the plaintiff resided in Connecticut and, “[t]herefore, the plaintiff is entitled to this presumption in his favor.” *Id.* at 409. The court explained that “*Connecticut’s constitution* specifically assures the *citizens under its protection* that the state’s courts will be open for the resolution of *their disputes*.” *Id.* at 408 (emphasis added).

³ By statute, Florida courts are required to apply a “strong presumption against disturbing plaintiffs’ initial forum choice” without regard to a plaintiff’s residence. Fla. R. Civ. P. 1.061. The Connecticut legislature has not imposed such a requirement on Connecticut courts.

The necessary implication is that if the plaintiff had been a New York resident when suit was filed, the presumption in his favor would have been different. Certainly, the plaintiff's state of residence would have been wholly irrelevant if the presumption in favor of the plaintiff would only change if the plaintiff resided out of the country. *See id. Cf. Head USA, Inc. v. Amer Sports Winter & Outdoor Americas*, Judicial District of Stamford-Norwalk, No. FSTCV126015337S, 2013 WL 1493032, at *2 (Genuario, J.) (Mar. 22, 2013) (where alternative forum was Utah, the court cited *Sabino* and reasoned that, "given that the complaint alleges that *Connecticut* is the location of the plaintiff's principal place of business, the court notes that there is a well settled presumption strongly favoring a plaintiff's choice of his *home forum*." (emphasis in original)).

The *Sabino* decision alone should be determinative of this inquiry. But, to the extent that it is not, it is also clear from *Durkin* and *Picketts v. International Playtex, Inc.*, that the Connecticut Supreme Court intended "foreign plaintiffs" to include plaintiffs out-of-state. In *Picketts*, 215 Conn. 490 (1990), the Connecticut Supreme Court wrote:

When, as in the present action, the plaintiffs are foreign to their chosen forum, the trial court must readjust the downward pressure of its thumb, but not remove it altogether from the plaintiffs' side of the scale. Even though the plaintiffs' preference has a diminished impact because the plaintiffs are themselves strangers to their chosen forum; Piper Aircraft Co. v. Reyno, supra, 454 U.S. at 256, 102 S.Ct. at 266; Connecticut continues to have a responsibility to those foreign plaintiffs who properly invoke the jurisdiction of this forum; see Carlenstolpe v. Merck & Co., supra at 904; especially in the "somewhat unusual [situation where] it is the forum resident who seeks dismissal."

Picketts, 215 Conn. at 502 (emphasis added). Tracing the *Picketts* language to its source, *Piper Aircraft*, further demonstrates that "foreign plaintiffs" includes plaintiffs residing outside the state. *Piper Aircraft* reasoned that:

The District Court's distinction between resident or citizen plaintiffs and foreign plaintiffs is fully justified. In *Koster*, the Court indicated that a plaintiff's choice of forum is entitled to greater deference when the plaintiff has chosen the home forum.

Piper Aircraft, 454 Conn. at 256.

Koster v. (American) Lumbermens Mutual Casualty Co, 330 U.S. 518 (1947), which was decided before adoption of 28 U.S.C. 1404(a), involved competing *state* forums. There, the plaintiff brought suit in his home state of New York. The defendant, a corporation domiciled in Illinois, moved to dismiss, arguing that Illinois was a more appropriate forum. Discussing the policy rationale behind granting deference to plaintiff's choice of his home forum, the Court wrote, "[i]n any balancing of conveniences, a real showing of convenience by a plaintiff who has sued in his home forum will normally outweigh the inconvenience the defendant may have shown." *Koster*, 330 U.S. at 524. "[H]ome forum" clearly refers to New York, as the only other forum, Illinois, is likewise located in the United States.

Superior Courts across the state have taken this same position. For more than three decades, relying on *Picketts* and *Durkin*, Connecticut courts have applied a weakened presumption in favor of out-of-state plaintiffs' choice of forum. See, e.g., *Brooks v. Galella*, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV226055704S, 2023 WL 2133952, at *10 (Povodator, J.) (Feb. 17, 2023) (weakened presumption for New York and California plaintiffs); *Bernier v. Travelers Prop. Cas. Ins. Co.*, Judicial District of Hartford, No. HHD-CV-22-5073280-S, 2023 WL 153633, at *3 (Sicilian, J.) (Jan. 3, 2023), aff'd, 224 Conn. App. 901, 310 A.3d 413 (2024) (weakened presumption for California plaintiffs); *Earthstone, Inc. v. Travelers Cas. Ins. Co. of Am.*, No. HHD-CV-226154379, 2022 WL 14429979, at *2 (Baio, J.) (Oct. 18, 2022) (weakened presumption for Indiana plaintiffs); *Shipman Assocs., LLC v. White & Case, LLP*, No. FSTCV206046192S, 2021 WL 838276, at *1 (Povodator, JTR) (Feb. 5, 2021) (providing

extensive analysis and considering whether the plaintiff was “in effect, a stranger to Connecticut, such that a lighter pressure with respect to the thumb-on-the-scale . . . [was] warranted.”); *Stratford 31 Condo. Tr. v. Middlesex Mut. Assurance Co.*, No. MMXCV176018280, 2017 WL 6888850, at *2 (Aurigemma, J.) (Dec. 12, 2017) (weakened presumption for Massachusetts plaintiffs); *Everbank Com. Fin., Inc. v. Row Equip., Inc.*, No. CV166030117S, 2017 WL 3880504, at *1 (Jacobs, J.) (July 20, 2017) (weakened presumption for Delaware Corporation domiciled in New Jersey); *Riske v. Hoambrecker*, Judicial District of New Haven, No. NNHCV145034802S, 2015 WL 7421564, at *2 (Alander, J.) (Oct. 23, 2015) (weakened presumption for Florida plaintiff); *Beauchamp v. Tarullo*, Judicial District of Waterbury, No. UWYCV136020512S, 2015 WL 4430783, at *8 (Shapiro, J.) (June 22, 2015) (weakened presumption for Pennsylvania plaintiffs); *Everett v. Everett*, Judicial District of Stamford-Norwalk, No. FSTCV106004013S, 2010 WL 5573731, at *11 (Adams, J.) (Dec. 16, 2010) (weakened presumption for New York plaintiffs); *Williamsburg Devs., LLC v. J. Jill, LLC*, No. CV-H 7971, 2010 WL 972781, at *4 (Peck, J.) (Mar. 8, 2010) (weakened presumption for Virginia corporation); *Hilb Rogal & Hobbs Co. v. Siech*, No. CV044004817S, 2005 WL 941426, at *6 (Beach, J.) (Mar. 23, 2005) (weakened presumption for Virginia corporation); *Tax Deferred Inv., Inc. v. Bagley*, No. CV 336453S, 1997 WL 625422, at *3 (Thim, J.) (Sept. 25, 1997) (weakened presumption for California corporation); *First Fid. Bank v. Kohn*, No. 0061570, 1993 WL 117696, at *2 (McDonald, J.) (Apr. 2, 1993) (weakened presumption for New York plaintiff); *Cooper Companies, Inc. v. Woodbridge Associated Ltd. P'ship*, No. CV92-0329693, 1992 WL 316477, at *2 (Hodgson, J.) (Oct. 21, 1992) (weakened presumption for New York plaintiffs).

The myriad Connecticut cases on this issue make clear that “foreign plaintiffs” as used in *Picketts*, *Durkin* and their progeny includes out-of-state plaintiffs, a position also consistent with

Connecticut statutory definitions in related contexts. Connecticut’s long-arm statute specifically defines “[f]oreign”, with respect to an entity, as “an entity governed as to its internal affairs by the laws of a jurisdiction *other than this state*.” Conn. Gen. Stat. § 33-602 at ¶ 17 (emphasis added). That same statute defines “[f]oreign corporation” as “a corporation incorporated under a law *other than the law of this state*.” *Id.* at ¶ 18 (emphasis added). Likewise, in the family law context, “foreign matrimonial judgment” is defined as “any judgment, decree or order of a court of any state in the United States” Conn. Gen. Stat. § 46b-70.⁴

D. The Majority of State Courts Have Held That Nonresident Plaintiffs Receive a Diminished Level of Deference.

Connecticut courts’ interpretation that out-of-state plaintiffs should receive diminished deference as to their choice of forum is consistent with the majority of state courts. *See, e.g., Nat’l Football League v. Fireman’s Fund Ins.*, 157 Cal. Rptr. 3d 318, 339 (Cal. Ct. App. 2013)(“California does not recognize a strong presumption in favor of a nonresident plaintiff’s choice of forum”); *Mills v. Aetna Fire Underwriters Ins.*, 511 A.2d 8, 10–11 (D.C. 1986)(“[W]e have always considered important in determining the propriety of dismissal on *forum non conveniens* grounds whether the plaintiff is a resident of the District of Columbia.” (internal citations omitted)); *Fennell v. Illinois Cent. R.R. Co.*, 2012 IL 113812, ¶ 18, 987 N.E.2d 355, 360 (holding that because a plaintiff did not reside in Illinois and the cause of action did not arise in Illinois, the plaintiff’s choice of an Illinois forum was entitled to less deference “for this reason

⁴ Indeed, it would be illogical for Connecticut statutes to define “foreign” as out-of-state for purposes of determining jurisdiction, while Connecticut courts define “foreign” as only out-of-the-country when determining whether to exercise that jurisdiction pursuant to the doctrine of *forum non conveniens*. As these statutes deal with the same or similar subject matter to the common law doctrine of *forum non conveniens*, they should be construed in the same way. *See Thibodeau v. Design Grp. One Architects, LLC*, 260 Conn. 691, 717 (2002) (“When *in pari materia*, statutory law and the precepts of either preexisting or after-declared common law are to be construed together as one consistent and harmonious whole.”).

alone”); *Doe v. Archdiocese of Phila.*, 221 A.3d 616, 628 (N.J. Super. L. Div. 2019) (Pennsylvania-resident “is not a resident of the chosen forum and . . . choice of forum is entitled to substantially less deference.”); *Travelers Cas. & Sur. Co. v. Cincinnati Gas & Elec. Co.*, 862 N.E.2d 201, 205 (Ohio Ct. App. 2006) (“Ohio is not Travelers's home forum. A foreign plaintiff's choice of forum deserves less deference than that of a plaintiff who has chosen his or her home forum.”); *McConnell v. B. Braun Med. Inc.*, 2019 PA Super 310, 221 A.3d 221, 227 (2019) (Texas resident not a resident of Pennsylvania and therefore his “choice of forum is entitled to deference, but to a somewhat lesser degree when the plaintiff's residence and place of injury are located somewhere else.”); *Quixtar Inc. v. Signature Mgmt. Team, LLC*, 315 S.W.3d 28, 31 (Tex. 2010) (“that a plaintiff is not a Texas resident speaks directly to a defendant's burden.”). Some states have gone so far as to apply *Piper* when plaintiff files suit outside her home county. *Dawdy v. Union Pac. R.R. Co.*, 797 N.E.2d 687, 69 (Ill. 2003) (“deference to plaintiff's choice of Madison County is reduced because he does not reside there and the action did not arise there.”).

As a Nevada court explained, the rationale for affording less deference to a foreign plaintiff also supports defining “foreign” to mean out-of-state in a state court action:

We conclude that the rationale behind affording less deference to a foreign plaintiff's choice of a Nevada forum applies with equal force to a sister-state-resident plaintiff. If a foreign plaintiff sues in Nevada, we do not presume that choice was made for convenience because the plaintiff does not live in Nevada. This justification holds true for a sister-state-resident plaintiff—there is no reason to presume that she chose Nevada as a forum for convenience because she does not live in Nevada. ***Accordingly, we hold that a sister-state-resident plaintiff should be treated as “foreign” for the purposes of a forum non conveniens analysis and thus be afforded less deference in her choice of forum,*** unless she proves that Nevada is a convenient forum by showing bona fide connections to Nevada.

Pepper v. C.R. England, 139 Nev. Adv. Op. 11, 528 P.3d 587, 591 (2023) (internal citations omitted; emphasis added). Applying this same rationale here, there is no reason why residents of another state should be afforded the same level of deference for their choice of a Connecticut forum as a Connecticut resident. A Colorado resident does not have the same presumption of convenience in a Connecticut court as would a Connecticut resident.

II. Recently Completed Discovery Further Demonstrates that Connecticut is Not a Fair and Appropriate Forum.

Regardless of the level of deference that the Court applies to Plaintiffs' choice of forum, the Court should dismiss this case. The indisputable facts demonstrate that the fair and appropriate forum in which this case should proceed is Colorado, where the shooter, witnesses concerning the shooting, evidence of the shooter's motivation to commit multiple homicides, and evidence of Plaintiffs' damages are located.⁵ Ruger's responses to Plaintiffs' discovery confirm that conclusion.

(a) Ruger Did Not Develop, Manufacture, Sell, Distribute, or Market the AR-556 Pistol in Connecticut.

Even putting aside that the evidence necessary to prove (or defend against) Plaintiffs' claims of proximate cause and damages is all located in Colorado, there is still little to no relevant evidence located in Connecticut. Indeed, the crux of Plaintiffs' allegations against Ruger is that Ruger improperly designed, manufactured, distributed, and marketed its AR-556 Pistols as "pistols" and not "short-barreled rifles" in violation of the National Firearms Act ("NFA"). As Ruger's supplemental discovery responses reveal, the AR-556 Pistol was designed, manufactured, and distributed out of North Carolina, and Ruger's marketing department was located in New York

⁵ It also is for these reasons that Colorado law should be applied to this dispute - clearly, Colorado is the proper forum.

during the relevant time period (it is now based out of North Carolina). Indeed, Ruger's sworn answer to Plaintiff's Second Set of Interrogatories, No.1, tells the story of the AR-556 Pistol's development, manufacture, sale, and distribution. (Ex. 1 - Defendant's Objections and Responses to Plaintiff's Second Set of Interrogatories, dated October 14, 2024.)

Ruger's interrogatory answer reveals that the initial decision to develop the pistol was made in 2017 by Ruger engineers at Ruger's facility in North Carolina. *Id.* The response identifies the five members of the engineering team—all located in North Carolina—who were responsible for all development, design, parts procurement, manufacture, and testing of the pistol. *Id.* The project was led by a North Carolina-based Product Manager, who was responsible for project coordination with Ruger's sales, marketing, and operation teams—each of which is outside Connecticut. Ruger's then Vice President of Operations in North Carolina, Michael Wilson, had overall responsibility for the pistol project. Mr. Wilson resides and works in North Carolina. *Id.*

Mr. Wilson testified as Ruger's designated witness in response to Plaintiffs' Section 13-27(h) deposition notice. His testimony amplified Ruger's answer to Plaintiffs' Interrogatory 1 and made clear that the AR-556 Pistol was designed, manufactured, and distributed from North Carolina. Mr. Wilson testified that Ruger's North Carolina manufacturing facility, like Ruger's manufacturing facilities in Arizona and New Hampshire, is a "stand-alone business system" from "product concept to manufacturing and distribution." (Ex. 2 – Wilson Dep. at 20-23.) All the business "functions" required to bring a new product to market, including "product design, product testing, product management, and quality management" exist at Ruger's North Carolina facility. *Id.* at 22. Mr. Wilson confirmed that no engineering activities related to the pistol took place in

Connecticut. *Id.* at 39-40.⁶ He also confirmed that all communications between Ruger and SB Tactical, the supplier of the pistol’s stabilizing brace, relating to the AR-556 Pistol, were made by Ruger personnel working in North Carolina. *Id.* at 84-86.

The North Carolina-based Product Manager’s role was that of a “central broker” working with the engineering, materials, and production departments in North Carolina and coordinating with Ruger’s sales and marketing teams to evaluate the potential market for the pistol. *Id.* at 56. Ruger’s marketing team was located in New York. *Id.* at 58-59. Ruger’s Vice President of Marketing, who was in charge of marketing decisions related to the AR-556 Pistol, previously resided in New York and currently resides in Florida. *Id.* at 25, 76, and 220. Ruger’s sales team was led by its Vice President of Sales, who resides in Colorado. *Id.* Members of Ruger’s sales team work out of their homes “all over the country.” *Id.* at 58. No member of Ruger’s sales or marketing teams who had any substantive role in the development, manufacturing, marketing, sale, or distribution of the pistol currently resides in Connecticut.⁷

The Ruger employees involved in the pistol’s development, manufacturing, marketing, sale, and distribution—together with records reflecting their work—are readily available to Plaintiffs through discovery regardless of the forum in which this case proceeds. In contrast, non-

⁶ Plaintiffs allege in their Amended Complaint that Ruger maintains a facility in Enfield, Connecticut, where “engineers involved in designing Ruger weapons” work. (Am. Compl., ¶¶ 27 – 29). However, Mr. Wilson confirmed that the small number of engineers working in Enfield had no involvement in the development or manufacture of Ruger’s AR-556 Pistol. (Ex. 2 at 39-40.) All the engineering work related to the pistol took place in North Carolina.

⁷ A Connecticut-based Ruger employee did assist in production of the Instruction Manual that accompanied the pistol, but her role was limited to merely receiving information from the Product Manager and engineers in North Carolina, collating the information received, and working with the printers to get the manual printed. (Ex. 2 at 209.) She was not involved in creating the manual’s content. (*Id.* at 53-54.) Likewise, one member of the sales department (not primarily responsible for this product) resided in Connecticut during the relevant time period. (*Id.* at 109.) However, there were no employees under him in Connecticut and his supervisor was located in Colorado. (*Id.* at 74; 109.) He has since relocated to Florida. (*Id.* at 109.)

party witnesses and records essential to Ruger's defense are located in Colorado. Indeed, since the hearing before the Court on this motion, the criminal shooter has been tried and convicted in a Colorado court. There were **61 witnesses** and approximately **400 exhibits** during that criminal trial. (Ex. 3 – District Court, County of Boulder, State of Colorado, Minute Order Re: Jury Trial, dated September 25, 2014). Much of this testimony and evidence is relevant to the instant dispute and will be necessary to establish (or refute) causation and damages. All of these exhibits and, on information and belief, most of these witnesses, are located in Colorado. If this case were to proceed to trial in Connecticut, Ruger would be required to elicit and preserve trial testimony from these and other Colorado witnesses by deposition substantially in advance of trial, leaving Ruger with no opportunity to present rebuttal trial testimony from the witnesses and leaving testimony from Plaintiffs' witnesses unchallenged. This is the type of situation that the Connecticut Supreme Court has held to be "not satisfactory" to the court, jury, and litigants. *Durkin*, 258 Conn. 454, 475 (2001). Plaintiffs cannot point to any similar prejudice they may encounter should this case proceed in Colorado, where their decedents lived and worked. Indeed, Plaintiffs have acknowledged that Colorado is an adequate forum in which to pursue their claims. (*See* Mem. In Supp. of Pls.' Opp., p. 10, n. 8. (Entry No. 155.00)).

(b) Ruger's Legal Department's Approval to Sell and Distribute the Pistol from its North Carolina Facility Does Not Make Connecticut a Fair and Appropriate Forum.

In an effort to overcome the fact that virtually all of the evidence is located outside of Connecticut, Plaintiffs pretend that the only issue in this case involves discrete decisions made by Ruger's legal department and CEO. This position ignores the reality of their claims and the vast majority of evidence located in Colorado necessary to prove or defend against Plaintiffs' claims, and ignores that it was Ruger's engineers in North Carolina who developed, manufactured, and

sold the AR-556 Pistol in compliance with federal law and regulations. (Ex. 2 at 125-126.) Mindful of these laws and regulations, the team in North Carolina designed the pistol to be held and fired with a single hand, with use of a stabilizing brace, and not to be fired from the shoulder. (Ex. 2 at 126-127; *see also* 18 U.S.C. § 921(a)(29) (defining a “handgun” as “a firearm which has a short stock and is designed to be held and fired by the use of a single hand.”))

The Instruction Manual that accompanied the pistol advised users that:

NOTE: The pistol brace is not intended for use as a shoulder stock. The brace should only be used as outlined in this manual ... THE RUGER AR-556 PISTOL, AS EQUIPPED FROM THE FACTORY IS NOT REGULATED BY THE NATIONAL FIREARMS ACT (“NFA”). HOWEVER, ALTERATIONS TO THE PISTOL BRACE (INCLUDING REMOVAL OF THE VELCRO® ARM STRAP), REPLACEMENT OF THE PISTOL BRACE WITH A STOCK, OR INSTALLATION OF A VERTICAL FOREGRIP MAY RECLASSIFY THE PISTOL AS AN NFA-REGULATED FIREARM. FOR MORE INFORMATION ABOUT THE NFA, PLEASE VISIT ATF.GOV.

(Ex. 2 at 209-211) (emphasis in original.) As Mr. Wilson testified, they were aware of at least a half dozen other manufacturers making and selling similar braced pistols at the time. *Id.* at 138.

While Plaintiffs will likely advance their unsupported claim that the legal department was somehow responsible for determining whether the AR-556 Pistol was a pistol or a short-barreled rifle, the following colloquy from Mr. Wilson’s deposition reveals that this was simply not the case:

Q -- how your -- how -- once you're at the testing stage, right, has it been -- already been deemed an AR-556 pistol or characterized as a pistol?

A Because it has a barrel length of less than 16 inches and no buttstock, yes, by ATF regulations it's characterized as a pistol.

Q And who makes that determination?

A The ATF does.

Q Does anyone in Ruger also make that determination?

A Everybody.

...

Q (By Ms. Dayananda) Does Mr. Siegel [Associate General Counsel for ATF Compliance] provide any guidance for the testing requirements for the AR-556 pistol?

THE WITNESS: Answer it?

MR. VOGTS: Yeah. I mean --

A The answer is no.

(Ex. 2 at 126-127.)

Mr. Wilson's deposition testimony further revealed that the legal department's involvement in the AR-556 Pistol was minimal and was mostly limited to providing an approval at the time the pistol was launched. (*Id.* at 131, 186.) This approval resulted from the legal department's evaluation of the regulatory environment in which the pistol was to be introduced at that time. The Bureau of Alcohol, Tobacco, Firearms, & Explosives' ("ATF") history in evaluating pistols with stabilizing braces was well-known and is well-documented. (*Id.* at 131 ("[T]he news articles at the time about the ATF's classification, that was fairly mainstream, I believe.") In 2012, SB Tactical submitted a pistol with a stabilizing brace to ATF for review. *See Firearm Regulatory Accountability Coalition, Inc. v. Garland*, 112 F.4th 507, 512-13 (8th Cir. 2024). SB Tactical asked ATF whether the stabilizing brace would change the pistol's classification from a pistol to a rifle. *Id.* ATF examined the submitted firearm and brace and concluded that the brace did not "alter the classification" of the firearm as a pistol." *Mock v. Garland*, 75 F.4th 563, 571 (5th Cir. 2023). ATF concluded that braced pistols were neither rifles nor short-barreled rifles and were not subject to ownership restrictions imposed by the National Firearms Act, 26 U.S.C. §5801 *et seq.* ("NFA"); *Firearm Regulatory*, 112 F.4th at 513.

In 2014, ATF began seeing pistol stabilizing braces being used to shoulder firearms. *Id.* Nevertheless, in a March 14, 2014 letter ATF stated it does not "classify weapons based on how an individual uses a weapon." *Mock*, 75 F.4th at 571. Later in 2014, ATF "backtracked" and

asserted that subjective use of a braced pistol may change a firearm’s classification. *Id.* But later that same year, ATF approved a pistol stabilizing brace for use as long as the brace was not used as a shoulder stock. *Id.* The next year, 2015, ATF seemingly changed positions again, stating that “[a]ny person who intends to use a handgun stabilizing brace as a shoulder stock” must comply with NFA requirements because the firearm will be subject to the NFA. *Id.* at 571-72. In 2017, when Ruger began development of its AR-556 Pistol, ATF flipped the script again, noting that “incidental, sporadic, or situational use” of a stabilizing brace as a shoulder stock does not subject to firearm to NFA restrictions. *Id.* at 572. In September 2019, a few months after Ruger introduced its AR-556 Pistol to the market, ATF reinforced this position in a criminal prosecution in Connecticut by stating that it considers “a firearm with a pistol brace to not be a rifle under the NFA for purposes of the NFA.” *Mock*, 75 F. 4th at 572, citing *United States v. Kamali*, No. 3:18-cr-00288 (D. Conn. Sept. 30, 2019). The court in *Mock* astutely observed that “ATF regulations defining braces and the legality of their uses have not been a model of clarity.” *Id.* at 571.

Mindful that ATF had made clear in 2017 that a user’s incidental use of a stabilizing brace as a shoulder stock did not make a pistol with such a brace into an NFA-regulated firearm, Ruger introduced its AR-556 Pistol in 2019 as a firearm regulated under the Gun Control Act, 18 U.S.C. § 921 *et seq.*, not the NFA, with the Legal Department’s approval. (Ex. 2 at 114, 228.) The Legal Department also approved the location of an engraved marking on the pistol that Ruger places on all of its firearms – “Read Instruction Manual Before Using Firearm.” (Ex 2. at 145-148.)⁸

⁸ Plaintiffs wrongly allege on “information and belief” that Ruger’s “executives” in Connecticut “approved and/or were aware” that SB Tactical submitted a Ruger AR-556 Pistol with a SB Tactical stabilizing brace to ATF for review and classification in May 2018, and that Ruger allegedly knew that in March 2020 ATF responded to SB Tactical and concluded the firearm was a short-barreled rifle subject to NFA restrictions. (Am. Compl., ¶¶ 89 – 92.) In truth, Ruger was not aware of SB Tactical’s submission of the pistol to ATF until learning of it in Plaintiffs’ Amended Complaint on August 8, 2023. (Ex. 2 at 214, 221.)

Plaintiffs seek to elevate the Company's approval of the sale and distribution of the Pistol from its North Carolina's facility as the sole event making Connecticut a fair and appropriate forum. Yet Plaintiffs ignore that other events, most notably the shooting and the loss of their loved ones—losses that serve as the basis for their damages claims—occurred in Colorado. And they ignore that witnesses and records regarding these events, including the circumstances surrounding shooter's acquisition of the firearm, the shooter's motivation to commit his crimes, and plaintiffs' damages lie outside Connecticut. Plaintiffs further ignore that evidence of all other activities by Ruger concerning the pistol took place outside Connecticut. Those activities included Ruger's initial decision to develop the pistol; whether to supply a stabilizing brace with the pistol; the type of brace to be supplied; procurement of the braces that were ultimately used; the pistol's design and configuration; the pistol's manufacture; and the pistol's sale and distribution. The presence of corporate offices in Connecticut is insufficient to overcome the fact that the overwhelming majority of evidence is located outside of Connecticut, even if some decisions were made here. *Cf. Durkin*, 258 Conn. 454, 461 (2001) (dismissal appropriate where four of the defendants had significant operations or were located in Connecticut); *Union Carbide Corp. v. Aetna Casualty & Surety Co.*, 212 Conn. 311, 318 (1989) (upholding trial court's determination that, despite corporate presence of plaintiff in this state, Connecticut was inconvenient forum).

Moreover, public interest factors weigh heavily in favor of Colorado—the community where this tragedy occurred and its residents were murdered. The AR-556 Pistol was never even sold or marketed for sale in Connecticut. Certainly, Connecticut's interest in this case is minimal, at best. In any balancing of forums, regardless of how much or how little weight is to be afforded to Plaintiffs' choice, Connecticut surely loses. The overwhelming amount of evidence lies in Colorado, and Plaintiffs will not be prejudiced by pursuing their claims in a Colorado forum.

Respectfully submitted,
THE DEFENDANT,
STURM, RUGER & COMPANY, INC.

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DOCKET NO: (X10) UWY-CV23-6072791-S : SUPERIOR COURT
NATHANIEL GETZ, EXECUTOR OF THE : J.D. OF WATERBURY
ESTATE OF SUZANNE FOUNTAIN
VS. : COMPLEX LITIGATION
DOCKET
STURM, RUGER & COMPANY, INC. : OCTOBER 14, 2024

**DEFENDANT’S OBJECTIONS AND RESPONSES TO
PLAINTIFF’S SECOND SET OF INTERROGATORIES TO RUGER**

Plaintiff Nathaniel Getz, Executor of the Estate of Suzanne Fountain, by and through undersigned counsel, pursuant to Practice Book Section 13-6, hereby propounds the following supplemental interrogatories to be answered by Defendant Sturm, Ruger & Company, Inc. (“Ruger”), under oath, by September 27, 2024, in compliance with the Court’s September 9, 2024 order.

DEFINITIONS

1. Plaintiff incorporates the Definitions and Rules of Construction in Practice Book Section 13-1.
2. “AR-556 Pistols” means the Firearms sold by Ruger with model numbers 8570, 8571, 8572, 8573, and any additional model numbers in the AR-556 Pistols line.
3. “SB Tactical” refers to the company that designed and sells the SBA3 stabilizing brace that was packaged with Your AR-556 Pistols and each of its present and former employees, brokers, agents, attorneys, accountants, consultants, partners, associates and representatives and any other entity or person acting on its behalf or under its control.

OBJECTION: Ruger objects to this definition as overly broad and unduly burdensome to the extent that it includes SB Tactical’s “present and former employees, brokers, agents, attorneys, accountants, consultants, partners, associates

and representatives and any other entity or person acting on its behalf or under its control.” In order to comply with requests identifying SB Tactical, Ruger would have to know the identity of these individuals and entities and their relationship with SB Tactical. It would be impossible for Ruger to comply with this request because that information is not within Ruger’s knowledge or control.

INSTRUCTIONS

1. In the event that information is not provided because of a claim of privilege, immunity, or work-product protection, provide all information required to be disclosed by Practice Book Section 13-3(d).

2. Each Interrogatory herein shall be deemed to be continuing, and in the event that additional responsive information is later discovered by or becomes known to You, supplementation of Your answers is required without further request.

3. If, in responding to these Interrogatories, You claim that any Interrogatory, or a definition or instruction applicable thereto, 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 you have used to respond to the individual Interrogatory.

4. Unless otherwise stated in the Interrogatory, the relevant date range is January 1, 2018, to March 10, 2023.

OBJECTION: Ruger objects to the “relevant date range” as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. This case arises out of tragic criminal acts committed by Ahmad Al Aliwi Alissa using a Ruger AR-556 Pistol on March 22, 2021. The issue before the Court and subject to limited discovery is where Ruger’s conduct in designing, developing, manufacturing, marketing and distributing the subject pistol occurred. Requested information from the time period after the shooting and after the subject pistol left Ruger’s possession, custody and control in 2021 is irrelevant to the question of whether Connecticut is the fair and appropriate forum for this case to proceed.

INTERROGATORIES

1. Identify the names, titles, and employment locations of all current and former Ruger employees, including executives, who were responsible for or participated in the research, development, design, distribution, regulatory compliance, approval, decision-making, testing, and marketing of or related to the AR-556 Pistols, and describe each one's role in this regard.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it seeks information related to *all* Ruger employees who were in any way involved in the research, development, design, distribution, regulatory compliance, approval, decision making, testing, and marketing of or related to AR-556 Pistols. Given that Ruger employs approximately 1,800 employees across the country, approximately 600 of whom are employed in Mayodan, North Carolina where the subject pistol was manufactured, a request seeking *all* information regarding *all* employees involved in the research, development, design, distribution, regulatory compliance, approval, decision-making, testing, and marketing of the subject pistol is overly broad and unduly burdensome. Subject to this objection, Ruger will provide information regarding management-level and above employees.

ANSWER: Subject to and without waiving the foregoing objections, Ruger responds that the Ruger AR-556 pistol was designed, developed, tested, evaluated, manufactured, and distributed from Ruger's manufacturing facility in Mayodan, North Carolina.

The engineering team for the AR-556 pistol was responsible for all research, development, design and testing and included [REDACTED] and [REDACTED], all of whom are or were at that time, employed in Ruger's Mayodan, North Carolina facility. These individuals were also responsible for laying out, setting up, and programming any equipment necessary for production. Matthew Willson was the product manager for this particular project, and also was and is employed in Ruger's Mayodan, North Carolina facility. As product manager, Mr. Willson was responsible for project management as well as coordinating between the Sales, Marketing, and Operations teams for this project. Parts sourcing, vendor management for parts and components not made in house, and raw materials sourcing was conducted by Ruger's Mayodan, North Carolina procurement team, which included Matthew Osborne, who is and has been employed in Ruger's Mayodan, North Carolina facility. Payments for such vendor-supplied parts and materials were similarly handled through Ruger's Mayodan, North Carolina accounting and finance department. Distribution and shipment of the AR-556 pistol occurred from Ruger's Mayodan, North Carolina facility. Collectively, these teams gathered input from relevant stakeholders and made substantive decisions regarding the configuration in which the AR-556 pistol would be sold, including the decision as to which pistol brace to utilize on the AR-556 pistol.

The decision to develop, manufacture, and distribute the AR-556 pistol was made in North Carolina. Per Ruger's standard product development process, once development had begun and had moved beyond the conceptual stage, it would be presented at a meeting to relevant stakeholders, including members of engineering, procurement, finance, sales, legal, operations, marketing and management teams for discussion on project progression and decision points. If needed, decisions were made in those meetings in a collaborative manner. At the time of development of the AR-556 pistol, these meetings occurred approximately quarterly at each of the Company's three main manufacturing facilities in North Carolina, New Hampshire, and Arizona. Depending on schedules and timing, individuals of the above-referenced teams would attend in person if possible, or remotely if not. Ruger does not maintain attendance records for these meetings.

As previously disclosed in Ruger's answers to Plaintiff's First Set of Interrogatories, Ruger maintains an in-house marketing department that was, until very recently, located in Fairport, New York. Robert Werkmeister, Vice President of Marketing, was at all relevant times employed in Fairport, NY and was responsible for marketing activities related to the AR-556 pistol.

Regulatory compliance at Ruger's manufacturing facilities in North Carolina, New Hampshire, and Arizona involves many of Ruger's business activities, including, for example, compliance with OSHA, EEOC, EPA, ATF, SEC and state agency regulations, management of air and water permits, and management of export control regulations. To that end, the list of Ruger employees involved in regulatory compliance related to product manufacturing is extensive, including members of the local Environmental, Health & Safety teams, the local Human Resources teams, and local Facilities team. Compliance with ATF regulations for any product, including the AR-556 pistol, involves myriad Ruger employees, including IT staff located at Ruger's manufacturing facilities, who assist with programming and maintaining Ruger's Acquisition & Disposition software; Manufacturing Engineers, who ensure lasers and machines are properly configured and calibrated to apply required markings to the size and depth required by ATF regulations; and Design Engineers at manufacturing facilities, who ensure that required markings are included in the design and applied in locations required by law.

Ruger employees on the AR-556 pistol production line in Mayodan, North Carolina were responsible for performing required tasks at the appropriate time to ensure firearms are acquired into the Company's federally required records at the prescribed level of completion. Ruger employees in the Company's shipping and receiving department in Mayodan, North Carolina were responsible for completion of appropriate tasks to ensure that AR-556 pistols were disposed from the Company's federally required records appropriately when shipped to customers. Production employees in Mayodan, North Carolina were responsible for ensuring that AR-556 pistols that were scrapped were properly destroyed in accordance with ATF requirements and also are properly disposed of in the Company's Acquisition & Disposition records. Customer Service associates in Mayodan, North Carolina were responsible for ensuring that AR-556 pistols returned for service were appropriately recorded in the Company's records, were appropriately scrapped and recorded if applicable, and were lawfully able to be returned to the customer pursuant to state law in the location in which the customer is located. Customer Service associates in Mayodan, North Carolina were also responsible for ensuring that when a firearm is returned, the Company's records

accurately reflect the customer to whom the firearm was returned. Michael Wilson was the Vice President of Mayodan Operations during the 2017-2021 timeframe and had overall responsibility for efforts related to the design and development of the AR-556 pistol.

Ruger's corporate headquarters, based in Southport, Connecticut, houses a small number of corporate executives and support staff (approximately 20 people in total), including the Company's Chief Executive Officer and the Corporate Finance and Legal Departments. No product design, manufacturing, or engineering activities have taken place in Southport, Connecticut since 1991.

With regard to Ruger's Advanced Research & Development Department, that department was created in 2023, after the Complaint in this matter was filed. Some members of this department are located in Enfield, Connecticut, however none of the employees located in Enfield had any involvement in the development or manufacture of the AR-556 pistol. As noted above, all engineering, parts procurement, manufacturing, and distribution activities with respect to the AR-556 pistol took place in Mayodan, North Carolina.

2. Identify the names, titles, and employment locations of all current and former Ruger employees, including executives, responsible for ensuring that the design, engineering, classification, naming, marketing, distribution, and sale of the AR-556 Pistols complied with federal laws and regulations, and describe each one's role in this regard.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it seeks information related to *all* Ruger employees who were in any way involved in the research, development, design, distribution, regulatory compliance, approval, decision making, testing, and marketing of or related to AR-556 pistols. Given that Ruger employs approximately 1,800 employees across the country, approximately 600 of whom are employed in Mayodan, North Carolina where the subject pistol was manufactured, a request seeking *all* information regarding *all* employees involved in the research, development, design, distribution, regulatory compliance, approval, decision-making, testing, and marketing of the subject pistol is overly broad and unduly burdensome. Ruger will respond subject to this objection with information regarding management-level and above employees, but will not provide information related to current and former production level employees or other employees of similar level.

ANSWER: Subject to and without waiving the above objections, see response to Interrogatory Number 1.

3. Identify the names, titles, and employment locations of all current and former employees, including executives, who participated in the AR-556 Pistols' new product concept

process referenced in Ruger's response to Interrogatory 10 in Plaintiff's First Set of Interrogatories.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it seeks information related to *all* Ruger employees who participated in any way involved in Product Planning meetings at which AR-556 pistols were discussed, whether or not such individuals played any role in the specific project at issue. Given that Ruger has multiple new products under development at any given time, a request seeking information regarding *all* current and former employees in attendance at the meeting, regardless of their involvement in the project is overly broad.

ANSWER: Subject to and without waiving the above objections, see response to Interrogatory Number 1.

4. Identify the name and employment location of your director for advanced research and development.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, in that it is not limited to the subject AR-556 pistol or the relevant time period during which the pistol was developed, manufactured, and sold.

ANSWER: Subject to and without waiving the above objections, Ruger states that at the time the AR-556 pistol was under development, Ruger did not have a Director of Advanced Research and Development. This position was created in June 2023, after this lawsuit was filed and years after the underlying criminal acts occurred.

5. Identify the names, titles, and employment locations of any current or former research and development employees with supervisory responsibility.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the subject AR-556 pistol or the relevant time period during which the pistol was developed, manufacture, and sold.

ANSWER: Subject to and without waiving the above objections, Ruger states that at the time the AR-556 pistol was under development, Ruger did not have any employees who were denoted "research and development" employees with supervisory responsibility who were involved in the development of the AR-556 pistol.

6. Identify the names, titles, and employment locations of the lawyers and support staff who are part of your legal department.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it is overly broad and seeks information that is not limited to the subject AR-556 pistol or the relevant time period during which the pistol was developed, manufactured, and sold.

ANSWER: Subject to and without waiving the above objections, Ruger states that its entire legal department, including all lawyers and support staff, is employed at its corporate headquarters in Southport, Connecticut.

7. Identify the names, titles, and employment locations of all current and former Ruger employees who were involved in the decision to package the SB Tactical SBA3 stabilizing brace with the AR-556 Pistols, and describe their role in this regard.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it seeks information related to *all* Ruger employees who were in any way involved in the decision to install the SB Tactical SBA3 stabilizing brace on AR-556 pistols. Given that Ruger employs approximately 1,800 employees across the country, approximately 600 of whom are employed in Mayodan, North Carolina where this pistol was manufactured, a request seeking *all* information regarding *all* employees involved in this aspect of this project is overly broad and unduly burdensome.

ANSWER: Subject to and without waiving the above objections, see response to Interrogatory Number 1.

8. Identify the names, titles, and employment locations of all current and former Ruger employees who communicated with SB Tactical.

OBJECTION: Ruger objects to this Interrogatory on the grounds that it seeks information related to *all* Ruger employees who may have communicated with SB Tactical on any subject. Given that Ruger employs approximately 1,800 employees across the country, approximately 600 of whom are employed in Mayodan, North Carolina where the subject pistol was manufactured, a request seeking *all* information regarding *all* employees who may have communicated with SB Tactical on any subject is overly broad and unduly burdensome.

ANSWER: Subject to and without waiving the above objections, see response to Interrogatory

Number 1. By way of further response, Ruger states that communications with SB Tactical regarding procurement and use of the SB3 brace occurred through Ruger's procurement team, located in Mayodan, North Carolina.

Respectfully submitted,

THE DEFENDANT,
STURM, RUGER & COMPANY, INC.

/s/ 404648

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CERTIFICATION

I, Michael W. Wilson, am the Vice President of New Product Development for Sturm, Ruger & Company, Inc. The foregoing Answers to Interrogatories were prepared based on information contained in presently existing files and records regularly maintained in the ordinary course of business and information from various individuals. I have reviewed the Answers and based on reasonable inquiry hereby certify that they are true and correct to the best of my knowledge, information, and belief.

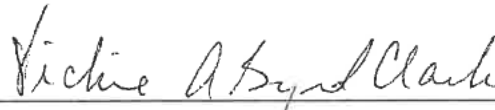
STURM, RUGER & COMPANY, INC.

By:



Michael W. Wilson
Vice President of New Product Development

Signed and sworn to before me this 11th day of October 2024.



Notary Public

My commission expires: Nov. 5, 2025



CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2024, I delivered a true and correct of the foregoing via email to the following counsel of record:

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CERTIFIED COPY

In The Matter Of:

*Nathaniel Getz, Executor of the Estate of Suzanne
Fountain vs. Sturm, Ruger & Company, Inc.*

Michael Wilson - Confidential

November 8, 2024

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Exhibit 2

1 Q Oh, okay.

2 A Yeah. That's why the -- the town is
3 called Mayodan because of that reason.

4 Q Got it.

5 A Nonetheless, I started the factory in
6 2013 with a small team of my close constituents,
7 and we grew the business in North Carolina to a
8 full-fledged factory of 650 people over the course
9 of five years in -- between 2013 and '18. So I
10 was promoted to vice president -- so when I --
11 when I -- when I started the plan I was a director
12 of operations. I was promoted to vice president
13 of operations in 2017. My role pragmatically
14 didn't change. My title did. But I was
15 responsible for the entire entrepreneurial
16 business system in North Carolina, which includes
17 product design, product development,
18 manufacturing, distribution, human resources,
19 compliance control, customer service. It -- it --
20 our Mayodan, North Carolina operation is --

21 Q Huge?

22 A It's big and it's -- it's a -- it's an
23 entrepreneurial stand-alone business system from
24 soup to nuts. Clean sheet to product in a box
25 shipped to the customer.

1 So -- so fast forward from '17 to about
2 a year and a half ago my role has changed. June
3 of 2023 I was promoted to vice president of new
4 product development. So we reorg-ed a little bit.
5 I don't have direct responsibility of Mayodan
6 anymore from the standpoint of running the
7 day-to-day. My role is expanded across Ruger as a
8 whole when it comes to developing new products for
9 market.

10 Q Okay. Let me just pause there. That
11 was a lot.

12 A Okay.

13 Q And I appreciate it.

14 A Yep.

15 Q So you became the VP of operations in
16 2017, you said?

17 A That's correct.

18 Q And then the current role, what year was
19 that?

20 A 2023.

21 Q 2023?

22 A June of 2023.

23 Q So it sounds like they picked the right
24 witness to represent the company since you've had
25 a vast amount of experience.

1 A I've been around.

2 Q You've been around, to put it mildly.

3 So the -- when you're at the VP of
4 operation, is that over Mayodan alone or is
5 that -- does that include other areas?

6 A That was Mayodan alone.

7 Q Okay.

8 A But in Mayodan alone we have product
9 design, product development, product testing,
10 product management, manufacturing management,
11 quality management. It's -- it's -- it -- all
12 functions required from product concept to
13 manufacturing and distribution. Yes.

14 Q So when you say it's a stand-alone kind
15 of functioning area, what -- what -- what are the
16 connection points with the other components of
17 Ruger? Because I want to go -- go through kind of
18 to understand the structure itself. Because in
19 Mayodan is your -- the factory, the manufacturing,
20 which I appreciate you say covers a lot more than
21 just the manufacturing. I think that's what
22 you're saying?

23 A That's correct.

24 Q What are the other touch points with the
25 other parts of -- of Ruger?

1 MR. VOGTS: You mean the other plants?

2 MS. DAYANANDA: Correct.

3 Q (By Ms. Dayananda) Let's start with the
4 plants on the manufacturing --

5 A The other plants?

6 Q Sure.

7 A The other -- well, it's on the --
8 Mayodan isn't anything different than the other
9 two plants. It's -- it was -- it's kind of a --
10 it is a carbon copy. The other two plants
11 function much the same way. They have their own
12 engineering departments and manufacturing
13 departments, quality departments. We -- we
14 collaborate. At the time this -- we collaborate
15 as equals and we bounce ideas off of each other,
16 but decisions made in Mayodan was not touched or
17 influenced by decisions made -- or by any
18 influence from the other divisions. Does that
19 make sense? So that's a divisional -- so there's
20 three divisions of the company, Newport, Prescott,
21 Arizona and Mayodan, North Carolina. All
22 stand-alone functions creating profit for the
23 company, and they -- they're working side by side
24 and parallel.

25 I don't know how else to answer that

1 is -- he runs the manufacturing side of things
2 across all three plants. We also have a vice
3 president of marketing, vice president of sales,
4 vice president of HR and administration.

5 Q Where does the VP of marketing sit?

6 A He lives in his house in Florida.

7 Q Okay. And the VP of sales?

8 A He lives in his house in Colorado.

9 Q And who's that?

10 A That's Shawn Leska.

11 Q And the marketing, Rob?

12 A Rob Werkmeister.

13 Q And the HR?

14 A Sarah Colbert.

15 Q And you're in North Carolina?

16 A That's correct.

17 Q Okay. And the other VP of operations
18 now with the reorg?

19 A He lives in New Hampshire.

20 Q And his name?

21 A Tim Lowney.

22 Just to clarify, Tim Lowney, Tim has a
23 cottage in Massachusetts also, and he splits his
24 time between Massachusetts and New Hampshire.

25 Q Sounds like you guys have a good remote

1 Q And is there still an office in Enfield,
2 Connecticut?

3 A Yes.

4 Q And there's an office that exists there
5 for one person?

6 A Yes. Correct. Plus one other person is
7 our purchasing director. His name is [REDACTED]
8 [REDACTED]. He works out of that office. He works in
9 materials procurement. And he's not an engineer.

10 Q Have you been to the Enfield,
11 Connecticut office?

12 A I have.

13 Q Okay. Do you go there regularly?

14 A I would say periodically. I go
15 periodically. Maybe once a year.

16 Q Okay. Periodically, not -- like, not
17 quarterly?

18 A Hm-hm. No. No.

19 Q Okay. How about in 2017?

20 A I don't recall being there in 2017 but
21 it's likely that I could've been.

22 Q Okay. Now, when you go back to 2017 --
23 and we're going to spend some time on the actual
24 product at issue here -- what was the role of the
25 folks in Enfield as it related to the AR-556

1 pistol?

2 A There was no involvement.

3 Q At the -- so at that time [REDACTED] and --
4 sorry, what was the other guy's name?

5 A [REDACTED].

6 Q Rough --

7 A [REDACTED].

8 Q -- [REDACTED] --

9 A Hm-hm.

10 Q -- were not involved in assisting?

11 A That's correct.

12 Q How about in the procurement of
13 materials, did [REDACTED] have any?

14 A [REDACTED] I don't believe was at the
15 company at that time.

16 Q Okay. And at 2017 there was no one else
17 other than those two engineers in Enfield?

18 A That's correct.

19 Q And back in 2017 were you going there
20 yearly?

21 A Probably -- I'm going to say probably
22 not, but I could have. I just don't recall.

23 Q What's the --

24 A I had -- I had no -- I had very little
25 association with the Enfield office during that

1 A Long time. I don't -- I don't -- I
2 don't know exactly.

3 Q I'm sorry. A long --

4 A Long time.

5 Q Okay.

6 A Yeah.

7 Q And she has a legal background?

8 A I don't believe she has -- honestly, I
9 don't know [REDACTED]'s background. I know she at one
10 time worked for the legal department, and I
11 believe that's where she was then, and currently
12 she reports in to the marketing department.

13 Q But still sits in Connecticut?

14 A Yes.

15 Q And she -- I'm sorry, I think you said
16 she was involved with drafting the instruction
17 manual?

18 MR. VOGTS: Objection. Mischaracterizes
19 his testimony.

20 Go ahead.

21 Q (By Ms. Dayananda) What does she do with
22 respect to the instruction manual?

23 A She takes the content that the engineer
24 sends her and she plugs it in a Word file, checks
25 it out, sends it to the printer, and makes sure

1 that -- and makes sure that the plants are -- she
2 constantly coordinates with the printers to make
3 sure that the plants have instruction manuals to
4 put in the boxes.

5 Q I see. So she's not involved with the
6 substance?

7 A Not at all.

8 Q As far as you know?

9 A She takes the information -- the content
10 is written by the engineer, the project manager
11 and the product manager, they send it to her, she
12 compiles it, works with the printers. She's a
13 go-between.

14 Q Well, when the engineer drafts the
15 instruction manual do they consult with anybody in
16 legal?

17 A They would -- they would work with Nate
18 Siegel.

19 Q So it can't just go straight from an
20 engineer to print?

21 A No. No.

22 Q Okay.

23 A No. No.

24 Q And why is -- why is that? What's Nate
25 Siegel's role in the instruction manual?

1 role of a project manager does. And specifically
2 for the AR-556 what was Mr. Willson's role?

3 A His -- just to clarify, it's product
4 manager, not project manager.

5 Q Okay. Sorry.

6 A Yeah, that's okay.

7 The role of -- the role of a product
8 manager at that time was to work between sales and
9 marketing and determine a -- determine an -- a
10 market opportunity for Ruger to sell something
11 into the commercial market that was sellable, and
12 they would then coordinate back into the plants
13 through the engineering department, the production
14 departments and materials departments and bring
15 the -- you know, act as a central nucleus of
16 coordination in order to develop -- bring it from
17 engineering to -- into production and get it ready
18 for distribution. Or broker, in another way.
19 Kind of a central broker.

20 Q Right. Between sales and marketing
21 and --

22 A Between sales and marketing and the
23 plants. So if you want to -- if you want to
24 consider him in between those two.

25 Q Okay. Where did Mr. Willson sit for

1 the time Mark Gurney reported to Chris Killoy
2 directly.

3 Q Okay. So in the 2017 time period it
4 went Matt Willson, Mark Gurney, Chris Killoy in
5 the chain -- in the chain?

6 A In a direct chain, yes.

7 Q Got it.

8 A Dotted line chain was what I just
9 described.

10 Q Great.

11 So when you say Matt Willson is kind of
12 a broker between sales, marketing and the plants,
13 so the plant obviously, you told us, is in
14 Mayodan?

15 A Hm-hmm.

16 Q What about the sales people that he's
17 dealing with, where are they?

18 A They're scattered all over the country.

19 Q At Ruger offices that we've talked about
20 or just elsewhere?

21 A They're -- they're -- they work out of
22 their homes.

23 Q Okay. And marketing --

24 A Hm-hmm.

25 Q -- where would that -- where would that

1 be?

2 A At that time they were working out of
3 Fairport, New York out of an office.

4 Q Is that Rob?

5 A Rob Werkmeister's --

6 Q Werkmeister.

7 A -- organization.

8 Q And I just want to say, I'm not -- I
9 don't want to act like I'm showing you disrespect
10 by calling any of these people by their first
11 name, I just -- for ease it's a little bit easier.

12 So Rob sits in Fairport, New York. How
13 many people were reporting to Rob at that time,
14 back in 2017?

15 A Rob. Two direct reports, that I know
16 of, and probably a handful of support people
17 under -- under them.

18 Q All in Fairport?

19 A Yeah.

20 Q Okay. So Matt's in North Carolina, he
21 deals with sales people around, the marketing
22 folks in New York, and then the plant people, and
23 then Mark Gurney who's also in --

24 A New Hampshire.

25 Q -- New Hampshire?

1 Q But now he's in Colorado?

2 A That's correct.

3 Q Do you know how long he was in
4 Connecticut for?

5 A Since he was born.

6 Q Oh, okay. So he's a recent transfer to
7 Colorado?

8 A (No response.)

9 Q I shouldn't say recent. You tell me.

10 A I believe that he moved to Colorado in
11 the late teens. Certainly prior to the launch of
12 this firearm.

13 Q Okay. And as far as finance and
14 accounting, the corporate finance and accounting
15 function is in Southport?

16 A That's correct. That's correct.

17 Q That's then and now?

18 A That's correct.

19 Q The second part of the paragraph there
20 is "We have three manufacturing divisions: One in
21 Newport, New Hampshire; one in Prescott, Arizona;
22 and one in Mayodan, North Carolina. Each of those
23 divisions is pretty much a self-contained unit, so
24 they have design engineers there. They have
25 manufacturing and everything they need to do to

1 sort of an outside marketing firm, and we
2 basically brought them in-house, and we allowed
3 them to maintain where they were, so we have a
4 small marketing office in Fairport, New York
5 outside of Rochester. Is that still accurate,
6 where Rob sits?

7 A Rob -- no. The -- Rochester was
8 disbanded a year ago.

9 Q Okay. So it's just in Fairport.

10 "And we've got a small R&D facility in
11 Enfield, Connecticut with a group" --

12 A Well, hang on. Hang on. I'm sorry. Go
13 back. The Fairport site doesn't exist anymore.
14 That's what I'm saying. The marketing department
15 works remotely. Rob's -- Rob moved to Florida and
16 he works in Florida.

17 Q Oh.

18 A Yes.

19 Q So Rob works in Florida. There's no
20 marketing team based anywhere, per se, is that
21 fair?

22 A No. That is fair. The marketing
23 personnel are spread between New York and Florida.
24 There's a couple that lives in Florida and a
25 handful that still live in New York. But they all

1 They don't make firearms themselves.

2 Q As it relates to the AR-556 pistol did
3 you have any contact with anyone at SB Tactical?

4 A I did.

5 Q Who was your contact?

6 A I don't know -- I don't remember his
7 name, but I met with him at SHOT Show in 2019 at
8 their booth.

9 Q SHOT Show?

10 A Hm-hmm. Yes.

11 Q In 2017?

12 A 2019.

13 Q 2019. Sorry.

14 Was that a one-time meeting or did
15 that -- did you form a relationship after that
16 meeting?

17 A That was a one-time meeting for me.

18 Q And obviously this product at issue here
19 is marketed with the SB Tactical brace. So who
20 was involved in that decision?

21 A That would be myself, Matt Osborne, Matt
22 Willson.

23 Q And who was the contact person from SB
24 Tactical?

25 A Internal to Ruger, is that the question?

1 Q Hm-hmm.

2 A It would have been either Matt Osborne
3 initially, and then ongoing either [REDACTED]
4 or [REDACTED].

5 Q And did you have one person at SB
6 Tactical that you were talking to?

7 A I wasn't -- I -- I -- again, I talked
8 to, I think, the president of the company at SHOT
9 Show. I was with Matt Osborne at the time. Matt
10 became the primary communication into and out of
11 SB Tactical from that point forward, and he has a
12 team that works for -- worked for him or worked
13 with him, and that would have been [REDACTED] and
14 [REDACTED].

15 Q What's Matt's title?

16 A His current title is director of supply
17 chain logistics.

18 Q And back then?

19 A Manager of supply chain.

20 Q Where did he sit?

21 A Mayodan, North Carolina.

22 Q And who did he report to?

23 A He reported to [REDACTED], who was the
24 director of supply chain. This is back then.

25 Q Hm-hmm.

1 A And he sat in Mayodan, North Carolina
2 and he reported directly to me.

3 Q Okay. And [REDACTED]?

4 A [REDACTED], she sits in North
5 Carolina, as does [REDACTED].

6 Q And are all three, Matt Osborne and
7 [REDACTED] and [REDACTED], are they all still in North
8 Carolina?

9 A [REDACTED] is retired; [REDACTED] has departed from
10 the company; [REDACTED] and Matt both still live in
11 Mayodan, North Carolina and work out of Mayodan,
12 North Carolina, yes.

13 Q Okay.

14 MS. DAYANANDA: Let's go to the May
15 20 -- I can give you the -- it's -- 225
16 through 257 is the Bates number.

17 (Email - 5/16/17 with attachment marked
18 Plaintiff's Exhibit 5 for ID.)

19 Q And this is an email from Matt Willson
20 to a number of people. I'll give you a minute.
21 And just as a preview, I'm going to ask you who's
22 it to and where they sit, is the question.

23 A Okay. Okay.

24 (Pause in the proceedings.)

25 Q Just let me know when you're ready.

1 director, reports to Shawn Leska.

2 Q Where does he sit?

3 A Currently sits in Florida.

4 Q And before?

5 A Southport, Connecticut.

6 Q At this time was he in Southport?

7 A Yes, he was. If this is 2017, yes.

8 Q This is 2017, correct.

9 A Yeah.

10 Q So when it says "We need to build sample
11 for RG in Southport," what does -- what does that
12 mean? Can you just translate that?

13 A We would've -- we would've built a
14 sample for RG to look at and see if it was
15 something that he would think would be marketable
16 in the -- to our customers.

17 Q And who all back in 2017 -- [REDACTED],
18 right, that's his last name?

19 A Correct. Hm-hmm.

20 Q Did he have employees here in
21 Connecticut?

22 A No. He was -- again, he's the -- a
23 sales director. He would -- he was the supervisor
24 of all the field folks across the nation. No
25 other Connecticut employees.

1 Q (By Ms. Dayananda) Okay. So it's -- let's
2 disabuse ourselves that this is happening at one
3 place.

4 A These things.

5 Q Okay. Just to get the final thing on
6 this particular email is that when -- when -- it
7 says "Pat reminded us we need Kevin's OK." What
8 was the okay that they needed? Is that for the
9 final -- for moving to another step or for the
10 actual product?

11 A Kevin need -- Kevin would be the one
12 that'd tell us it's time to -- time to sell the
13 product, and that's -- that's the extent of it.

14 Q So you still needed his okay before it
15 finally launched?

16 A We needed his guidance to tell us
17 whether it was time to sell the product.

18 Q And the line about "Got support for NO
19 BRACE," what does that mean?

20 A What's hidden by that redacted sentence
21 is a customer that was wishing to buy a certain
22 amount of pistols as configured at this time with
23 no brace. It's out of context.

24 Q I see. That's help -- that's helpful.

25 A Yeah.

1 Q And you mentioned the ATF regulation as
2 part of the testing. Can you just explain what
3 you mean by that?

4 A What did I mention?

5 MR. VOGTS: I think -- objection. It
6 mischaracterizes his testimony.

7 MS. DAYANANDA: That's why I'm asking
8 him to explain it.

9 MR. VOGTS: Well, you've asked him to
10 explain something he didn't say. That's how
11 it mischaracterizes his testimony.

12 MS. DAYANANDA: We can have her read it
13 back, if you'd like.

14 A What's the question?

15 Q (By Ms. Dayananda) The question is I -- I
16 don't want to mischaracterize your testimony in my
17 question, but I believe you referenced that it was a
18 pistol as related to ATF regulations, so my question
19 is how -- how did that play into the testing?
20 That's one part of it.

21 A It didn't play in the -- excuse me.

22 VIDEOGRAPHER: Do you want to go off
23 record so I can help you?

24 THE WITNESS: No.

25 VIDEOGRAPHER: Thank you.

1 A The ATF regulations didn't -- if I
2 stated it this way I didn't mean to.

3 The ATF regulations didn't influence the
4 level of testing that we did on this product.
5 So -- so what's the question?

6 Q (By Ms. Dayananda) The question is once --
7 you tested it as a pistol, correct? The AR-556
8 pistol.

9 A We tested it as a firearm.

10 Q Okay. And this is just my --

11 A Yeah.

12 Q -- ignorance as to --

13 A Yeah.

14 Q -- how your -- how -- once you're at the
15 testing stage, right, has it been -- already been
16 deemed an AR-556 pistol or characterized as a
17 pistol?

18 A Because it has a barrel length of less
19 than 16 inches and no buttstock, yes, by ATF
20 regulations it's characterized as a pistol.

21 Q And who makes that determination?

22 A The ATF does.

23 Q Does anyone in Ruger also make that
24 determination?

25 A Everybody.

1 Q Okay.

2 A It's like if you're looking at -- is
3 that a coffee cup or a big mug from -- from the
4 Speedway station.

5 Q Got it.

6 A It's like -- it's like you -- right. I
7 mean, that's -- I'm not being facetious but --

8 Q No, I -- I understand.

9 A -- I don't know how to answer that
10 question --

11 Q Okay.

12 A -- other than that.

13 Q Okay. So this -- the question goes to
14 is compliance or Mr. Siegel's role involved in any
15 of the testing, guidance provided, from a
16 compliance perspective?

17 MR. VOGTS: Objection to the question.

18 It's compound. There's more than one
19 question in there.

20 Q (By Ms. Dayananda) Does Mr. Siegel provide
21 any guidance for the testing requirements for the
22 AR-556 pistol?

23 THE WITNESS: Answer it?

24 MR. VOGTS: Yeah. I mean --

25 A The answer is no.

1 A Yeah. Yep.

2 Q -- but do you remember around the
3 product of the AR-556 having that discussion with
4 Matt Willson, correct?

5 A Yeah.

6 Q And Kevin Reid?

7 A I would've had my discussions with Matt,
8 Matt Willson.

9 Q And did he mention speaking to Kevin?

10 A Not specifically, but it's no secret
11 that the legal department is -- is aware in all
12 questioning of the law. So, yes, the news
13 articles at the time about the ATF's
14 classification, that was fairly mainstream, I
15 believe.

16 Q But within -- within Ruger who
17 ultimately made that determination?

18 MR. VOGTS: What determination?

19 Q (By Ms. Dayananda) That it's a pistol.

20 A Ultimately clearance to sell at the --
21 at the appropriate time was made by the legal
22 department.

23 Q And going back to Exhibit 6 that I think
24 we spent some time on.

25 A 6 or 7?

1 Q Yeah.

2 A Yes.

3 Q Is this a roadmap that applies to all
4 products, like in the sense of the stages?

5 A Generally, yes.

6 Q Okay. And this is what also applied to
7 the AR-556?

8 A That's correct.

9 Q And I just -- when you look at that
10 first stage of the product design and development,
11 I just -- we didn't -- we didn't ask, you know,
12 kind of the origins of this product itself, and I
13 appreciate that you said the platform came from
14 the AR-15, but do you remember where the idea came
15 from to kind of make it into the product that
16 we -- that we -- that you ultimately launched?

17 A Generally the product was conceived from
18 Matt Willson and working with the engineers and
19 observing what was in the market at the time. I
20 think I mentioned earlier there was -- there were
21 at least a half a dozen manufacturers making brace
22 pistols, braced AR pistols, and we had an AR-556
23 line, manufacturing line, already making rifles,
24 so it was bubbled up from product management,
25 being Matt Willson, a couple of our engineers, and

1 process, what the instruction is for this
2 particular skew number, which is 8570 in this
3 case, our AR-556 pistol.

4 Q And who's -- who's the intended audience
5 for this sheet?

6 A This would be the engineers
7 communicating with the operations people --

8 Q Okay.

9 A -- to make sure that the associate
10 instructions are set up properly.

11 Q Okay. So the project owner is Matt?

12 A Hm-hmm.

13 Q And then the next steps there, 7/25/17,
14 "Prototype sent to Southport for legal approval on
15 BBL warning mark."

16 A Which line are you looking at again?

17 Q The next step. It's the last -- the
18 very last column.

19 A Oh. "Prototype sent to Southport for
20 legal approval." That's the -- that's the -- BBL
21 is a shortened term for barrel.

22 Q Okay.

23 A The label -- the re-instruction manual
24 or warning marks. The marks in and around the
25 safety where they lie on the receiver, that --

1 this is indicating that they put a -- they put a
2 sample together and they sent it up to Nate
3 probably and asked for feedback.

4 MR. VOGTS: On the markings?

5 THE WITNESS: On the markings, yes.

6 A Barrel markings specifically.

7 Q (By Ms. Dayananda) Is it just the
8 markings --

9 A Yeah. Oh, yeah.

10 Q -- or does Nate weigh in on every -- on
11 other aspects of --

12 A Oh, no.

13 Q It's a prototype.

14 A At this stage, that's -- we're using
15 legal to guide us on whether the markings are
16 appropriate and they comply.

17 Q And by "markings," can you just explain
18 what you mean?

19 A Okay. So the ATF requires us to either
20 laser engrave or mark in the metal itself on the
21 barrels the caliber, the actual caliber, we're
22 also required by ATF to mark either by upsetting
23 the material or laser engraving the place of
24 location, the model, and we -- and we -- we tend
25 to -- we tend to put a warning label or a

1 re-instruction manual label also embedded in the
2 gun somewhere.

3 So, yeah, when I'm saying markings,
4 it's -- you pick up a piece of steel, you can --
5 it's got markings embedded in the steel, either by
6 way of etching it or roll marking.

7 Does that make sense?

8 Q Kind of, yeah.

9 A Kinda.

10 Q The approved weight -- okay. So it says
11 the prototype is sent to Southport for legal
12 approval --

13 A Hm-hmm.

14 Q -- and you're saying that's to Nate,
15 right?

16 A At the time that -- it would've been
17 sent to somebody in legal. I don't know exactly
18 what -- if Nate was around. I believe he was.
19 But it would've been -- it would've been sent to
20 somebody in legal.

21 Q Is this -- is this -- does this happen
22 for all products, that a prototype is sent to
23 legal for approval?

24 A They are sent to legal -- no, not on all
25 products. No. No. Not on all new products.

1 Q Why was it sent for this one?

2 A Because this one -- the barrel length on
3 this one is shorter than the rest of -- the rest
4 of the rifles that we produce in this category,
5 and we had enough -- we had enough -- we had
6 enough length of barrel sticking out on longer
7 barrel versions to put the markings on the barrel.
8 This was short, so the handguard covered up the
9 whole barrel, so we had to figure out a different
10 place to put the markings, and so we would've sent
11 it up to Nate.

12 Q So while looking at the markings is he
13 also looking at the barrel length, Nate?

14 A Nate Siegel?

15 Q Hm-hmm.

16 A Well, he -- I don't know. Maybe.

17 Q Well, is he making --

18 A We're not asking -- we're not sending a
19 sample up there and telling him to take his tape
20 measure out and measure whether the barrel is 16
21 inches or less. We already know that and he
22 already knows that.

23 Q Well, it sounds like -- because now
24 we're in 20 --

25 A This is 2017.

1 Q -- that Chris and Kevin provided that
2 clearance and then you were able to ultimately
3 launch, correct?

4 A That -- that would be -- that would be
5 generally correct, yes.

6 Q Okay.

7 MS. FONTANE: Do you want the
8 attachment?

9 MS. DAYANANDA: Yeah.

10 This would be -- what are we up to now
11 exhibit-wise?

12 MS. FONTANE: 21.

13 MS. DAYANANDA: Yeah.

14 I don't think the attachment is
15 necessary for this one.

16 (Email - 3/15/19 marked Plaintiff's
17 Exhibit 21 for ID.)

18 Q (By Ms. Dayananda) This is Exhibit 21 from
19 March 15th of 2019 from Shawn Leska --

20 A Hm-hmm.

21 Q -- to yourself, [REDACTED], [REDACTED]
22 [REDACTED] and [REDACTED].

23 A Hm-hmm.

24 Q I think you mentioned all three.

25 [REDACTED]'s the only one I'm -- and then it's to Sarah

1 manual for the --

2 MS. FONTANE: Exhibit 33.

3 Q 33.

4 (Instruction Manual marked Plaintiff's
5 Exhibit 33 for ID.)

6 Q Are you familiar with this instruction
7 manual?

8 A Generally, yes.

9 Q Okay. And who would put this together
10 for the -- this particular product?

11 A The product managers and the engineers
12 would compile the information. In this case it's
13 a copy/paste.

14 Q A copy/paste from what?

15 A The AR-556 family.

16 And they would compile that information
17 and send it up to [REDACTED], and she
18 would -- she would collate it and work with the
19 printers to get it printed.

20 Q I think you stated -- said earlier
21 [REDACTED] is in legal but she doesn't review it
22 substantively, is that right?

23 A She works -- currently [REDACTED] reports up
24 through the marketing function, but I think in the
25 past at some point in time she was in the legal

1 department.

2 Q But just in terms of the substance, you
3 don't know who in legal reviews it, but somebody
4 in legal reviews it before it's published,
5 correct?

6 A That's correct.

7 Q Okay. So looking at the general
8 information which is on -- page 11, actually, of
9 the manual. The note there says "The pistol brace
10 is not intended for use as a shoulder stock. The
11 brace should only be used as outlined in this
12 Manual." Then it says "See 'Pistol Brace
13 Adjustment & Function' section, page 27."

14 A Hm-hmm. Yes.

15 Q That note and the bottom note of "The
16 RUGER AR-556, as equipped from the factory is not
17 regulated by the National Firearms Act. However,
18 alterations to the pistol brace (including removal
19 of the Velcro arm strap,) replacement of the
20 pistol brace with a stock, or installation of a
21 vertical fore-grip may reclassify the pistol as an
22 NFA-regulated firearm. For more information about
23 the NFA, please visit ATF.GOV."

24 Were you aware of this -- this
25 particular language of the instruction manual?

1 A I was not aware of this particular
2 language, but it's -- it does -- it makes sense to
3 me.

4 Q Would it be fair to say that legal
5 drafted that language?

6 A Well, it certainly wouldn't have come
7 from an engineer.

8 How's that for an answer?

9 Q Good. We'll take it.

10 And do you know whether this -- the
11 particular AR-556 pistol was submitted to ATF for
12 its valuation?

13 A Say -- I'm sorry. Ask that again.

14 Q As a sample.

15 A Ask the full question again.

16 Q Sure. Was this AR-556 pistol provided
17 to the ATF to evaluate?

18 A I'm -- I'm aware in March of 2020 that
19 we submitted a pistol fitted with this brace to
20 the ATF for opinion. I'm also aware that we
21 didn't receive a response to that until 2023 from
22 the ATF. I don't know the exact response.

23 Q How do you know it was submitted in
24 March of 2020?

25 MR. VOGTS: He knows through preparation

1 AR-556 pistol to ATF?

2 A I don't know exactly would, but it would
3 have been someone from the legal department, most
4 definitely.

5 Q Do you know if anyone at Ruger was
6 informed about SB Tactical providing the 556
7 pistol to ATF?

8 A Not to my knowledge.

9 Q Okay. So just before we move off this,
10 I just want to make sure I understand. So you
11 only learned in the preparation for this
12 deposition that Ruger submitted the pistol to ATF
13 in March of 2020?

14 A That's correct.

15 Q Did you review any materials related to
16 their submission?

17 A No.

18 Q And you did not review any of the SB
19 Tactical letters that I was shown -- that I just
20 showed to you, correct?

21 A That's correct.

22 Q And where -- did you just learn now that
23 SB Tactical had submitted the pistol to ATF?

24 A Within the recent past, yeah.

25 Q Meaning in the last 10 minutes or did

1 Q So Rob?

2 A Rob.

3 Q Are there ever discussions of when to
4 create a video and not to create a video that
5 you're involved in?

6 A In my new role there would be; past role
7 would not be.

8 MS. DAYANANDA: Let's take five.

9 VIDEOGRAPHER: Off record, 2:25.

10 (Nine-minute recess taken.)

11 VIDEOGRAPHER: We're back on record,
12 2:34.

13 Q (By Ms. Dayananda) Mr. Wilson, before we
14 talked about SB Tactical you mentioned Matt Osborne,
15 [REDACTED] and [REDACTED] were the point of
16 contact there, is that right?

17 A [REDACTED], plural, yes.

18 Q [REDACTED]?

19 A Yes. Yeah.

20 Q Okay. Now, concerning the ATF
21 submission, the letters that we just showed you,
22 who would've been coordinating with SB Tactical
23 from Ruger's side on that particular issue?

24 A Matt Osborne.

25 MR. VOGTS: Wait. Wait. Objection. I

1 mean, the -- what was your question, the SB
2 Tactical letters, who was coordinating from
3 Ruger with regards to those letters?

4 MS. DAYANANDA: Let me rephrase the
5 question.

6 MR. VOGTS: Yeah.

7 Q (By Ms. Dayananda) The question is in
8 regard -- was -- was there coordination between
9 Ruger and SB Tactical about submitting a sample to
10 the ATF?

11 A No.

12 Q Okay. Now, Matt Osborne is the person
13 who was the lead person on the procurement,
14 correct?

15 A That's correct.

16 Q Now, on -- I just want to make sure, on
17 the submission side you said it was someone in
18 legal who submitted that sample in March of 2020,
19 correct?

20 A That would be correct.

21 Q Okay. Who in legal?

22 A I don't know exactly.

23 Q Okay. I just want to refer back to the
24 notice of deposition that lays out the scope of
25 topics --

1 MR. VOGTS: That's all I have.

2
3 REDIRECT EXAMINATION

4 BY MS. DAYANANDA:

5 Q Mr. Wilson, just one question.

6 Wasn't it your testimony earlier this
7 afternoon that the level of clearance was needed
8 from Kevin in legal and Chris, the CEO, before the
9 AR-556 pistol officially launched?

10 A I said that, yes.

11 Q Nothing further. Thanks so much.

12 COURT REPORTER: Tell me what you want
13 for transcripts.

14 VIDEOGRAPHER: That concludes his
15 testimony. Going off video record, 2:43.

16 MR. VOGTS: PDF, please.

17 MR. RANKS: I typically will take a PDF.

18 MS. SHANAHAN: We'd like to expedite it.

19 (Discussion off the record.)

20 MR. VOGTS: Ruger is designating the
21 entire transcript of Mr. Wilson's deposition
22 under the terms of a protective order. Thank
23 you. And you should designate on the cover
24 confidential, subject to productive order.

25 (Whereupon the deposition was adjourned at 2:43)

CONFIDENTIAL

CERTIFICATE OF REPORTER

I, Wendi M. Bendzinski, a commissioner in and for the State of Connecticut, do hereby certify that the videotaped deposition of MICHAEL WILSON was taken before me on Friday, November 8, 2024.

I further certify that the witness was duly sworn by me to testify to the truth, the whole truth, and nothing but the truth, that he was examined under oath, and the foregoing is a true and accurate transcription of the testimony as taken stenographically by me and subsequently transcribed as hereinbefore appears.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the action.

IN WITNESS THEREOF I have hereunto set my hand this 13th day of November, 2024.



Wendi M. Bendzinski, LSR 156
Notary Public

My commission expires: December 31, 2026

JURORS

Twelve jurors (and four alternates) are selected and sworn to serve on September 4, 2024. The alternates were sequestered from the deliberating jury on September 20, 2024. The jurors met, listened to testimony, and deliberated over fifteen days.

PRELIMINARY MATTERS AND JURY SELECTION

September 3, 2024

1. At 8:50am, the parties and the Court discuss the process of replacing prospective jurors on the bailiff list for the prospective jurors who had issues arise regarding their jury service over the weekend.
2. Jury selection commences with general voir dire at 9:30am.
3. The People complete their questioning of the prospective juror panel and the Court excuses the prospective jurors for the evening at 4:30pm with instructions to return for jury selection at 9:00am the next morning.

September 4, 2024

4. Outside the presence of the prospective jurors, the parties briefly discuss some preliminary matters at 8:50am. Several jurors are excused by agreement of the parties. The People note that they do not intend to call Ofc. Frederking as a witness and shall not seek to admit any statements made by Defendant to him that were previously litigated in pre-trial motions to suppress. Defendant argues that the matter is not ripe, but they do not object at this time. The Court finds that victims shall be permitted to observe opening statements, though they shall not be permitted to observe any other witnesses testify if they are expected to testify at trial themselves, pursuant to a witness sequestration order.
5. The prospective jurors return and Defendant begins their questioning of the prospective juror panel at 9:00am.
6. Peremptory strikes are completed, the jury is finalized, and the jury is sworn at 3:45pm. After a brief instruction of law and orientation with the jury room and other court facilities, the jury is excused to reconvene at 8:30am on September 5, 2024, in Courtroom G.

PEOPLE'S WITNESSES

1. Jesse Brown, 9/5/24.
2. Johnnie Schan, 9/5/24.
3. Kelly Dorr, 9/5/24.
4. Daniel Slay, 9/5/24.

5. Dr. Alison Sheets, 9/5/24.
6. Logan Smith, 9/5/24.
7. Patrick Kruse, 9/5/24.
8. Jason Hebrard, Colorado Bureau of Investigation (“CBI”), 9/6/24.
9. Detective Chris Pyler, Westminster Police Department, 9/6/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of cellular telephone record analysis.
10. Sergeant Aaron Wise, Boulder Police Department, 9/6/24.
11. Sarah Moonshadow, 9/6/24.
12. Elan “Ri” Shakti, 9/6/24.
13. Hadyn Steele, 9/6/24.
14. Special Agent Joel Hegarty, Bureau of Alcohol, Tobacco, and Firearms (“ATF”), 9/6/24.
15. Jacqueline “Julie” Keeton. 9/6/24.
16. James Graham, 9/6/24.
17. Christopher Tatum, 9/9/24.
18. Paul Johnson, 9/9/24.
19. Mark Suban, Federal Bureau of Investigation, 9/9/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the fields of photography and multimedia and visual aids.
20. Investigator Sarah Cantu, Boulder County District Attorney’s Office, 9/9/24, 9/10/24, 9/11/24, and 9/13/24.
21. Nicholas Edwards, 9/9/24.
22. Officer Bryan Capobianco, Boulder Police Department, 9/9/24.
23. Officer Pam Gignac, Boulder Police Department, 9/9/24.
24. Khagendra Malla, assisted by a Nepalese-language interpreter, 9/10/24.
25. Officer Bryan Plyter, Boulder Police Department, 9/10/24.
26. Officer Jenny Schmeits, Boulder Police Department, 9/10/24.
27. Deputy Jeffrey Brunkow, Boulder County Sheriff’s Office, 9/10/24.

28. Richard “DJ” Smith, 9/10/24.
29. Officer Alexander Kicera, Boulder Police Department, 9/10/24.
30. Samuel Kilburn, 9/10/24.
31. Officer Michael West, Boulder Police Department, 9/10/24.
32. Officer Brandon Braun, CU-Boulder Police Department, 9/10/24.
33. Officer Richard Steidell, Boulder Police Department, 9/10/24.
34. Officer Larry Ottosen, Broomfield Police Department, 9/10/24.
35. Angela Peacock, 9/10/24.
36. Aimee Quila Federal Bureau of Investigation, 9/11/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of firearms and toolmark analysis, including shooting incident reconstruction.
37. Dr. Meredith Frank, 9/11/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic pathology.
38. Dr. Daniel Lingamfelter, 9/11/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic pathology.
39. Special Agent Amber Cronan, Federal Bureau of Investigation, 9/11/24.
40. Special Agent Charles S. DeFrance, Federal Bureau of Investigation, 9/11/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of crime scene processing.
41. Special Agent Stephanie Benitez, Federal Bureau of Investigation, 9/12/24.
42. Jennifer Jacobsen, 9/12/24.
43. Margaret Montoya, 9/12/24.
44. Sarah Chen, 9/12/24.
45. Stephanie Sears, United States Postal Inspection Service, 9/12/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the fields of computer forensics and analysis, cellphone forensic analysis, data retrieval, and cellular devices and analysis.
46. Commander Joshua Bonafede, Boulder County Sheriff’s Office, 9/12/24.
47. Crime Scene Investigator (“CSI”) Wendy Kane, Boulder Police Department, 9/13/24.
48. Dr. Thomas Gray, 9/13/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic psychology.

49. Dr. Loandra Torres, 9/16/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic psychology.

50. Dr. Ian Lamoureux, 9/18/24. Rebuttal Witness. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic psychiatry.

PEOPLE'S EXHIBITS

ADMITTED EXHIBITS

<u>Number</u>	<u>Description</u>
1	Aerial Map of King Soopers and Parking Lot
2	King Soopers Interior Map
3	Jesse Brown's Recorded 911 Phone Call
4	Photograph of Neven Stanisic's Work Van
5	Screenshot of Text from Kelly Dorr to King Soopers Store Manager
6	Screenshot of Text from Kelly Dorr to King Soopers Store Manager
7	Daniel Slay's Recorded 911 Phone Call
8	Dr. Sheets' Photograph from Potato Chip Hiding Spot
9	Dr. Sheets' Photograph of Potato Chip Aisle
10	Logan Smith's Recorded 911 Phone Call
11	Photograph of Patrick Kruse at King Soopers Checkout
12	Photograph of Patrick Kruse Prone in Checkout Lane
13	Diagram of King Soopers with Patrick Kruse's Markings
14	Nest Surveillance Video from March 16, 2021
15	Nest Surveillance Video from March 22, 2021
16	Arvada Water Treatment Plant Surveillance Footage
17	Arvada Water Treatment Plant Surveillance Footage
18	Det. Pylar's Cellular Analysis Survey Team Records Report
19	Photograph of Sarah Moonshadow by King Soopers Registers
20	Hadyn Steele and Casey Taylor at the King Soopers Self-Checkout
21	Photograph of Elan Shakti Falling in King Soopers Deli Section
22	Photograph of Christopher Tatum Assisting Elan Shakti
23	Photograph of Christopher Tatum Escorting Elan Shakti Outside
24	Photograph of King Soopers Meat Department
25	Photograph of Lynn Murray at King Soopers Register
26	Photograph of Paul Johnson and Julie Keeton at King Soopers Register
27	Photograph of James Graham at King Soopers Self-Checkout
28	Photograph of Sarah Moonshadow and Nicholas Edwards Fleeing King Soopers
29	Photograph of Paul Johnson at King Soopers Register
30	FBI Compilation of Video Surveillance Inside and Around King Soopers
31	ATF Firearms Trace Summary for Ruger AR-556 Recovered at King Soopers
32	Eagle's Nest Armory Firearm Transaction Records for Ruger AR-556
33	Firearms Trace Summary for Defendant's Girson MC28SA
34	Westminster Arms Firearm Transaction Records for Girson MC28SA
35	ATF Firearms Trace Summary for Ruger AR-556 Recovered from Defendant's Home
36	Westminster Arms Firearm Transaction Records for Ruger AR-556
37	Firearms Trace Summary for Defendant's Sarsilmaz K2-45

38 Westminster Arms Firearm Transaction Records for Sarsilmaz K2-45
 40 Grabagun.com Purchase Records for Defendant
 41 Summary of Grabagun.com Purchase Records for Defendant
 42 Photograph of Neven Stanisic
 43 Photograph of Kevin Mahoney
 44 Photograph of Tralona Bartkowiak
 45 Photograph of Rikki Olds
 46 Photograph of Denny Stong
 47 Photograph of Lynn Murray
 48 Photograph of Teri Leiker
 49 Photograph of Jody Waters
 50 Photograph of Suzanne Fountain
 51 Photograph of Eric Talley
 52 Elan Shakti's Medical Records from Boulder Community Health
 53 Ofc. Talley's Dashcam Video
 54 Photograph of Second Police Entry Team into King Soopers
 55 Photograph from Bodyworn Camera of Dep. Brunkow at King Soopers Entrance
 55b Second Police Entry Team Ducking for Cover from Gunfire
 57 Photograph of Glass Breaking in Front of Ofc. Braun at King Soopers
 58 Photograph of Ofc. West in East Foyer of King Soopers
 59 Ofc. Steidell's Duty Firearm
 60 Ofc. Steidell's Used Magazine and Remaining Rounds
 61 Ofc. Steidell's Reload Magazine and Unused Rounds
 62 Ofc. Steidell's Spare Magazine and Unused Rounds
 63 Ofc. Capobianco's Bodyworn Camera Video
 64 Video Compilation of Defendant's Movements During King Soopers Shooting
 65 Photograph of Khagendra Malla Hiding by King Soopers Register
 66 Defendant's Cell Phone Recovered from His Vehicle
 67 Photograph of Loaded Magazine Recovered from Defendant's Vehicle
 68 Photograph of Loaded Magazine Recovered from Defendant's Vehicle
 69 Photograph of Loaded Magazine Recovered from Defendant's Vehicle
 70 Photograph of Recovered Magazine with Rounds Removed
 71 Photograph of Green Rifle Bag Recovered from Defendant's Vehicle
 72 Photograph of Green Rifle Bag Recovered from Defendant's Vehicle
 73 Photograph of Loaded 9mm Magazine Recovered from Green Rifle Bag
 74 Photograph of 9mm Magazine Recovered from Rifle Bag and Rounds, Removed
 75 Photograph of Three Magazines of 5.56 Rounds Inside Green Rifle Bag
 76 Photograph of Large Capacity Magazine of 5.56 Rounds Inside Green Rifle Bag
 77 Photograph of Additional Magazines of 5.56 Rounds Inside Green Rifle Bag
 78 Photograph of 8 Magazines of 5.56 Rounds Recovered from Green Rifle Bag
 79 Photograph of 8 Magazines of 5.56 Rounds Recovered from Green Rifle Bag
 80 Photograph of 8 Magazines Recovered from Rifle Bag, with Rounds Removed
 81 Photograph of Earplugs Recovered from Green Rifle Bag
 82 Photograph of 2 Spent Cartridges Recovered from Green Rifle Bag
 83 Photograph of GrabAGun Packing Slip Recovered from Defendant's Vehicle
 84 Photograph of Defendant's Wallet and Contents, Removed

85	Photograph of Eagle's Nest Armory Receipts
86	Photograph of Chase Bank and Westminster Arms Receipts
87	Photograph of Pocket Knife Recovered from Defendant's Vehicle
88	Magazine and Rounds Recovered from Defendant's Vehicle
89	Green Rifle Bag Recovered from Defendant's Vehicle
90	9mm Magazine and 14 Rounds Recovered from Green Rifle Bag
91	8 Magazines of 5.56 Rounds (Removed) Recovered from Green Rifle Bag
92	Earplugs Recovered from Green Rifle Bag
93	2 Spent Cartridges Recovered from Green Rifle Bag
94	GrabAGun Packing Slip Recovered from Defendant's Vehicle
95	Eagle's Nest Armory Receipts
96	Defendant's Vehicle Title Recovered from Glove Compartment
97	Chase Bank and Westminster Arms Receipts
98	Pocket Knife Recovered from Defendant's Vehicle
99	Compilation of Spherical Images of Crime Scene
100	Video Clips of Spherical Images of Crime Scene
101	Photograph of Neven Stanisic's Work Van and Defendant's Vehicle
102	Photograph of Neven Stanisic's Work Van and Defendant's Vehicle
103	Photograph of Neven Stanisic Inside Work Van
104	Photograph of Defendant's Vehicle and Neven Stanisic's Work Van
105	Photograph of Defendant's Vehicle and Neven Stanisic's Work Van
106	Photograph of Suzanne Fountain, Deceased in Aisle 10 of King Soopers
107	Photograph of Defendant's Items Left in Aisle 21
108	Photograph of Defendant's Items Left in Aisle 21
109	Photograph of Defendant's Items Left in Aisle 21
110	Photograph of Defendant's Items Left in King Soopers, Arranged in Aisle 21
111	Photograph of Defendant's Items Left in King Soopers, Arranged in Aisle 21
112	Photograph of Defendant's Discarded Jeans, Bloodied
113	Photograph of Defendant's Discarded Jeans – Close-up of Bullet Hole
114	Photograph of Defendant's Discarded Jeans – Close-up of Bullet Hole
115	Photograph of AR-Platform Weapon Magazine with Rounds Removed
116	Photograph of AR-Platform Weapon Recovered from King Soopers
117	Photograph of AR-Platform Weapon Recovered from King Soopers – Close-up of Serial Number
118	Photograph of Four Unfired Cartridges Recovered from AR-Platform Magazine
119	Photograph of Discarded Empty Magazine Recovered from King Soopers
120	Photograph of Discarded Empty Magazine Recovered from King Soopers
121	Photograph of Discarded Empty Magazine Recovered from King Soopers
122	Discarded Empty Magazine Recovered from King Soopers
123	Defendant's Discarded Tactical Vest Recovered from Aisle 21
124	9mm Rounds Recovered from Girsan Pistol Discarded on Aisle 21
125	Defendant's Discarded Girsan 9mm Handgun Recovered from Aisle 21
126	9mm Pistol Holster Recovered from Aisle 21
127	Defendant's Discarded Shoes Recovered from Aisle 21
128	AR-Platform Weapon Magazine with Rounds Removed from Recovered Weapon
129	Chambered Cartridge Removed from AR-Platform Weapon

130	Defendant's AR-Platform Weapon Recovered from King Soopers
131	Four Unfired Cartridges Recovered from AR-Platform Weapon Magazine
132	Defendant's Discarded Socks Recovered from Aisle 21
133	Defendant's Discarded Shirt Recovered from Aisle 21
134	Defendant's Discarded Jeans
135	Pistol Magazine with Unknown Rounds Inside Recovered from Aisle 21
136	Pistol Magazine with Unknown Rounds Inside Recovered from Aisle 21
137	Pistol Magazine with Unknown Rounds Inside Recovered from Aisle 21
138	Green-Tipped Rifle Projectile Recovered from North Side of Checkout #9
139	FBI Overall Trajectory Diagram – Overhead View of King Soopers
140	FBI Yoga Loft Trajectory Diagram
141	Photograph of Stray Bullet Damage to Yoga Loft Exterior
142	Photograph of Bullet Trajectory Rod into Yoga Loft
143	Photograph of Bullet Trajectory Rod into Yoga Loft – Interior View
144	Photograph of Bullet Trajectory Rod into Yoga Loft
145	Photograph of Bullet Hole Through Yoga Loft Glass
146	Photograph of Bullet Hole Through Yoga Loft Glass – Close-up
147	Photograph of Bullet Hole Through Yoga Loft Glass – Front Window
148	Photograph of Bullet Hole Through Yoga Loft Glass – Front Window
149	Photograph of Bullet Hole Through Yoga Loft Glass – Front Window Close-up
150	Photograph of Bullet Hole Through Yoga Loft Glass – Front Window Close-up
151	Yoga Loft Interior Wall with Bullet Fragment Impacts
152	Yoga Loft Interior Wall with Bullet Fragment Impact – Close-up
153	Photograph of Rear of Black Vehicle with Bullet Hole
154	Photograph of Rear of Black Vehicle with Bullet Hole with Trajectory Rod
155	Photograph of Rear of Black Vehicle with Bullet Hole with Trajectory Rod
156	Photograph of Bullet Hole with Trajectory Rod Through Silver Vehicle
157	Photograph of Bullet Hole with Trajectory Rod Through Silver Vehicle
158	Overhead Photograph of Bullet Hole with Trajectory Rod Through Silver Vehicle
159	Photograph of Bullet Hole and Impacts on Front Windshield of Silver Vehicle
160	Photograph of Bullet Hole Through Silver Vehicle Dashboard
161	Photograph of Bullet Hole Through Front Windshield of White Prius
162	Photograph of Bullet Hole and Trajectory Rod Through Front Windshield of White Prius
163	Photograph of Bullet Hole and Trajectory Rod Through Front Windshield of White Prius – Exterior View
164	FBI Ford Service Van Bullet Trajectory Diagram
165	Photograph of Bullet Hole(s) in Ford Service Van's Driver's Side Window
166	Photograph of Ford Service Van Front Windshield with Bullet Holes
167	Photograph of Ford Service Van Front Windshield with Bullet Impacts
168	Photograph of Ford Service Van Front Windshield with Bullet Hole – Close-up
169	Photograph of Ford Service Van from Driver's Side with Trajectory Rods
170	Photograph of Ford Service Van from Driver's Side with Trajectory Rods
171	Photograph of Ford Service Van from Driver's Side with Trajectory Rods
172	Photograph of Ford Service Van from Driver's Side with Trajectory Rods
173	Photograph of Ford Service Van from Front with Trajectory Rods

174	Photograph of Ford Service Van from Passenger Side with Trajectory Rods
175	Photograph of Ford Service Van with Trajectory Rods from Passenger Interior
176	Photograph of Ford Service Van Passenger Side Window
177	Photograph of Ford Service Van Passenger Side Window – Close-up
178	FBI Grocery Store Diagram – 1 st Floor
179	Photograph of King Soopers Meat and Seafood Department
180	Photograph of King Soopers Meat Department with Bullet Holes
181	Photograph of King Soopers Meat Department with Bullet Holes – Close-up
182	Photograph of King Soopers Meat Department with Bullet Trajectory Rods
183	FBI Grocery Store Detail Diagram – Registers
184	Photograph of King Soopers Aisle 5
185	Photograph of King Soopers Aisle 5 Sign – Close-up
186	Photograph of Bullet Trajectory Rods Through Grocery Shelf Items
187	Photograph of Bullet Trajectory Rod Through Grocery Shelf Items
188	Photograph of Bullet Impact on Grocery Store Floor
189	Photograph of Bullet Trajectory Rod Through Product Display
190	Photograph of Bullet Trajectory Rods Through Shelf Items and Product Display
191	Photograph of Bullet Trajectory Rods Through Self-Checkout #3
192	Photograph of Bullet Trajectory Rods Through Self-Checkout #3
193	Photograph of Bullet Trajectory Rod Through Self-Checkout #3 – Close-up
194	Photograph of Bullet Trajectory Rod Through Express Checkout Area
195	Photograph of Bullet Trajectory Rod Through Express Checkout Area
196	Photograph of Bullet Trajectory Rod Through Self-Checkout #3 – Close-up
197	Photograph of Bullet Trajectory Rod Through Self-Checkout #3 – Close-up
198	Photograph of Bullet Hole Through Self-Checkout #3 – Close-up
199	Photograph of Bullet Trajectory Rod Through Aisle 10 Drink Cooler
200	Photograph of Bullet Trajectory Rod Through Aisle 10 Drink Cooler – Close-up
201	Photograph of Bullet Trajectory Rod Through Aisle 10 Endcap Exit
202	FBI Grocery Store Detail Diagram – Zoomed-in at Aisle 10
203	Photograph of Trajectory Rod Through Display Boxes on Aisle 10
204	Photograph of Bullet Fragment Hole Through Item on Aisle 10
205	Photograph of Bullet Fragment Hole Through Item on Aisle 10 – Close-up
206	Photograph of Trajectory Rod Through Display Boxes on Aisle 10
207	Photograph of Trajectory Rod Through Express Lane Signage
208	Photograph of Trajectory Rod Through Self-Checkout #24
209	Photograph of Trajectory Rod Through Self-Checkout #24 – Close-up
210	Photograph of Bullet Holes Through Grocery Display Items
211	Photograph of Bullet Entry Holes Through Grocery Store Ducts
212	Photograph of Bullet Exit Holes Through Grocery Store Ducts
213	Photograph of Bullet Trajectory Rods Through Aisle 15 Display
214	Photograph of Bullet Trajectory Rods Through Aisle 15 Display
215	Photograph of Bullet Trajectory Rod Through Aisle 15 Shelf and Items
216	Photograph of Bullet Trajectory Rod Through Aisle 15 Shelf and Items
217	Photograph of Bullet Entry Hole Through Grocery Cart
218	Photograph of Bullet Exit Hole Through Grocery Cart
219	Photograph of Bullet Holes Through King Soopers Breezeway Window

- 220 Photograph of Bullet Hole through King Soopers Breezeway Window – Close-up
- 221 Photograph of Bullet Holes Through King Soopers Breezeway Window – Interior
- 222 Photograph of Bullet Holes Through King Soopers Window – Exterior
- 223 Photograph of Bullet Hole Through King Soopers Window – Interior
- 224 Photograph of Bullet Hole Through King Soopers Breezeway Window – Close-up
- 225 Photograph of Lynn Murray’s Cell Phone Displaying Receipt Check
- 226 Photograph of the Front Exterior of Defendant’s Home
- 227 Photograph of AR-Platform Rifle, SAR .45 Handgun, and Weapon Magazines Found in Defendant’s Closet
- 228 Photograph of AR-Platform Rifle, SAR .45 Handgun, Weapon Magazines, Gun Cases, and Bedding Linens Found in Defendant’s Closet
- 229 Photograph of AR-Platform Rifle, SAR .45 Handgun, and Weapon Magazines Found in Defendant’s Closet
- 230 Photograph of AR-Platform Rifle and SAR .45 Handgun, Close-up
- 231 Photograph of Defendant’s Bathroom with Items Removed from Garbage Can
- 232 Photograph of Empty Ammunition Boxes Found in Defendant’s Bathroom
- 233 Photograph of Empty Ammunition Boxes Found in Defendant’s Bathroom
- 234 Photograph of Opened Safe Found in Defendant’s Home
- 235 Photograph of Opened Safe Found in Defendant’s Home, Close-Up
- 236 Photograph of Opened Safe Found in Defendant’s Home, Close-Up
- 237 Photograph of Ammunition Found in Safe in Defendant’s Home (Room AA)
- 238 Photograph of Ammunition Found in Safe in Defendant’s Home (Room AA)
- 239 Photograph of Beretta Handgun and 3 Loaded Magazines Found in Gun Case in Defendant’s Home (Room Y)
- 240 Photograph of Beretta Handgun and 3 Loaded Magazines Found in Gun Case in Defendant’s Home (Room Y)
- 241 Photograph of Beretta Handgun and Loaded Magazine Found in Gun Case in Defendant’s Home (Room Y)
- 242 Photograph of 3 Magazines Found in Gun Case in Defendant’s Home (Room Y)
- 243 Photograph of Various Weapons, Magazines, and Ammunition Found in Defendant’s Home – Displayed on Defendant’s Bed
- 244 Photograph of Empty Ruger Gun Box Found in Defendant’s Closet
- 245 Photograph of Empty Ruger Gun Box Found in Defendant’s Closet
- 246 Photograph of Empty Ruger Gun Box Found in Defendant’s Closet
- 247 Photograph of Empty Reflex Sight Packaging Found in Defendant’s Closet
- 248 Photograph of Empty Reflex Sight Packaging Found in Defendant’s Closet
- 249 Photograph of Empty Reflex Sight Packaging Found in Defendant’s Closet
- 250 Photograph of Ammunition Boxes Found in Defendant’s Closet, Sorted by Type
- 251 Photograph of Ammunition Boxes Found in Defendant’s Closet, Sorted by Type
- 252 Photograph of 5.56 and .45 Ammunition Found in Defendant’s Closet
- 253 Photograph of .223 Ammunition Found in Defendant’s Closet
- 254 Photograph of .45 SAR Handgun, 3 Magazines, 23 Rounds of Ammunition, and Black Gun Case Found in Defendant’s Closet
- 255 Photograph of .45 SAR Handgun, 3 Magazines, 23 Rounds of Ammunition, and Black Gun Case Found in Defendant’s Closet
- 256 Photograph of .45 SAR Handgun, Close-up

257 Photograph of .45 SAR Handgun, 3 Magazines, and 23 Rounds of .45
 Ammunition Found in Defendant's Closet
 258 Photograph of .45 SAR Handgun, 3 Magazines, and 23 Rounds of .45
 Ammunition Found in Defendant's Closet
 259 Photograph of 23 Rounds of .45 Ammunition Found in Defendant's Closet
 260 Photograph of Blue Girsan Gun Case Found in Defendant's Closet
 261 Photograph of Rifle Scope Mount Found in Defendant's Closet
 262 Photograph of Rifle Scope Mount Found in Defendant's Closet
 263 Photograph of Rifle Scope Mount Found in Defendant's Closet
 264 Photograph of Rifle Scope and Packaging Found in Defendant's Closet
 265 Photograph of AR-Platform Rifle and 6 Magazines Found in Defendant's Closet
 266 Photograph of AR-Platform Rifle and 6 Magazines Found in Defendant's Closet
 267 Photograph of AR-Platform Rifle Found in Defendant's Closet
 268 Photograph of .223 Ammunition Removed from Magazines in Defendant's Closet
 269 Photograph of 2 GrabAGun Shipping Labels Found in Defendant's Closet
 270 Photograph of Box of Chemicals Found in Defendant's Closet
 271 Photograph of Box of Chemicals Found in Defendant's Closet
 272 Photograph of Box of Chemicals Found in Defendant's Closet
 273 Photograph of Bottle of Hydrochloric Acid Found in Defendant's Closet
 274 Photograph of Box Containing Bottles of Acetone Found in Defendant's Closet
 275 Photograph of Box Containing Bottles of Acetone Found in Defendant's Closet
 276 Photograph of Box Containing Bottles of Acetone Found in Defendant's Closet
 279 Empty Ammunition Boxes Found in Defendant's Bathroom
 281 Additional Ammunition Found in Defendant's Home (Room Y)
 282 9mm Beretta Handgun and 3 Magazines Found in Defendant's Home (Room Y)
 283 30 9mm Rounds of Ammunition Removed from Magazines Found in Room Y
 284 Empty Ruger Gun Box Found in Defendant's Closet
 285 Empty Reflex Sight Packaging Found in Defendant's Closet
 286 5.56, .223, and .45 Ammunition Found in Defendant's Closet
 287 SAR .45 Handgun and Black Gun Case Recovered from Defendant's Closet
 288 23 .45 Caliber Cartridges Removed from Magazines Found in Defendant's Closet
 289 Blue Girsan Gun Case Found in Defendant's Closet
 290 Rifle Scope Mount Found in Defendant's Closet
 291 Rifle Scope and Packaging Found in Defendant's Closet
 292 Ruger AR-Platform Rifle and 6 Magazines Recovered from Defendant's Closet
 293 80 .223 Rounds Removed from Magazines Recovered in Defendant's Closet
 294 2 GrabAGun Shipping Labels Found in Defendant's Closet
 296 Autopsy Diagram of Neven Stanisic
 297 Autopsy Diagram of Kevin Mahoney
 298 Autopsy Diagram of Tralona Bartkowiak
 299 Autopsy Diagram of Rikki Olds
 300 Autopsy Diagram of Eric Talley
 301 Autopsy Diagram of Denny Stong
 302 Autopsy Diagram of Lynn Murray
 303 Autopsy Diagram of Teri Leiker
 304 Autopsy Diagram of Jody Waters

305 Autopsy Diagram of Suzanne Fountain
 306 Jennifer Jacobsen's Map of King Soopers Shooting
 307 Jennifer Jacobsen's Written Recollection of King Soopers Shooting
 308 Photograph of Jennifer Jacobsen's King Soopers Receipt from March 22, 2021
 309 Photograph of Angela Peacock from King Soopers Security Camera
 310 Photograph of Angela Peacock from King Soopers Security Camera, Running
 311 Com. Joshua Bonafede's Bodyworn Camera Footage
 314 Bodyworn Camera Footage of Defendant at the Hospital [MUTED]
 315 Photograph of Defendant at the Hospital
 316 Photograph of Defendant at the Hospital
 317 Photograph of Defendant at the Hospital
 318 Screenshot of Defendant's Apple ID on the Recovered Cell Phone
 319 Photograph of Defendant Found on Recovered Cell Phone
 320 Photograph of Defendant's Driver's License on Recovered Cell Phone
 321 Photograph of Defendant at Red Rocks Amphitheater on Recovered Cell Phone
 322 Emails Linked to Defendant Extracted from Recovered Cell Phone
 323 Emails Linked to Defendant Extracted from Recovered Cell Phone
 324 Photograph of Cell Phone Recovered from Defendant's Vehicle
 325 Compilation of Cached Images Extracted from Recovered Cell Phone
 325a Compilation of Cached Images Extracted from Recovered Cell Phone
 325b Compilation of Cached Images Extracted from Recovered Cell Phone
 325c Compilation of Cached Images Extracted from Recovered Cell Phone
 325d Compilation of Cached Images Extracted from Recovered Cell Phone
 325e Compilation of Cached Images Extracted from Recovered Cell Phone
 325f Compilation of Cached Images Extracted from Recovered Cell Phone
 325g Compilation of Cached Images Extracted from Recovered Cell Phone
 325h Compilation of Cached Images Extracted from Recovered Cell Phone
 325i Compilation of Cached Images Extracted from Recovered Cell Phone
 325j Compilation of Cached Images Extracted from Recovered Cell Phone
 325k Compilation of Cached Images Extracted from Recovered Cell Phone
 325l Compilation of Cached Images Extracted from Recovered Cell Phone
 325m Compilation of Cached Images Extracted from Recovered Cell Phone
 325n Compilation of Cached Images Extracted from Recovered Cell Phone
 325o Compilation of Cached Images Extracted from Recovered Cell Phone
 325p Compilation of Cached Images Extracted from Recovered Cell Phone
 325q Compilation of Cached Images Extracted from Recovered Cell Phone
 325r Compilation of Cached Images Extracted from Recovered Cell Phone
 325s Compilation of Cached Images Extracted from Recovered Cell Phone
 325t Compilation of Cached Images Extracted from Recovered Cell Phone
 325u Compilation of Cached Images Extracted from Recovered Cell Phone
 325v Compilation of Cached Images Extracted from Recovered Cell Phone
 325w Compilation of Cached Images Extracted from Recovered Cell Phone
 325x Compilation of Cached Images Extracted from Recovered Cell Phone
 325y Compilation of Cached Images Extracted from Recovered Cell Phone
 325z Compilation of Cached Images Extracted from Recovered Cell Phone
 325aa Compilation of Cached Images Extracted from Recovered Cell Phone

325bb Compilation of Cached Images Extracted from Recovered Cell Phone
 325cc Compilation of Cached Images Extracted from Recovered Cell Phone
 325dd Compilation of Cached Images Extracted from Recovered Cell Phone
 325ee Compilation of Cached Images Extracted from Recovered Cell Phone
 325ff Compilation of Cached Images Extracted from Recovered Cell Phone
 325gg Compilation of Cached Images Extracted from Recovered Cell Phone
 325hh Compilation of Cached Images Extracted from Recovered Cell Phone
 325ii Compilation of Cached Images Extracted from Recovered Cell Phone
 325jj Compilation of Cached Images Extracted from Recovered Cell Phone
 325kk Compilation of Cached Images Extracted from Recovered Cell Phone
 325ll Compilation of Cached Images Extracted from Recovered Cell Phone
 325mm Compilation of Cached Images Extracted from Recovered Cell Phone
 325nn Compilation of Cached Images Extracted from Recovered Cell Phone
 325oo Compilation of Cached Images Extracted from Recovered Cell Phone
 325pp Compilation of Cached Images Extracted from Recovered Cell Phone
 325qq Compilation of Cached Images Extracted from Recovered Cell Phone
 327 Web History Link to 2019 El Paso Mass Shooting Wikipedia Page Extracted from Recovered Cell Phone
 329 Web History Link to Christchurch Mosque Mass Shooting Wikipedia Page Extracted from Recovered Cell Phone
 330 Web History Search Term for “christ church attacks” on Safari Application Extracted from Recovered Cell Phone
 331 Web History Google Search for “christ church attacks” Extracted from Recovered Cell Phone
 333 Web History Link to News Article Regarding Muskogee Mass Shooting Extracted from Recovered Cell Phone
 334 Screenshot of Youtube Video Titled “Rapid manual trigger manipulation (Rubber Band Assisted)”
 335 Screenshot of Quora Webpage Titled “Can a Semi-Automatic Gun be Made Automatic with a Shoelace”
 336 Web History Link to Quora Webpage Titled “Can a Semi-Automatic Gun be Made Automatic with a Shoelace” Extracted from Recovered Cell Phone
 337 Compilation of Firearms Websites Visited Between 3/7/21-3/13/21, Extracted from Recovered Cell Phone
 337a Compilation of Firearms Websites Visited, Extracted from Recovered Cell Phone
 337b Compilation of Firearms Websites Visited, Extracted from Recovered Cell Phone
 337c Compilation of Firearms Websites Visited, Extracted from Recovered Cell Phone
 337d Compilation of Firearms Websites Visited, Extracted from Recovered Cell Phone
 337e Compilation of Firearms Websites Visited, Extracted from Recovered Cell Phone
 338 Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338a Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338b Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338c Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338d Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338e Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338f Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone

338g Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338h Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338i Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338j Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338k Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338l Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 338m Compilation of Safari App Search Terms, Extracted from Recovered Cell Phone
 339 Compilation of “Hollow Point” Search Terms from Safari Application, Extracted from Recovered Cell Phone
 340 Web History Details of Search for “are hollow point bullets more deadly”, Extracted from Recovered Cell Phone
 341 Screenshot of Quora Webpage Titled “What is the most deadly type of round (bullet)?” Extracted from Recovered Cell Phone
 342 Web History Visitation Details for Quora Webpage Titled “What is the most deadly type of round (bullet)?” Extracted from Recovered Cell Phone
 343 Web History Visitation Details for Quora Webpage Titled “What is the most deadly type of round (bullet)?”, Extracted from Recovered Cell Phone
 344 Web History Visitation Details for Quora Webpage Titled “are 30 round magazines legal in Colorado?” Extracted from Recovered Cell Phone
 345 Screenshot of Google Search for White Ranch Park
 346 Screenshot of White Ranch Park Website
 347 Web History Visitation Details for White Ranch Park Website
 348 Web History Visitation Details for Google Search of White Ranch Park, Extracted from Recovered Cell Phone
 349 Video of a Person at a Firing Range Shooting Rifle, Extracted from Recovered Cell Phone
 350 Video of Firing Range Target, Extracted from Recovered Cell Phone
 351 Video of a Person at a Firing Range Shooting Handgun, Extracted from Recovered Cell Phone
 352 Video of a Person Holding a Handgun, Extracted from Recovered Cell Phone
 353 Printed Copy of Notes Application, Extracted from Recovered Cell Phone
 354 Compilation of Cached Images Extracted from Recovered Cell Phone
 354a Compilation of Cached Images Extracted from Recovered Cell Phone
 354b Compilation of Cached Images Extracted from Recovered Cell Phone
 354c Compilation of Cached Images Extracted from Recovered Cell Phone
 354d Compilation of Cached Images Extracted from Recovered Cell Phone
 354e Compilation of Cached Images Extracted from Recovered Cell Phone
 354f Compilation of Cached Images Extracted from Recovered Cell Phone
 354g Compilation of Cached Images Extracted from Recovered Cell Phone
 354h Compilation of Cached Images Extracted from Recovered Cell Phone
 355 Image of Snowy Boulder and Flatirons, Extracted from Recovered Cell Phone
 356 Screenshot of Apple Maps Indicating Location Between Arvada and Boulder, Extracted from Recovered Cell Phone
 357 Apple Maps Biome Apps Intents Data, Extracted from Recovered Cell Phone
 357a Apple Maps Biome Apps Intents Data, Extracted from Recovered Cell Phone
 358 Timeline of Relevant Events from January 1, 2021 – March 21, 2021

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| 359 | Timeline of Relevant Events from March 22, 2021 |
| 360 | Video Clips of Defendant's Sanity and Mental Condition Interviews with Drs. Gray and Torres |
| 361 | Video Clips of Defendant's Sanity and Mental Condition Interviews with Dr. Jeffrey Janofsky |

OFFERED BUT NOT ADMITTED EXHIBITS

<u>Number</u>	<u>Description</u>
39	Firearms Trace Summary for Beretta M983 Recovered from Defendant's Home
277	Photograph of Schoolbooks and Yearbooks Found in Defendant's Home
280	Ammunition Recovered from Safe in Defendant's Home (Room AA)
326	2019 El Paso Mass Shooting Wikipedia Page

DEFENDANT'S WITNESSES

1. Dr. Hareesh Pillai, Colorado Mental Health Institute at Pueblo ("CMHIP"), 9/16/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the fields of general and forensic psychiatry.
2. Khadija Alhidid, assisted by an Arabic-language interpreter, 9/16/24.
3. Dr. Michelle Arriaga Colarelli, Colorado Mental Health Hospital, 9/17/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the fields of forensic psychology.
4. Moustafa Alissa, assisted by an Arabic-language interpreter, 9/17/24.
5. Aziza Alissa, assisted by an Arabic-language interpreter, 9/17/24.
6. Dr. Patricia Westmoreland, 9/17/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic psychiatry.
7. Mohamad Alissa, 9/17/24.
8. Aicha Alissa, 9/17/24.
9. Mahmoud Alissa, 9/18/24.
10. Dr. Ahmad Adi, 9/18/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of cultural psychiatry, including the perceptions, misunderstandings, and the stigma of mental health in Middle Eastern cultures.
11. Dr. Joshua Hatfield, 9/18/24. This witness is tendered, pursuant to C.R.E. 702, as an expert in the field of forensic psychology.

DEFENDANT'S EXHIBITS

ADMITTED EXHIBITS

<u>Letter</u>	<u>Description</u>
A	Defendant's Sanity and Mental Condition Interviews with Drs. Gray and Torres

B	Photograph of Defendant as a Child at the Beach
C	Photograph of Defendant at the Beach in 2016
G	Photograph of Defendant at the Sultan Grill in 2021
H	Photograph of Defendant with His Sister, Aziza

OFFERED BUT NOT ADMITTED EXHIBITS

<u>Letter</u>	<u>Description</u>
E	Photograph of Defendant in New York in 2016
F	Photograph of Defendant in 2017

MATTERS DURING TRIAL

September 5, 2024

1. The jury returns and the parties present their opening statements at 9:00am.
2. The jury is excused and Court adjourns for lunch at 12:00pm.
3. The jury returns and the People call their first witness, Jesse Brown, at 1:15pm.
4. People's Exhibits 1 and 3 are admitted without objection.
5. The People call their second witness, Johnnie Schan, at 1:35pm.
6. People's Exhibit 4 is admitted without objection.
7. The People call their third witness, Kelly Dorr, at 1:50pm.
8. People's Exhibits 2, 5, 6 are admitted without objection.
9. The jury is excused and the Court takes a brief recess at 2:20pm.
10. Outside the presence of the jury at 2:35pm, Defendant makes a brief record of a conversation previously held at the bench between the parties and the Court off the record. Defendant moves for a mistrial and re-raises their motion for recusal. The Court DENIES both motions.
11. The jury returns and the People call their fourth witness, Daniel Slay, at 2:40pm.
12. People's Exhibit 7 is admitted without objection.
13. The People call their fifth witness, Dr. Alison Sheets, at 3:00pm
14. People's Exhibits 8 and 9 are admitted without objection.
15. The People call their sixth witness, Logan Smith, at 3:25pm.
16. People's Exhibit 10 is admitted without objection.

17. The People call their seventh witness, Patrick Kruse, at 4:15pm.
18. People's Exhibits 11, 12, and 13 are admitted without objection.
19. The jury is excused and Court adjourns for the evening at 4:40pm.

September 6, 2024

20. Outside the presence of the rest of the jury at 8:55am, the parties inquire with juror #3712 regarding his out-of-court disclosure that he knew one of the witnesses who testified, Dr. Sheets, in a professional capacity despite not previously recognizing her solely by her name during the jury selection process. Outside the presence of juror #3712, the parties conclude that there is no conflict or concerns regarding bias and that the juror shall remain as part of the jury.
21. The jury returns and the People call their eighth witness, Jason Hebrard, at 9:15am.
22. People's Exhibits 14, 15, 16, and 17 are admitted without objection.
23. The People call their ninth witness, Det. Chris Pyler, at 10:05am.
24. People's Exhibit 18 is admitted without objection.
25. The People call their tenth witness, Sgt. Aaron Wise, at 11:05am.
26. The People call their eleventh witness, Sarah Moonshadow, at 11:35pm.
27. People's Exhibit 19 is admitted without objection.
28. The jury is excused and the Court adjourns for lunch at 12:20pm.
29. The jury returns and the People call their twelfth witness, Elan "Ri" Shakti, at 1:20pm.
30. The People call their thirteenth witness, Hadyn Steele, at 1:50pm.
31. People's Exhibit 20 is admitted without objection.
32. The People call their fourteenth witness, Special Agent Joel Hegarty, at 2:00pm.
33. People's Exhibits 31, 32, 33, 34, 35, 36, and 40 are admitted without objection. People's Exhibits 37, 38, and 41 are admitted over objection. People's Exhibit 39 is offered but not admitted at this time.
34. The People call their fifteenth witness, Jacqueline "Julie" Keeton, at 3:25pm.
35. People's Exhibits 25 and 26 are admitted without objection.
36. The People call their sixteenth witness, James Graham, at 4:10pm.

37. People's Exhibit 27 is admitted without objection.

38. The jury is excused and Court adjourns for the weekend at 4:30pm.

September 9, 2024

39. Outside the presence of the jury at 8:55am, the Court briefly discusses Defendant's *Motion in Limine Regarding Dr. Torres' Testimony (D-67)* with the parties, requesting a written response from the People by September 11, 2024.

40. The jury returns and the People call their seventeenth witness, Christopher Tatum, at 9:00am.

41. People's Exhibits 21, 22, 23, and 24 are admitted without objection.

42. The People called their eighteenth witness, Paul Johnson, at 9:30am.

43. People's Exhibit 29 is admitted without objection.

44. The People call their nineteenth witness, Mark Suban, at 10:00am.

45. People's Exhibit 30 is admitted without objection.

46. The People call their twentieth witness, Inv. Sarah Cantu, at 11:05am.

47. People's Exhibits 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51 are admitted without objection.

48. The jury is excused and Court adjourns for lunch at 12:25pm.

49. The jury returns and Inv. Sarah Cantu returns to the witness stand at 1:30pm.

50. People's Exhibits 52, 53, and 63 are admitted without objection. People's Exhibit 64 is admitted over objection.

51. The People call their twenty-first witness, Nicholas Edwards, at 3:00pm.

52. People's Exhibit 28 is admitted without objection.

53. The People call their twenty-second witness, Ofc. Bryan Capobianco, at 3:30pm.

54. The People call their twenty-third witness, Ofc. Pam Gignac, at 4:30pm.

55. The jury is excused and Court adjourns for the evening at 5:00pm.

September 10, 2024

56. The jury returns and the People call their twenty-fourth witness, Khagendra Malla, at 9:00am.

57. People's Exhibit 65 is admitted without objection.
58. The People call their twenty-fifth witness, Ofc. Bryan Plyter, at 9:20am.
59. People's Exhibit 54 is admitted without objection.
60. The People call their twenty-sixth witness, Ofc. Jenny Schmeits, at 9:55am.
61. People's Exhibit 55b is admitted without objection.
62. The People call their twenty-seventh witness, Dep. Jeffrey Brunkow, at 10:30am.
63. People's Exhibit 55 is admitted without objection.
64. The People call their twenty-eighth witness, Richard "DJ" Smith, at 10:50am.
65. The People call their twenty-ninth witness, Ofc. Alexander Kicera, at 11:10am.
66. The People call their thirtieth witness, Samuel Kilburn, at 11:35am.
67. The jury is excused and Court adjourns for lunch at 12:00pm.
68. The jury returns and the People call their thirty-first witness, Ofc. Michael West, at 1:30pm.
69. People's Exhibit 58 is admitted without objection.
70. The People call their thirty-second witness, Ofc. Brandon Braun, at 2:00pm.
71. People's Exhibit 57 is admitted without objection.
72. The People call their thirty-third witness, Ofc. Richard Steidell, at 2:30pm.
73. People's Exhibits 59, 60, 61, and 62 are admitted without objection.
74. The People call their thirty-fourth witness, Ofc. Larry Ottosen, at 3:30pm.
75. The People call their thirty-fifth witness, Angela Peacock, at 4:00pm.
76. People's Exhibits 309 and 310 are admitted without objection.
77. The People recall Inv. Sarah Cantu at 4:30pm.
78. The jury is excused and Court adjourns for the evening at 5:00pm.

September 11, 2024

79. The jury returns and Inv. Sarah Cantu returns to the stand at 9:00am.

80. People's Exhibit 358 is admitted over objection under the condition that the People provide further explanation regarding some of the information contained within the exhibit. People's Exhibit 359 is admitted over objection.
81. The People call their thirty-sixth witness, Aimee Quila, at 9:30am.
82. People's Exhibits 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, and 224 are admitted without objection.
83. The jury is excused and Court adjourns for lunch at 12:05pm.
84. The jury returns and the People call their thirty-seventh witness, Dr. Meredith Frank, at 1:35pm.
85. People's Exhibits 301, 302, 303, 304, and 305 are admitted without objection.
86. The People call their thirty-eighth witness, Dr. Daniel Lingamfelter, at 2:20pm.
87. People's Exhibits 296, 297, 298, 299, and 300 are admitted without objection.
88. The People call their thirty-ninth witness, Special Agent Amber Cronan, at 2:50pm.
89. People's Exhibits 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98 are admitted without objection.
90. The People call their fortieth witness, Special Agent Charles DeFrance, at 3:55pm.
91. People's Exhibits 99, 100, 101, 102, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137 are admitted without objection. People's Exhibits 103 and 106 are admitted over objection.
92. The jury is excused for the evening at 5:10pm.
93. Outside the presence of the jury, the Court and the parties briefly discuss matters prior to anticipated expert witness testimony on Friday regarding Defendant's pending *Motion in Limine Regarding Dr. Torres' Testimony (D-67)* and the Court's prior ruling limiting the testimony regarding Defendant's previous competency proceedings. The Court notes that it intends to issue an order denying Defendant's pending motion, but that the details of the order may not be issued prior to the anticipated testimony on Friday. The Court then adjourns at 5:15pm.

September 12, 2024

94. Outside the presence of the jury, People's Exhibits 131 and 138 are admitted without objection at 8:59am.
95. The jury returns and the People call their forty-first witness, Special Agent Stephanie Benitez, at 9:00am.
96. People's Exhibits 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, and 294 are admitted without objection. People's Exhibits 270, 271, 272, 273, 274, 275, and 276 are admitted over objection. People's Exhibits 277 and 280 are offered but not admitted at this time.
97. The jury is excused for a mid-morning recess at 10:35am. Outside the presence of the jury, the People discuss removing certain exhibits from evidence, based on some of the Court's prior rulings. Defendant has no objection and the Court GRANTS this course of action, though the final determination of which exhibits are to be removed from evidence is not determined at this time. Court adjourns for the remainder of the mid-morning recess.
98. The jury returns and the People call their forty-second witness, Jennifer Jacobsen, at 10:50am.
99. People's Exhibits 306, 307, and 308 are admitted without objection.
100. The People call their forty-third witness, Margaret Montoya, at 11:30am.
101. The People call their forty-fourth witness, Sarah Chen, at 11:45am.
102. The jury is excused and Court adjourns for lunch at 12:00pm.
103. The jury returns and the People call their forty-fifth witness, Stephanie Sears, at 1:30pm.
104. People's Exhibits 318, 319, 320, 321, 322, 323, 324, 325, 325a, 325b, 325c, 325d, 325e, 325f, 325g, 325h, 325i, 325j, 325k, 325l, 325m, 325n, 325o, 325p, 325q, 325r, 325s, 325t, 325u, 325v, 325w, 325x, 325y, 325z, 325aa, 325bb, 325cc, 325dd, 325ee, 325ff, 325gg, 325hh, 325ii, 325jj, 325kk, 325ll, 325mm, 325nn, 325oo, 325pp, 325qq, 327, 329, 330, 331, 333, 334, 335, 336, 337, 337a, 337b, 337c, 337d, 337e, 338, 338a, 338b, 338c, 338d, 338e, 338f, 338g, 338h, 338i, 338j, 338k, 338l, 338m, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 354a, 354b, 354c, 354d, 354e, 354f, 354g, 354h, 355, 356, 357, and 357a are admitted without objection. People's Exhibit 326 is offered but not admitted at this time.
105. The People call their forty-sixth witness, Com. Joshua Bonafede, at 4:35pm.
106. People's Exhibit 311 is admitted without objection.

107. The jury is excused for the evening at 5:00pm.
108. Outside the presence of the jury, the parties and the Court discuss the issue of Dr. Torres' upcoming testimony and Defendant's concerns regarding the relevance of statements made about Defendant's competency status and prior competency evaluations during his mental condition and sanity interviews. Defendant renews their request that Dr. Torres and Dr. Gray have their entire insanity and mental condition evaluation be introduced into evidence, including mentions of his prior competency status and competency evaluations. The People argue that the Court should stand by its Order issued on August 22, 2024, citing multiple reasons that the Court relied upon in its Order and asserting that Defendant can still cross-examine the doctors regarding Defendant's confusion with the insanity evaluation process. Defendant clarifies that their argument is regarding the statements that Defendant made during the course of the insanity evaluation regarding his previous competency evaluations and determinations, arguing that it would be a violation of Defendant's rights if it were not permitted to be introduced. The Court takes the matter under advisement and shall issue a ruling on the matter in the morning, taking Defendant's Appellate Exhibits A and B as part of its consideration. The parties briefly discuss some scheduling matters before Court adjourns for the evening at 5:15pm.

September 13, 2024

109. Outside the presence of the jury at 9:00am, the Court addresses Defendant's request to admit the entirety of his mental condition and sanity, including the portions referencing Defendant's competency. The Court denies Defendant's request, noting that part of the sanity evaluation requires a competency evaluation and that this in and of itself cannot open the door to discussions about competency evaluations. The Court agrees with the People's suggestion that taking out the word "competency" and simply referencing unspecified "interviews" or "evaluations" will accomplish the purpose of showing Defendant's confusion that may arguably reflect symptoms related to his schizophrenia without mentioning the word "competency," as the Court finds that the probative value of inserting the word "competency" into the matter is outweighed by the prejudicial value. The parties agree that the video of the sanity evaluations is admissible with the necessary redactions reflecting the Court's ruling.
110. The parties additionally note by agreement that the photograph exhibits previously admitted by the People would remain in the record and will not be removed prior to the evidence being sent back to the jury for deliberations.
111. The jury returns and the People call their forty-seventh witness, CSI Wendy Kane, at 9:05am.
112. People's Exhibit 314 is admitted without objection. By agreement of the parties, a muted copy of this exhibit is published to the jury. People's Exhibits 315, 316, and 317 are admitted without objection.
113. The People recall Inv. Sarah Cantu, at 9:45am.

114. Previously admitted People's Exhibit 100 is published to the jury and explained by Inv. Cantu. People's Exhibit 358 is fully admitted without condition, over objection by Defendant. Previously admitted People's Exhibit 64 is published to the jury over objection.
115. The People call their forty-eighth witness, Dr. Thomas Gray, at 10:50am.
116. The jury is excused and Court adjourns for lunch at 12:00pm.
117. The jury returns and Dr. Gray returns to the stand for direct examination at 1:30pm.
118. The Court reads a limiting instruction to the jury regarding the limited purpose of Dr. Gray's testimony and People's Exhibit 360 for the issue of Defendant's mental condition at the time of the alleged offenses. People's Exhibit 360 is admitted by stipulation. Defendant's Exhibit A is admitted by stipulation.
119. The jury is excused and Court adjourns for the weekend at 5:20pm.

September 16, 2024

120. Outside the presence of the jury, Defendant preemptively objects to the anticipated request for admission of People's Exhibit 361 through Dr. Torres' testimony. The Court notes its prior ruling on the matter, issued on September 13, 2024, as part of its *Order RE: Defendant's Motion in Limine Regarding Dr. Torres' Testimony (D-067)*.
121. The jury returns and the People call their forty-ninth witness, Dr. Loandra Torres, at 9:00am.
122. During Dr. Torres' testimony, the Court again reads a limiting instruction to the jury regarding the limited purpose of the testimony for the issue of Defendant's mental condition at the time of the alleged offenses. People's Exhibit 361 is admitted over objection.
123. The jury is excused and Court adjourns for lunch at 11:50am.
124. The jury returns and Dr. Loandra Torres retakes the witness stand for cross-examination at 1:20pm.
125. The People rest their case-in-chief and the jury is excused at 2:10pm. Outside the presence of the jury, Defendant moves for Judgment of Acquittal as to Counts 1–55, all of the substantive counts at trial. The Court DENIES the motion.
126. The jury returns and Defendant calls their first witness, Dr. Hareesh Pillai, at 2:15pm.
127. Defendant calls their second witness, Khadija Alhidid, at 3:55pm.
128. Defendant's Exhibits B and C are admitted without objection.
129. The jury is excused and Court adjourns for the evening at 4:50pm.

September 17, 2024

130. Outside the presence of the jury, the Court gives Defendant the *Curtis* advisement at 8:55am.
131. The jury returns and Defendant calls their third witness, Dr. Michelle Arriaga, at 9:00am.
132. Defendant calls their fourth witness, Moustafa Alissa, at 9:40am.
133. Defendant calls their fifth witness, Aziza Alissa, at 11:20am.
134. Defendant's Exhibits H is admitted without objection.
135. The jury is excused and Court adjourns for lunch at 12:30pm.
136. The jury returns and Defendant calls their sixth witness, Dr. Patricia Westmoreland, at 2:00pm.
137. Defendant calls their seventh witness, Mohamad Alissa, at 3:00pm.
138. Defendant calls their eighth witness, Aicha Alissa, at 4:35pm.
139. The jury is excused for the evening at 4:50pm. Outside the presence of the jury, the Court briefly discusses some scheduling matters with the parties. Court adjourns for the evening at 5:00pm.

September 18, 2024

140. Outside the presence of the jury at 8:55am, the parties briefly discuss matters related to their proposed jury instructions. The People also preemptively object to the proposed admission of three more photos of Defendant into evidence, arguing that they are irrelevant and prejudicial. Defendant argues that the objection is premature, but also that the photos are going to be offered as evidence demonstrating Defendant's appearance prior to and during Defendant's descending mental state. The Court finds that the People's objection is not yet ripe and that Defendant may attempt to lay the foundation for the admission of the exhibits prior to the Court ruling on the objection.
141. The jury returns and Defendant calls their ninth witness, Mahmoud Alissa, at 9:00am.
142. Defendant's Exhibits E and F are offered but not admitted at this time. Defendant's Exhibit G is admitted without objection.
143. Defendant calls their tenth witness, Dr. Ahmad Adi, at 10:10am.
144. Defendant calls their eleventh witness, Dr. Joshua Hatfield, at 11:05am.
145. The jury is excused and Court adjourns for lunch at 11:55am.

146. Outside the presence of the jury at 1:30pm, the Court inquires with the defense regarding whether Defendant intends to testify. Defendant knowingly, voluntarily, and intelligently waives his right to testify and invokes his right to remain silent.
147. The jury returns and Dr. Hatfield returns to the stand for cross-examination at 1:35pm.
148. Defendant rests his case, the jury is excused, and Court adjourns for a brief recess at 2:00pm.
149. The jury returns and the People call their first rebuttal witness, Dr. Ian Lamoureux, at 2:15pm.
150. The jury is excused and Court adjourns for a brief recess at 3:25pm.
151. Outside the presence of the jury at 3:40pm, the Court and the parties discuss some logistics regarding jury instructions and the remainder of the trial process. Defendant's appearance is waived for the jury instruction conference starting at 10:00am on September 19, 2024.
152. The jury returns and cross-examination of Dr. Ian Lamoureux begins at 3:50pm.
153. The presentation of evidence is complete at 4:10pm. The Court informs the jury that they will not be required to report for service on September 19, 2024, as the parties conduct their jury instruction conference and that they should instead be prepared for their participation in the trial to resume at 8:00am on September 20, 2024. The jury is excused and Court adjourns for the evening at 4:15pm.

September 19, 2024

154. Outside the presence of the jury on September 19, 2024, counsel for both parties make a record of their objections to the jury instructions. This record is made on FTR from 10:00am to 1:20pm. The jury instructions are finalized and Court adjourns at 1:20pm.
155. Court briefly resumes with the parties to discuss a final issue regarding the jury instructions at 2:45pm prior to adjourning for the remainder of the day. This record is made on FTR from 2:45pm to 2:50pm.

September 20, 2024

156. The jury returns and the Court tenders the jury instructions at 8:00am.
157. The parties present closing statements at 8:45am.
158. The matter is submitted to the jury for deliberation at 3:00pm. The four alternate jurors are informed that they will not be released from their duty at this point but will remain sequestered from the deliberating jury.

159. The jury is excused and Court adjourns for the weekend at 5:00pm.

September 23, 2024

160. Outside the presence of the deliberating jury at 8:30am, the parties discuss their responses to Juror Questions No. 1, 2, and 3. Defendant waives his personal appearance for this conference between the parties. The Court additionally informs the parties about one of the alternate jurors calling in sick and that the Court will instruct the alternate juror further about how to proceed.

161. The jury completes their deliberation on September 23, 2024, at 12:30pm.

RULINGS AND ORDERS

1. **Motion for Judgment of Acquittal:** At the close of the People's case-in-chief on September 16, 2024, Defense counsel moves for Judgment of Acquittal as to Counts 1–55 against Defendant. The Court DENIES the motion, finding that the relevant evidence when viewed in the light most favorable to the prosecution is substantial and sufficient to support the conclusion by a reasonable mind that Defendant is guilty of the charges alleged beyond a reasonable doubt.
2. **Juror Questions during Deliberations:**
 - Juror deliberation questions No. 1, 2, and 3 were tendered to the Court at the end of the day on September 20, 2024. The Court presented it to the parties and issued answers on September 23, 2024.

VERDICTS

On September 23, 2024, the jury returns a verdict as follows:

- Count 1 – Murder in the First Degree (F1): GUILTY.
- Count 2 – Murder in the First Degree (F1): GUILTY.
- Count 3 – Murder in the First Degree (F1): GUILTY.
- Count 4 – Murder in the First Degree (F1): GUILTY.
- Count 5 – Murder in the First Degree (F1): GUILTY.
- Count 6 – Murder in the First Degree (F1): GUILTY.
- Count 7 – Murder in the First Degree (F1): GUILTY.
- Count 8 – Murder in the First Degree (F1): GUILTY.

- Count 9 – Murder in the First Degree (F1): GUILTY.
- Count 10 – Murder in the First Degree (F1): GUILTY.
- Count 11 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 12 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 13 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 14 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 15 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 16 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 17 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 18 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 19 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 20 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 21 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 22 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.

- Deadly Weapon Sentence Enhancer: Yes.
- Count 23 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 24 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 25 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 26 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 27 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 28 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 29 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 30 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 31 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 32 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 33 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 34 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.

- Count 35 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 36 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 37 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 38 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 39 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 40 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 41 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 42 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 43 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 44 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 45 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 46 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 47 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.

- Deadly Weapon Sentence Enhancer: Yes.
- Count 48 – Criminal Attempt to Commit Murder in the First Degree (F2): GUILTY.
 - Deadly Weapon Sentence Enhancer: Yes.
- Count 49 – Assault in the First Degree (F3): GUILTY.
- Count 50 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.
- Count 51 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.
- Count 52 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.
- Count 53 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.
- Count 54 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.
- Count 55 – Prohibited Possession of a Large Capacity Magazine During the Commission of a Crime (F6): GUILTY.
 - Concurrent with Murder in the First Degree Sentence Enhancer: Yes.

JUDGMENT

The jury is individually polled and they each confirm their unanimous verdicts. The jury, including the alternates, is then released from their jury service. Judgments of conviction shall enter as to all Counts 1-55. After a brief break, the matter proceeds immediately to a sentencing hearing by agreement of the parties. Multiple victim impact statements are read on the record.

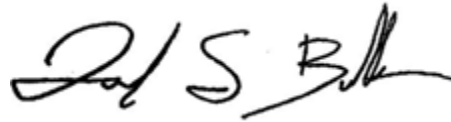
On each of Counts 1-10, the Court sentences Defendant to life in the Department of Corrections without the possibility of parole. Each sentence on Counts 1-10 shall run consecutive to one another and all other counts. On each of Counts 11-48, the Court sentences Defendant to 48 years in the Department of Corrections, with 5 years of mandatory parole. Each sentence on

Counts 11-48 shall run consecutive to one another and all other counts. On Count 49, the Court sentences Defendant to 32 years in the Department of Corrections, with 5 years of mandatory parole consecutive to all other counts. On Counts 50-55, the Court sentences Defendant to 1 year in the Department of Corrections, with 1 year of mandatory parole. Each sentence on Counts 50-55 shall run consecutive to one another and all other counts.

DATED AND SIGNED this September 25, 2024,

nunc pro tunc September 23, 2024.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Ingrid S. Bakke', written in a cursive style.

Ingrid S. Bakke
District Court Judge