

STATE OF INDIANA

IN THE LAKE SUPERIOR COURT

CIVIL DIVISION ROOM ONE
HAMMOND, INDIANA

COUNTY OF LAKE

CITY OF GARY, INDIANA)
)
 Plaintiff,)
)
 v.)
)
 SMITH & WESSON CORP., et al.,)
)
 Defendants,)

SUBPOENA FOR THE PRODUCTION OF DOCUMENTARY EVIDENCE

To: Jason A. Libby
Division Counsel
Bureau of Alcohol, Tobacco, Firearms and Explosives
Chicago Field Office
175 W. Jackson Blvd., 15th Floor
Chicago, IL 60604

YOU ARE COMMANDED to produce the books, papers, documents, and other tangible things in your possession, custody, or control as listed on Exhibit A to this Subpoena, within thirty (30) days,

to:

Perkins Coie LLP
Attention: Mike Kupka
110 North Wacker Drive
Suite 3400
Chicago, Illinois 60606

Dated: January 6, 2022

Respectfully submitted by:

THE CITY OF GARY, INDIANA,

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on this 6th day of January, 2022, he caused the foregoing Subpoena for the Production of Documentary Evidence to be sent by U.S. Mail and, where email addresses are shown on the attached Service List, by electronic mail to:

THE ATTACHED SERVICE LIST

/s/ Rodney Pol, Jr., esq.

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Exhibit A:

Requests for Documentary Information

The City respectfully seeks all information and records within ATF's possession which falls within any of the categories listed below. Please note that all requested information constitutes or would be premised upon an analysis of "statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations," disclosures permitted by the Tiahrt appropriations rider. *See* 125 Stat. 552, 609-610 (2011). These requests should be read as excluding disclosure of any information which may affect a pending ATF investigation or enforcement action. With this context, the City requests:

a. Category 1:

For each year from 1995 to the present, the total number of trace inquiries ATF performed on firearms recovered during criminal investigations within Gary, Indiana, conducted by any law enforcement agency (*e.g.*, "in 1995, ATF performed X trace inquiries on firearms recovered during criminal investigations in Gary, Indiana"), or records sufficient to determine such total number, and all records relating to such inquiries.

b. Category 2:

For each year from 1995 to the present, the total number of trace inquiries ATF performed on firearms recovered during criminal investigations within Gary, Indiana conducted by any law enforcement agency and which identified any of the following (or any predecessor or successor company or manufacturer with a substantially similar name) as the manufacturer of the firearm(s): (1) Beemiller, Inc, d/b/a Hi-Point Firearms; (2) Beretta U.S.A. Corp.; (3) Browning Arms Company; (4) Colt's Manufacturing Company, LLC; (5) Glock Inc.; (6) Phoenix Arms Corp.; (7) Smith & Wesson Corp.; (8) Sturm, Ruger & Company, Inc.; or (9) Taurus International Manufacturing, Inc., or records sufficient to determine such total numbers, and all records relating to such inquiries.

c. Category 3:

For each year from 1995 to the present, the total number of trace inquiries ATF performed on firearms recovered during criminal investigations within Gary, Indiana, conducted by any law enforcement agency and which identified any of the following (or any predecessor or successor company or retailer with a substantially similar name) as the retail seller of the firearm(s): (1) Ameri-Pawn of Lake Station, Inc., (2) Blythe's Sport Shop, Inc., (3) Cash Indiana, Inc., (4) Jack's Loan, Inc., (5) Jim Shema's Outdoor Sports, (6) Westforth Sports, Inc., (7) Cabela's, Inc., or (8) Shoot Point Blank Corp., or records sufficient to determine such total numbers, and all records relating to such inquiries.

d. Category 4:

For each year from 1995 to the present, the total number of traced firearms later recovered during a criminal investigation in any jurisdiction, including outside of Gary, Indiana, which ATF identified as sold within Gary, Indiana by any of the following (or by any company with a

substantially similar name): (1) Ameri-Pawn of Lake Station, Inc., (2) Blythes Sport Shop, Inc., (3) Cash Indiana, Inc., (4) Jack's Loan, Inc., (5) Jim Shema's Outdoor Sports, (6) Westforth Sports, Inc., (7) Cabela's, Inc. or (8) Shoot Point Blank Corp., or records sufficient to determine such total numbers, and all records relating to such firearms.

e. Category 5:

For each year from 1995 to the present, all inspection reports, warnings, revocation proceedings, and other communications ATF had regarding the business of manufacturing or selling firearms and/or traced firearms connected to crimes with any of the following companies (or any predecessor or successor companies or companies with substantially similar names): (1) Beemiller, Inc, d/b/a Hi-Point Firearms; (2) Beretta U.S.A. Corp.; (3) Browning Arms Company; (4) Colt's Manufacturing Company, LLC; (5) Glock Inc.; (6) Phoenix Arms Corp.; (7) Smith & Wesson Corp.; (8) Sturm, Ruger & Company, Inc.; or (9) Taurus International Manufacturing, Inc., (10) Ameri-Pawn of Lake Station, Inc., (11) Blythes Sport Shop, Inc., (12) Cash Indiana, Inc., (13) Jack's Loan, Inc. (14) Jim Shema's Outdoor Sports, (15) Westforth Sports, Inc., (16) Cabela's, Inc. or (17) Shoot Point Blank Corp., or records sufficient to determine such total numbers, and all records relating to such reports, warnings, proceedings and communications.

f. Category 6:

For each year from 1995 to the present, the case numbers, names, and files pertaining to investigations and/or prosecutions of crimes related to straw purchases of firearms, firearms trafficking and/or any other firearms-related crimes which involved firearms determined to have been manufactured and/or sold by any of the following entities (or any predecessor or successor companies or any companies with a substantially similar name): (1) Beemiller, Inc, d/b/a Hi-Point Firearms; (2) Beretta U.S.A. Corp.; (3) Browning Arms Company; (4) Colt's Manufacturing Company, LLC; (5) Glock Inc.; (6) Phoenix Arms Corp.; (7) Smith & Wesson Corp.; (8) Sturm, Ruger & Company, Inc.; or (9) Taurus International Manufacturing, Inc., (10) Ameri-Pawn of Lake Station, Inc., (11) Blythes Sport Shop, Inc., (12) Cash Indiana, Inc., (13) Jack's Loan, Inc. (14) Jim Shema's Outdoor Sports, (15) Westforth Sports, Inc., (16) Cabela's, Inc. or (17) Shoot Point Blank Corp., or records sufficient to determine such total numbers, and all records relating to such investigations and prosecutions.

g. Category 7:

Any analysis or survey of data involving firearms trafficking patterns or firearms crimes relating to or concerning sources of crime guns in or from Gary, Indiana, and/or any Federal Firearms Licensees within or around Lake County, Indiana.

h. Category 8:

All records and information relating to firearms recovered in Gary, Indiana, or sold in Gary, Indiana and recovered anywhere, and crimes or other incidents in which those firearms were used, that is not prohibited from disclosure by ATF under federal law. This should include disclosable portions of homicide and other gun crime files shared or initiated by Gary or Lake County police, including the manufacturer, make and model of firearms recovered.