

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ESTADOS UNIDOS MEXICANOS,  
*Plaintiff,*

*vs.*

SMITH & WESSON BRANDS,  
INC.; BARRETT FIREARMS  
MANUFACTURING, INC.;  
BERETTA U.S.A. CORP.; CENTURY  
INTERNATIONAL ARMS, INC.;  
COLT'S MANUFACTURING COMPANY  
LLC; GLOCK, INC.; STURM, RUGER &  
CO., INC.; WITMER PUBLIC SAFETY  
GROUP, INC. D/B/A INTERSTATE  
ARMS,  
*Defendants.*

C.A. NO: 1:21-CV-11269-FDS

**DECLARATION OF NICHOLAS W. SHADOWEN IN SUPPORT OF PLAINTIFF'S  
RESPONSES IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

I, Nicholas W. Shadowen, respectfully submit this declaration and declare as follows:

I am an active member in good standing of the bar of the Supreme Court of Texas and am admitted pro hac vice in this matter. I am a lawyer in the firm of Shadowen PLLC, and I am over 21 years of age and am not a party to this action. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

I submit this declaration in support of Plaintiff's Responses in Opposition to Defendants' Motions to Dismiss the Complaint.

1. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of Lucy P. Allen.
2. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's First Expert Report on Tort Law of Mexico.

**Barrett Firearms Manufacturing, Inc.**

3. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Barrett Firearms Manufacturing, Inc. ("Barrett"):

- a. **Exhibit 3** is a true and correct copy of a screenshot taken from Barrett's webpage as of the week of January 24, 2022, found at <https://barrett.net/purchase/united-states-retailer-map-and-dealer-list/>, showing that Barrett has an authorized firearm dealer, namely Natick Outdoor Store, in Natick, Massachusetts.
- b. **Exhibit 4** is a true and correct copy of a screenshot taken from The Gun Parlor's webpage as of the week of January 24, 2022, found at <https://www.thegunparlor.com/products/rifles-barrett-14032-816715012548-816715012548-3873>, showing that The Gun Parlor sells Barrett firearms from The Gun Parlor's store in Worcester, Massachusetts.

- c. **Exhibit 5** is a true and correct copy of a screenshot taken from Barrett's webpage as of the week of January 24, 2022, found at <https://barrett.net/purchase/united-states-retailer-map-and-dealer-list/>, showing that Barrett has authorized firearms dealers throughout the United States.
- d. **Exhibit 6** is a true and correct copy of a screenshot of a December 2, 2020 Barrett Facebook post, available at <https://www.facebook.com/barrettfirearms>, showing nationwide advertising touting that the Barrett MRAD SMR, or Single Mission Rifle, "transforms the military platform to fit civilian precision shooters."
- e. **Exhibit 7** is a true and correct copy of a screenshot of a Barrett advertisement taken from the website of Brian Donnenwirth as of the week of January 24, 2022, depicting an ad from the Barrett Elements Campaign, available at <https://www.bdcreative.com/work/barrett>, depicting the Barrett MRAD with the caption "We've Created a Monster." The ad further states that "the Barrett MRAD is a real monster in every sense," and refers to the weapon as "scary good."
- f. **Exhibit 8** is a true and correct copy of a computer printout of Barrett's webpage as of the week of January 24, 2022, found at <https://store.barrett.net/t-shipping.aspx>, reflecting that Barrett makes specific disclosures in order to be able to sell to Massachusetts customers.

**Beretta U.S.A. Corp.**

4. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Beretta U.S.A Corp. ("Beretta"):

- a. **Exhibit 9** is a true and correct copy of a computer printout taken from Beretta's webpage as of the week of November 8, 2021, found at [https://www.beretta.com/en-us/dealer-locations/?F\\_City=Natick&F\\_State=MA&F\\_Proximity=100&F\\_Type=0&F\\_Lng=-71.3468091&F\\_Lat=42.2775281&F\\_All=Y](https://www.beretta.com/en-us/dealer-locations/?F_City=Natick&F_State=MA&F_Proximity=100&F_Type=0&F_Lng=-71.3468091&F_Lat=42.2775281&F_All=Y), showing that Beretta has more than a dozen authorized firearm dealers in Massachusetts.
- b. **Exhibit 10** is a true and correct copy of a screenshot of Beretta's webpage as of the week of January 24, 2022, found at [https://www.beretta.com/en-us/dealer-locations/?F\\_City=Natick&F\\_State=MA&F\\_Proximity=100&F\\_Type=0&F\\_Lng=-71.3468091&F\\_Lat=42.2775281&F\\_All=Y](https://www.beretta.com/en-us/dealer-locations/?F_City=Natick&F_State=MA&F_Proximity=100&F_Type=0&F_Lng=-71.3468091&F_Lat=42.2775281&F_All=Y), showing that Beretta has authorized firearm dealers throughout the United States.

- c. **Exhibit 11** is a true and correct copy of a screenshot of Interstate Arms Corp.'s webpage as of the week of January 24, 2022, found at <https://www.interstatearms.com/store/brands.aspx>, showing that it is a wholesaler for Beretta's firearms.
- d. **Exhibit 12** is a true and correct copy of a screenshot taken from Beretta's webpage as of the week of January 24, 2022, available at <https://www.beretta.com/en-us/arx-100/>, referencing the "tactical" nature of a firearm that Beretta sells in the civilian market.
- e. **Exhibit 13** is a true and correct copy of a screenshot taken from Beretta's webpage as of the week of January 24, 2022, available at <https://www.beretta.com/en-us/arx160/>, referencing the "tactical" nature of a civilian firearm.
- f. **Exhibit 14** is a true and correct copy of a screenshot taken from Beretta's webpage as of the week of January 24, 2022, available at <https://www.beretta.com/en-us/firearms/finder/?ds=Rifle>, associating its firearms with military popularity.

5. Below are the captions of some cases in which Beretta has appeared, as either a plaintiff or defendant, in a court in Massachusetts:

- a. *Mandell et al v. Beretta USA Corp et al.*, No. 9181CV08373 (Middlesex County);
- b. *Beretta USA Corp. v. Fox Distributors Inc.*, No. 1782CV00671 (Norfolk County);
- c. *Boston, et al. v. Smith & Wesson Corp., et al.*, No. 9984CV02590 (Middlesex County);
- d. *City of Boston v. Smith & Wesson Corp., et al.*, No. Civ.A.99-11511-REK (D. Mass.).

**Century International Arms, Inc.**

6. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Century International Arms, Inc. ("Century"):

- a. **Exhibit 15** is a true and correct copy of a screenshot taken from Century's webpage as of the week of January 24, 2021, found at <https://www.centuryarms.com/storelocator>, showing that Century has an

authorized firearm dealer, namely GFA ArmsTec, in Natick, Massachusetts.

- b. **Exhibit 16** is a true and correct copy of a computer printout taken from The Gun Parlor's webpage as of the week of November 8, 2021, found at <https://www.thegunparlor.com/brands/century>, showing that a firearm dealer, namely The Gun Parlor, sells Century firearms from The Gun Parlor's store in Worcester Massachusetts.
- c. **Exhibit 17** is a true and correct copy of a screenshot taken from Century's webpage as of the week of January 24, 2022, found at <https://www.centuryarms.com/storelocator>, showing that Century has authorized firearm dealers throughout the United States.
- d. **Exhibit 18** is a true and correct copy of a screenshot taken from Camfour, Inc.'s webpage as of the week of January 24, 2022, found at <https://www.ezgun.net/manufacturers/c/century-arms.html>, showing that it is a wholesaler for Century's firearms.
- e. **Exhibit 19** is a true and correct copy of a screenshot of an April 5, 2021 Century Arms Facebook post, available at <https://www.facebook.com/centuryarms/photos/a.2771089656322071/3783841418380218/>, advertising and depicting an assault rifle with the caption "Eat more ammo!"
- f. **Exhibit 20** is a true and correct copy of a screenshot of a July 16, 2020 Century Arms Facebook post, available at <https://www.facebook.com/centuryarms/photos/3020045881426446>, advertising and depicting an assault rifle with the caption "Onwards towards victory!"

7. As shown in **Exhibit 11**, *supra*, Interstate Arms is a wholesaler for Century's firearms.

8. Below is the caption of a case in which Century appeared in a court in Massachusetts:

- a. *Lexington Insurance Company v. Century International Arms, Inc. et al.*, No. 0181CV00530 (Middlesex County).

**Colt's Manufacturing Company LLC**

9. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Colt's Manufacturing Company LLC ("Colt"):

- a. **Exhibit 21** is a true and correct copy of a screenshot taken from Colt's webpage as of the week of January 31, 2022, found at <https://colt.com/dealer-locator>, showing that Colt has approximately 35 authorized firearm dealers in Massachusetts.
- b. **Exhibit 22** is a true and correct copy of a screenshot taken from Colt's webpage as of the week of January 24, 2022, found at <https://colt.com/dealer-locator>, showing that Colt has authorized firearm dealers throughout the United States.
- c. **Exhibit 23** is a true and correct copy of a screenshot depicting an advertisement for Colt's AR-15A2, available at <https://twitter.com/kwh561/status/1159071786547519488>, pitching the similarity of Colt's AR-15 to military weaponry, claiming, "Colt's M16A2 and AR-15A2. So close, even Colt's inspectors look twice. What does that tell you?"
- d. **Exhibit 24** is a true and correct copy of a screenshot depicting an advertisement for Colt's AR-15, available at <https://thecoltar15resource.com/2020/05/22/the-colt-ar-15-performance-is-proof/>, stating that "Millions of American soldiers and our allies have liked it, and so will you."
- e. **Exhibit 25** is a true and correct copy of a screenshot from Colt's webpage as of the Week of January 24, 2022, available at [https://www.colt.com/series/M4\\_CARBINE\\_SERIES](https://www.colt.com/series/M4_CARBINE_SERIES), labeling its civilian assault rifle "Trooper."
- f. **Exhibit 26** is a true and correct copy of a screenshot from Colt's webpage as of the week of January 24, 2022, available at <https://www.colt.com/detail-page/colt-le6920-carbine-223556-161-301-pmag-mbus-4-pos-stk-blk>, marketing its Colt M4 Carbine as "shar[ing] many features of its combat-proven brother, the Colt M4."

10. As shown in **Exhibit 11**, *supra*, Interstate Arms is a wholesaler for Colt's firearms.

11. Below are the captions of some cases in which Colt has appeared, as either a plaintiff or defendant, in a court in Massachusetts:

- a. *Bolduc (Adm'x) v. Colt's Mfg Co Inc.*, No. 9581CV06736 (Middlesex County);
- b. *Boston et al. v. Smith & Wesson Corp et al.*, No. 9984CV02590 (Middlesex County);
- c. *City of Boston v. Smith & Wesson Corp., et al.*, No. Civ.A.99-11511-REK (D. Mass.);
- d. *Bolduc v. Colt's Mfg. Co., Inc.*, No. 95-12716-GAO (D. Mass.).

**Glock, Inc.**

12. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Glock, Inc. ("Glock"):

- a. **Exhibit 27** is a true and correct copy of a screenshot taken from Glock's webpage as of November 8, 2021, found at <https://us.glock.com/en/Dealer-Locator-USA>, showing that Glock has more than a dozen authorized firearm dealers in Massachusetts.
- b. **Exhibit 28** is a true and correct copy of a screenshot taken from Glock's webpage as of the week of January 24, 2022, found at <https://us.glock.com/en/Dealer-Locator-USA>, showing that Glock has authorized firearm dealers throughout the United States.
- c. **Exhibit 29** is a true and correct copy of *In re Civil Investigative Demand*, 2016 WL 7742940 (Mass. Super. Oct. 28, 2016), referencing an affidavit submitted on behalf of the Attorney General of Massachusetts in Suffolk County Superior Court indicating that there were approximately 10,800 Glock handgun sales in Massachusetts between January 1, 2014 and August 13, 2015.
- d. **Exhibit 30** is a true and correct copy of a screenshot taken from Camfour, Inc.'s webpage as of the week of January 24, 2022, found at <https://www.ezgun.net/manufacturers/g/glock.html>, showing that it is a wholesaler for Glock's firearms.
- e. **Exhibit 31** is a true and correct copy of a screenshot taken from Glock's webpage, as of the week of January 24, 2022, available at <https://us.glock.com/en/pistols/g17>, touting its Glock 17 as "trusted by law enforcement officers and military personnel around the globe."
- f. **Exhibit 32** is a true and correct copy of a computer printout of an April 10, 2019 press release taken from Glock's webpage as of the week of

January 24, 2022, available at <https://us.glock.com/en/press-release/news-page/glock-is-awarded-contract-for-us-customs-and-border-protection>, touting Glock pistols as “a favorite of military and law enforcement agencies worldwide and among pistol owners.”

- g. **Exhibit 33** is a true and correct copy of a June 2011 report by the Violence Policy Center entitled “The Militarization of the U.S. Civilian Firearms Market,” available at <https://www.vpc.org/studies/militarization.pdf>, quoting Gaston Glock’s statement to *Advertising Age* in June 1995 in which he indicated, “In marketing terms, we assumed that, by pursuing the law enforcement market, we would then receive the benefits of ‘after sales’ in the commercial market.”
- h. **Exhibit 34** is a true and correct copy of a screenshot taken from the webpage for the Secretary of the Commonwealth of Massachusetts as of the week of January 24, 2022, available at <https://www.sec.state.ma.us/index.htm>, showing that Glock has been registered with the Secretary of State for the Commonwealth of Massachusetts since November 19, 1991 to transact business in the state.
- i. **Exhibit 35** is a true and correct copy of the 2021 Massachusetts Annual Report that Glock filed with the Secretary of the Commonwealth of Massachusetts.

13. As shown in **Exhibit 11**, *supra*, Interstate Arms is a wholesaler for Glock’s firearms.

14. Below are the captions of some cases in which Glock has appeared, as either a plaintiff or defendant, in a court in Massachusetts:

- a. *Elizabeth Ryan, Administratrix of the Estate of Charles D. Milov v. Patricia A. Hughes-Ortiz, Executrix of the Estate of Thomas Hughes, et al., v. Glock, Inc.*, No. 0381CV04436 (Middlesex County);
- b. *American Shooting Sports Council, et al. v. Harshbarger, Atty General*, No. 9884CV00203 (Middlesex County);
- c. *Boston, et al. v. Smith & Wesson Corp., et al.*, No. 9984CV02590 (Middlesex County);
- d. *Glock Inc. v. Commonwealth of Massachusetts Office of the Attorney General*, No. 1684CV02098 (Middlesex County);
- e. *Tate v. Glock Inc.*, No. 9484CV00776 (Middlesex County);



- f. *City of Boston v. Smith & Wesson Corp., et al.*, No. Civ.A.99-11511-REK (D. Mass.);
- g. *Wasylow v. Glock, Inc.*, No. 94-11073-DPW (D. Mass.).

**Sturm, Ruger & Company, Inc.**

15. I attach the following documents referenced in Plaintiff's Memorandum of Law in Opposition to the Motion to Dismiss of Defendant Sturm, Ruger & Company, Inc. ("Ruger"):

- a. **Exhibit 36** is a true and correct copy of a screenshot taken from Ruger's webpage as of the week of November 8, 2021, found at <https://ruger.com/dataProcess/retailerLocator/>, showing that Ruger has more than 40 authorized firearm dealers in Massachusetts;
- b. **Exhibit 37** is a true and correct copy of Ruger's Securities and Exchange Commission Form 10K for the period ending December 31, 2020.
  - i. Page 6 of the report states that "[t]he Company's firearms are primarily marketed through a network of federally licensed, independent wholesale distributors who purchase the products directly from the Company. They resell to federally licensed, independent retail firearms dealers who in turn resell to legally authorized end users."
  - ii. Page 13 of the report states that "[o]ver 90% of [Ruger's] sales are made to 14 federally licensed, independent wholesale distributors."
- c. **Exhibit 38** is a true and correct copy of a screenshot taken from Camfour, Inc.'s webpage as of the week of January 24, 2022, found at <https://www.ezgun.net/manufacturers/r/ruger.html>, showing that it is a wholesaler for Ruger's firearms;
- d. **Exhibit 39** is a true and correct copy of a computer printout of a Ruger advertisement for its AR-556, as depicted on the website [the truth about guns.com](https://www.thetruthaboutguns.com/ruger-announces-ar-556-modern-sporting-rifle/) in a product review, as of the week of January 24, 2022, available at <https://www.thetruthaboutguns.com/ruger-announces-ar-556-modern-sporting-rifle/>, highlighting the rifle's ability to accept a high-capacity magazine;
- e. **Exhibit 40** is a true and correct copy of a computer printout of a Ruger advertisement for its SR-556, as depicted on the website [defensereview.com](https://defensereview.com/ruger-sr-556-gas-pistonop-rod-ar-15-carbine-), as of the week of January 24, 2022, available at <https://defensereview.com/ruger-sr-556-gas-pistonop-rod-ar-15-carbine->

ruger-enters-the-piston-driven-ar-fray/, highlighting the included high-capacity 30-round magazine.

- f. **Exhibit 41** is a true and correct copy of a computer printout from Ruger's webpage as of January 24, 2022, available at [https://ruger.com/search/state\\_ma/revolver](https://ruger.com/search/state_ma/revolver), showing that Ruger altered its weapons to comply with Massachusetts General Law Chapter 140 §§ 121-131Q in order to sell its guns in the state.
- g. **Exhibit 42** is a true and correct copy of a computer printout from Ruger's webpage as of January 24, 2022, available at [https://ruger.com/search/state\\_ma/pistol](https://ruger.com/search/state_ma/pistol), showing that Ruger altered its weapons to comply with Massachusetts General Law Chapter 140 §§ 121-131Q in order to sell its guns in the state of Massachusetts.

16. As shown in **Exhibit 11**, *supra*, Interstate Arms is a wholesaler for Ruger's firearms.

17. Below are the captions of some cases in which Ruger has appeared, as either a plaintiff or defendant, in a court in Massachusetts:

- a. *Sturm Ruger & Company Inc. v. Haines*, No. 8179CV00922 (Hampden County);
- b. *Caetano Carlos v. Sturm Ruger & Company Inc.*, No. 9079CV00786 (Hampden County);
- c. *Whitman Gregory v. Sturm Ruger & Company Inc.*, No. 9579CV00387 (Hampden County);
- d. *Voudren Shane, et al. v. Sturm Ruger & Co Inc.*, No. 8378CV15365 (Franklin County);
- e. *American Shooting Sports Council, et al. v. Harshbarger, Atty General*, No 9884CV00203 (Middlesex County);
- f. *Boston et al. v. Smith & Wesson Corp., et al.*, No. 9984CV02590 (Middlesex County);
- g. *City of Boston v. Smith & Wesson Corp., et al.*, No. Civ.A.99-11511-REK (D. Mass.).

**Interstate Arms Corp.**

18. I attach the following documents referenced in Plaintiff's memoranda of law in opposition to Defendants' motions to dismiss:

- a. **Exhibit 43** is a true and correct copy of a computer printout from Interstate Arms' "About Us" webpage as of the week of January 24, 2022, available at <https://www.interstatearms.com/page.aspx/contentid/528>, stating that "Interstate Arms is a 40+ year-old wholesale distributor supplying licensed firearm dealers nationwide with firearms and related products."
- b. **Exhibit 44** is a true and correct copy of a computer printout from the AmmoTerra webpage as of the week of January 24, 2022, available at <https://ammoterra.com/company/interstate-arms-corp>, in which Interstate Arms describes itself as a seller of, among other things, "military-style weapons."
- c. **Exhibit 45** is a true and correct copy of a screenshot from the webpage of the Secretary of the Commonwealth of Massachusetts as of the week of January 24, 2022, available at <https://www.sec.state.ma.us/index.htm>, showing that Interstate Arms Corp. was a domestic corporation registered in Massachusetts from November 1990 to December 2019.

**Camfour Inc. ("Camfour")**

19. I attach the following documents referenced in Plaintiff's memoranda of law in opposition to Defendants' motions to dismiss:

- a. **Exhibit 46** is a true and correct copy of a computer printout taken from Camfour, Inc.'s "About Us" webpage as of the week of January 24, 2022, found at <https://www.ezgun.net/about-us>, showing the following:
  - i. Camfour was founded in Springfield, Massachusetts in 1952 and moved to its present location in Westfield, Massachusetts in 1961;
  - ii. Camfour's focus eventually became "the shooting sport industry" and, in 1976, it "phased out everything other than firearms and related products;"
  - iii. In 1984, Camfour "revolutionized the shooting sports industry with the development of [its] online order software, PCGun." "This software, combined with state of the art (for the time) hardware equipment, enabled independent shooting sports

retailers to have instant access to a wealth of information, inventory and the ability to order 24 hours a day, 7 days a week;”

- iv. “In 2003, Camfour acquired Hill Country Wholesale, just outside of Austin, Texas. This acquisition established a southwest distribution center and strengthened the company’s team and ammunition segment;”
  - v. “The company operates under the Camfour name with two locations serving the entire United States;”
  - vi. Camfour “continue[s] to grow by adding new brands and dealers to consistently be ranked as one of the top 10 distributors in the industry;” and
  - vii. Camfour makes its internet sales through a website called “EZGun.net.”
- b. **Exhibit 47** is a true and correct copy of a screenshot from the Gunners Den website, as of the week of January 24, 2022, available at <https://gunnersden.com/gun-dealers-distributors/>, showing the following representation by Camfour: “Our national buying power allows us to sell at low prices, while our multi-million dollar inventory assures you we will have what you’re looking for in stock and ready to be shipped.”
  - c. **Exhibit 48** is a true and correct copy of a computer printout from the AmmoLand website as of the week of January 24, 2022, available at <https://www.ammoland.com/2018/03/dark-storm-industries-dsi-rifles-and-accessories-now-distributed-by-camfour/#axzz7J6kAgwGa>, referring to Camfour as “one of the leading firearms distributors in the nation.”

### **Guns in Massachusetts**

20. I attach the following documents referenced in Plaintiff’s memoranda of law in opposition to Defendants’ motions to dismiss:

- a. **Exhibit 49** is a true and correct copy of a March 25, 2018 article by Paige Smith entitled “Gun makers thrive in Mass.” from the Telegram & Gazette webpage, as of the week of January 24, 2022, available at <https://www.telegram.com/story/news/state/2018/03/25/gun-makers-thriving-in-massachusetts-since-american-revolution/12899420007/>, indicating the following:

- i. Rick Sullivan, president of Economic Development Council of Western Massachusetts, referred to the weapons industry as the “backbone” of the region’s commerce;
  - ii. Firearms manufacturers have been in the region “since the time of the American Revolution;” and
  - iii. Massachusetts is ranked among the top 10 states for total economic output in dollars from the arms and ammunition industries in 2016, according to National Shooting Sports Foundation report.
- b. **Exhibit 50** is a true and correct copy of an article entitled “New England’s Gun Valley, Child of the Springfield Armory,” found on the New England Historical Society’s webpage as of the week of January 24, 2022, available at <https://www.newenglandhistoricalsociety.com/new-englands-gun-valley-child-of-the-springfield-armory/>, indicating the following:
  - i. New England’s Gun Valley began with George Washington, who in 1777 scouted the site on an old Puritan muster ground in Springfield Mass. Washington was looking for a place to store weapons out of reach of the British Royal Navy;
  - ii. Companies like Colt, Remington and Smith & Wesson gave the region the nickname Gun Valley; and
  - iii. From 1796 to 1968, the Springfield Armory served as the U.S. Army’s main design and production workshop for small arms.
- c. **Exhibit 51** is a true and correct copy of a March 9, 2019 article by Prashant Gopal entitled “One Town Makes and Hates Guns Like No Other Place in the U.S.” from Time Magazine’s webpage, available at <https://time.com/5192841/springfield-massachusetts-gun-valley/>, indicating the following:
  - i. Massachusetts is the “king of guns;” and
  - ii. “[b]y the latest federal tally, Massachusetts accounted for a quarter of the 11.9 million [guns] made each year, more than any other state, according to Small Arms Analytics, an industry research firm.”
- d. **Exhibit 52** is a true and correct copy of a screenshot from FFL123.com as of the week of January 24, 2022, available at <https://www.ffa123.com/how-to-get-ffa-in-massachusetts/#:~:text=As%20of%20June%202021%2C%20the,%20being%20rapidly%20anti%2Dgun>, indicating that, as of June 2021, ATF reported a total of 3,973 federal firearm licensees in Massachusetts.

- e. **Exhibit 53** is a true and correct copy of a screenshot from the Smith & Wesson webpage as of the week of January 24, 2022, available at <https://www.smith-wesson.com/ourstory>, indicating that Smith & Wesson was formed in Massachusetts in 1852.
- f. **Exhibit 54** is a true and correct copy of a computer printout from the Smith & Wesson webpage as of the week of January 24, 2022, available at <https://www.smith-wesson.com/international>, indicating that Smith & Wesson is one of the largest gun manufacturers in the country.

**UNREPORTED CASES AND OTHER SOURCES CITED IN PLAINTIFF'S  
MEMORANDA IN SUPPORT OF MOTIONS TO DISMISS.**

21. I attach the following documents referenced in Plaintiff's memoranda of law in opposition to Defendants' motions to dismiss:

- a. **Exhibit 55** is a true and correct copy of *Fox v. L&J Supply, LLC*, No. 2014-24619 (Pa. Ct. Cmmn. Pl. Nov. 26, 2018)
- b. **Exhibit 56** is a true and correct copy of *Coxie v. Academy, Ltd.*, No. 2018-CP-42-04297 (S.C. Ct. Cmmn. Pl. Jul. 29, 2019)
- c. **Exhibit 57** is a true and correct copy of *Norberg v. Badger Guns, Inc.*, Case No. 10-cv-20655 (Wis. Cir. Ct. Jun. 9, 2011)
- d. **Exhibit 58** is a true and correct copy of *Goldstein v. Earnest*, No. 37-2020-00016638-CU-PO-CTL (Ca. Super. Ct. Jul. 2, 2021)

22. I attach the following document referenced in Plaintiff's memoranda of law in support of its opposition to Defendants' motions to dismiss:

- a. **Exhibit 59** is a true and correct copy of Rule 82-8.

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

Executed this 31st day of January 2022, in Austin, Texas.

/s/ Nicholas W. Shadowen

Nicholas W. Shadowen

**CERTIFICATE OF SERVICE**

I, Steve D. Shadowen, hereby certify that this document was filed with the Clerk of the Court via CM/ECF. Those attorneys who are registered with the Court's electronic filing systems may access this filing through the Court's CM/ECF system, and notice of this filing will be sent to these parties by operation of the Court's electronic filings system.

Dated: January 31, 2022

Respectfully Submitted,

/s/ Steve D. Shadowen  
Steve D. Shadowen