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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY

DAVIDSON’S, INC., an Arizona for-profit corporation,

Petitioner,

v.

WASHINGTON STATE ATTORNEY GENERAL’S OFFICE, a Washington state agency,

Respondent.

No.

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF AND TO SET ASIDE CIVIL INVESTIGATIVE DEMAND FOR INTERROGATORIES AND PRODUCTION OF DOCUMENTS

Petitioner, DAVIDSON’S, INC., an Arizona for-profit corporation (“Davidson’s”), by and through its attorneys, Corr Cronin LLP, 1015 Second Avenue, Floor 10, Seattle, WA 98104, and Renzulli Law Firm, LLP, One North Broadway, Suite 1005, White Plains, NY 10601, petitions this Court (1) for an Order declaring the Civil Investigative Demand for Answers to Interrogatories and Requests for Production of Documents (“CID”) issued by the Office of the Attorney General, State of Washington, Consumer Protection Division (“Attorney General”) on March 28, 2023 invalid and unenforceable, (2) for prospective injunctive relief against the Attorney General to enjoin his office from seeking information and documents from Davidson’s relative to its purported investigation, and (3) to set aside the CID.

1 This Petition is based on RCW §§ 7.24, *et seq.*, RCW §§ 7.40, *et seq.*, RCW §§ 19.86.110(3)
2 & (8), RCW § 19.86.170, RCW § 9.41.290, RCW § 9.41.370(2), Article I, Section 8 and the First
3 and Fourth Amendments of the U.S. Constitution, Article 1, Sections 5 and 7 of the Washington
4 State Constitution, and the records and files in this matter. Davidson’s alleges as follows:

5 **A. PARTIES & VENUE**

6 1. Davidson’s is an Arizona for-profit corporation with its principal place of business
7 located at 6100 Wilkinson Drive, Prescott, Arizona 86301. Davidson’s is a federally licensed
8 firearms dealer engaged in the business of the wholesale distribution of firearms and associated
9 products to properly licensed firearms dealers located in various jurisdictions throughout the
10 United States. Davidson’s has an exemplary reputation of working cooperatively with the federal
11 Bureau of Alcohol, Tobacco, Firearms & Explosives (“BATF”), state agencies, and local law
12 enforcement to investigate and prevent the criminal misuse of firearms and firearm related
13 products.

14 2. Over two decades ago, in the infancy of the internet, Davidson’s was the first
15 national firearms distributor to work with BATF to provide instantaneous tracing of firearms
16 recovered by law enforcement in the commission of a crime. This is only one example, among
17 many instances during Davidson’s sixty (60)-plus years in the firearms industry, that Davidson’s
18 has worked diligently with law enforcement authorities to investigate specific alleged crimes. In
19 addition to Davidson’s exhaustive legal compliance efforts and cooperation with many law
20 enforcement and regulatory agencies throughout the United States, Davidson’s commitment is
21 further reflected in efforts such as its active participation in the National Shooting Sports
22 Foundation’s (“NSSF”) Project Childsafe Programs, providing assistance for School Security
23 Assessment training for law enforcement, as well as contributing to youth drug prevention, suicide
24 prevention, firearms safety and mental health support related organizations.

1 3. The Attorney General is a Washington state agency that has issued a CID to
2 Davidson's.

3 4. Venue is appropriate in Thurston County pursuant to RCW § 19.86.110(8) and
4 RCW § 4.12.025.

5 **B. CONTROVERSY**

6 5. A controversy arose after the Attorney General issued the CID to Davidson's
7 pursuant to RCW § 19.86.110 based upon the Attorney General's purported investigation into sales
8 of so-called "large capacity magazines" ("LCMs"). A copy of the CID, dated March 28, 2023, is
9 attached to this Petition as **Exhibit "A."**

10 6. The CID was issued and served on Davidson's registered agent in the state of
11 Washington on or about March 28, 2023. Davidson's received the CID from its registered agent
12 on or about April 6, 2023.

13 7. The CID contains five interrogatories and three requests for production with
14 relevant time periods of "July 1, 2022 to Present" and "January 1, 2022 to Present." The CID
15 demands identification of and the production of documentation concerning Davidson's "sales,
16 transfers, or other distributions of [LCMs] to any person or entity located in the State of
17 Washington." The documentation that is demanded includes "all invoices, sales records and
18 receipts...shipping manifests or similar paperwork...FFL transfer documentation..., etc." The
19 CID also demands production of "all Communications with any firearm dealer, firearm store, or
20 other retailer that sells firearms...located within the State of Washington" without any limitation
21 on the nature, content, or substance of any such communications.

22 8. Upon review of the CID, Davidson's learned that the CID relates to the Attorney
23 General's investigation into sales of LCMs to individual consumers located within the State of
24 Washington.

1 9. Davidson's does not sell firearms, LCMs, or any other products to individual
2 consumers in the State of Washington, or elsewhere, and as such the Attorney General lacks
3 authority to compel Davidson's to respond to the exceedingly broad and unduly burdensome
4 demands asserted in the CID.

5 10. Although Davidson's, through counsel, initially requested an extension of time to
6 review, respond and/or object to the CID and attempted to seek revisions to the broad, intrusive,
7 and unduly burdensome demands asserted in the CID, on April 24, 2023 the Attorney General
8 notified Davidson's that an extension would be granted only on "condition" that Davidson's
9 produce "a complete response to" a contested Interrogatory by the initial response deadline.
10 Additionally, on April 24, 2023 the Attorney General forwarded sixty-one (61) exceptionally
11 broad search terms that it demanded Davidson's to use in its search for electronically stored
12 information ("ESI") responsive to the CID. The Attorney General did not comment on,
13 acknowledge, or even refence Davidson's request for an extension of time to assert objections to
14 the CID. A copy of the Attorney General's e-mail, dated April 24, 2023, is attached to this Petition
15 as **Exhibit "B."**

16 11. The Attorney General's unyielding insistence and escalation in asserting its
17 demands on Davidson's is problematic, overly burdensome, intrusive and beyond the scope of the
18 Attorney General's authority to issue civil investigative demands.

19 12. Furthermore, Davidson's estimates that it would be forced to incur extraordinary
20 costs and expenses totaling in excess of \$2.3 million to comply with the CID.

21 13. On May 1, 2023, Davidson's timely served its Objections and Answers to the CID
22 on Assistant Attorney General Bob Hyde. A copy of Davidson's Objections and Answers to the
23 CID, dated May 1, 2023, is attached to this Petition as **Exhibit "C."**

24 14. The Attorney General's actions surrounding the issuance of the CID and the scope
25 of his purported investigation into in-state consumer sales of LCMs are forcing Davidson's to

1 expend substantial financial resources, and are threatening to cause irreparable damage to
2 Davidson's business and create reputational harm.

3 **C. LEGAL ISSUES**

4 15. The Attorney General lacks authority to issue the CID because it seeks information
5 and documents pertaining to matters for which the Washington Consumer Protection Act (RCW
6 §§ 19.86, *et seq.*) does not apply and/or is preempted by the comprehensive federal regulatory
7 scheme applicable to licensed firearm manufacturers, importers, distributors, and dealers, and/or
8 Washington's Uniform Firearms Act, RCW §§ 9.41, *et seq.* The CID's broad demands seek
9 information and documents that include actions or transactions which comply with RCW §
10 9.41.370(2) including, for example, the wholesale distribution of LCMs to federally licensed
11 dealers in Washington for subsequent retail sale to persons outside the State of Washington.

12 16. The Attorney General has no authority to regulate Davidson's, Inc.'s conduct
13 outside the State of Washington, and the Attorney General has no colorable claim that any
14 wholesale sales or transfers of so-called "Large Capacity Magazines" to licensed firearms dealers
15 located in the State of Washington could somehow be an "unfair or deceptive act or practice" under
16 the Washington Consumer Protection Act, RCW §§ 19.86, *et seq.* Furthermore, the
17 constitutionality of Washington's ban on in-state LCM sales (Senate Bill 5078; RCW §§ 9.41.370
18 & 9.41.375) has been called into question in several pending legal actions, including *Sullivan v.*
19 *Ferguson*, No. 3:22-cv-05403 (U.S. Dist. Ct. W.D. Wash.), and *Brumback v. Ferguson*, No. 1:22-
20 cv-03093-MKD (U.S. Dist. Ct. E.D. Wash.).

21 17. The CID violates RCW § 19.86.110(2)(a) by failing to comply with its
22 requirements for specificity as to the subject matter of the investigation as it specifically relates to
23 Davidson's based on the fact that Davidson's does not sell products to individual consumers.

24 18. The CID violates RCW § 19.86.110(2)(b) by failing to comply with its
25 requirements for specificity as to the documentary material demanded relative to the subject matter

1 of the Attorney General's purported investigation into in-state sales of LCMs to Washington
2 consumers.

3 19. The CID violates RCW § 19.86.110 by failing to comply with the requirements set
4 forth in RCW § 19.86.110(3)(a) because it imposes obligations upon Davidson's that exceed the
5 scope of permissible discovery under the Washington Superior Court Civil Rules, the Washington
6 Rules of Evidence, and other applicable rules.

7 20. The CID violates Davidson's Fourth Amendment rights to be free from
8 unreasonable search and seizure because it is vastly overbroad, demands information and
9 documents about lawful conduct and which are beyond the Attorney General's authority, is not
10 reasonably related to any legitimate investigative purpose, and is overly burdensome and
11 expensive.

12 21. The CID violates Davidson's right to privacy under Article 1, Section 7 of the
13 Washington State Constitution.

14 22. The CID violates Davidson's First Amendment rights.

15 23. The CID violates Davidson's right to free speech under Article 1, Section 5 of the
16 Washington State Constitution.

17 24. By issuing the CID and pursuing the purported investigation, the Attorney General
18 seeks to regulate and burden out-of-state commercial activity and lawful interstate commerce,
19 which improperly encroaches on Congress's exclusive authority to regulate interstate commerce
20 in violation of the Dormant Commerce Clause, Article I, Section 8 of the United States
21 Constitution.

22 **D. DAVIDSON'S IS ENTITLED TO DECLARATORY RELIEF**

23 25. Pursuant to RCW §§ 7.24, *et seq.*, this Court has the authority to declare the rights,
24 status and other relations of the parties in order to ensure that public officers and officials act within
25

1 the bounds of their lawful powers. Davidson's seeks a declaration that the Attorney General lacks
2 authority to issue the CID and that the CID is invalid and unenforceable.

3 26. The declaratory relief requested, if rendered or entered, will terminate the
4 controversy and remove uncertainty as to the Attorney General's authority to issue the CID and/or
5 the validity of the CID itself.

6 27. The public interest would be furthered by granting declaratory relief because
7 constitutional rights are at stake, and because the public has an interest in preserving the principle
8 of prosecutorial neutrality.

9 **E. DAVIDSON'S IS ENTITLED TO INJUNCTIVE RELIEF**

10 28. Pursuant to RCW §§ 7.40, *et seq.*, this Court has the authority to provide injunctive
11 relief in order to ensure that public officers and officials act within the bounds of their lawful
12 powers. Davidson's seeks an injunction as to prevent the Attorney General from enforcing the CID.

13 29. Davidson's has a substantial likelihood of success on the merits.

14 30. Davidson's will suffer irreparable injury if an injunction is not granted.

15 31. An injunction will not substantially injure other interested parties, in that there can
16 be no injury to the Attorney General for not being able to prosecute or investigate Davidson's for
17 lawful activity, nor is there any harm to the Attorney General arising from a brief delay to await a
18 ruling on the merits of this matter.

19 32. The public interest would be furthered by the injunction because constitutional
20 rights are at stake, and because the public has an interest in preserving the principle of prosecutorial
21 neutrality.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Davidson's prays as follows:

- 24 1. The Court declare the March 28, 2023 CID invalid and unenforceable;
25 2. The Court enjoin the Attorney General from enforcing the March 28, 2023 CID;

- 1 3. The Court issue an injunction prohibiting the Attorney General from seeking
2 information or documents from Davidson's relative to the Attorney General's
3 purported investigation into sales of so-called "large capacity magazines";
4 4. The Court set aside the March 28, 2023 CID as being over broad, unduly
5 burdensome and oppressive;
6 5. The Court award Davidson's its costs, including reasonable attorneys' fees; and
7 6. The Court grant such other relief as the Court deems equitable and proper under the
8 circumstances.

9 DATED this 2nd day of May, 2023.

10 CORR CRONIN LLP

11 s/ Steven W. Fogg

12 Steven W. Fogg, WSBA No. 23528

13 s/ Jack M. Lovejoy

14 Jack M. Lovejoy, WSBA No. 36962

15 CORR CRONIN LLP

16 1015 Second Avenue, Floor 10

17 Seattle, Washington 98104-1001

18 Ph: (206) 625-8600 | Fax: (206) 625-0900

19 Email: sfogg@corrchronin.com

20 jlovejoy@corrchronin.com

21 Christopher Renzulli (*pro hac vice forthcoming*)

22 Peter V. Malfa (*pro hac vice forthcoming*)

23 RENZULLI LAW FIRM, LLP

24 One North Broadway, Suite 1005

25 White Plains, NY 10601

Ph: (914) 285-0700 | Fax: (914) 285-1213

Email: crenzulli@renzullilaw.com;

pmalfa@renzullilaw.com

Attorneys for Petitioner Davidson's, Inc.

EXHIBIT

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**OFFICE OF THE ATTORNEY GENERAL
STATE OF WASHINGTON**

IN THE MATTER OF:

RETAIL SALES OF HIGH CAPACITY
MAGAZINES IN WASHINGTON

CIVIL INVESTIGATIVE DEMAND FOR
ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS

**THE STATE OF WASHINGTON TO: DAVIDSON'S, INC.
c/o Corporation Service Company
300 Deschutes Way SW
Ste. 208 MC-CSC1
Tumwater, WA 98501**

DEMAND IS HEREBY MADE upon you by the Consumer Protection Division, Office of the Attorney General, State of Washington (Attorney General), to answer in writing and under oath, the Interrogatories contained in this Civil Investigative Demand (CID). This Civil Investigative Demand is made pursuant to RCW 19.86.110. The Attorney General believes you have knowledge relevant to the subject matter of an investigation now in progress. Said investigation involves possible past or current violations of RCW 19.86.020 (unfair or deceptive acts or practices, or unfair methods of competition, in the conduct of any trade or commerce) and RCW 9.41.375 (sales of high capacity magazines); specifically unfair or deceptive acts and practices, and unfair methods of competition, with respect to distributing, selling, or offering for sale high capacity magazines to Washington consumers.

1 **I. TIME AND PLACE OF PRODUCTION**

2 The requested documents are to be produced to Bob Hyde, Assistant Attorney General,
3 at the Office of the Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104, within
4 thirty (30) days of being served with this Civil Investigative Demand, or at such other time and
5 place as is agreed to by the parties.

6 **II. COMMUNICATIONS**

7 All notices, questions, or communications concerning this Civil Investigative Demand
8 should be directed to Bob Hyde, Assistant Attorney General, 800 Fifth Avenue, Suite 2000,
9 Seattle, WA 98104, (206) 233-3392, or by email at Bob.Hyde@atg.wa.gov.

10 **III. DEFINITIONS**

11 3.1 "Relating to" means constituting, containing, concerning, discussing, describing,
12 analyzing, identifying, referring to, or stating.

13 3.2 "You" and "your" refer to Davidson's, Inc., and any parent, affiliate, sister,
14 subsidiary, predecessor, successor or assignee of it, and its principals, operating divisions,
15 present or former owners, employees, servants, officers, directors, agents, representatives,
16 attorneys, accountants, independent contractors, distributors, and any other persons or entities
17 acting on behalf of or under the direction, authorization, or control of Davidson's, Inc., including
18 any foreign or overseas affiliates. This definition is also intended to include Your online store at
19 <https://www.davidsoninc.com/>.

20 3.3 "Large Capacity Magazine" means an ammunition feeding device with the
21 capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or
22 combination of parts, from which such a device can be assembled if those parts are in possession
23 of or under the control of the same person, but shall not be construed to include any of the
24 following: (a) An ammunition feeding device that has been permanently altered so that it cannot
25 accommodate more than 10 rounds of ammunition; (b) A 22 caliber tube ammunition feeding
26 device; or (c) A tubular magazine that is contained in a lever-action firearm. RCW 9.41.010(16).

1 3.4 “Communication” means every disclosure, transfer, exchange, or transmission of
2 information, whether oral, written, or electronic, by voice speech, telecommunications
3 (including messaging services, such as text messages), virtual meeting (e.g., FaceTime, Zoom,
4 or Webex), computer, electronic mail, facsimile, or otherwise.

5 3.5 “Document” or “documents” means all computer files and written, recorded, and
6 graphic materials of every kind, including audio material, video material, and photographic
7 material regardless of whether in digital, analog or in another form, in the possession, custody
8 or control of the respondent. The terms “document” and “documents” includes material defined
9 as “writings” and “recordings” in ER 1001(a). The terms “document” and “documents” also
10 includes electronic correspondence and drafts of documents, copies of documents that are not
11 identical duplicates of the originals, and copies of documents the originals of which are not in
12 the possession, custody, or control of the respondent.

13 3.6 “Identify,” when used with respect to a document, means to state with respect to
14 each such document:

- 15 a. Title of the document;
- 16 b. Author;
- 17 c. Title or position of the addressee;
- 18 d. Type of document;
- 19 e. Date it was prepared;
- 20 f. Number of pages it comprises; and
- 21 g. Production number.

22 3.7 “Identify,” when used with respect to an entity, means to state with respect to
23 each such entity:

- 24 a. Full legal name or title;
- 25 b. Form of business (i.e. corporation, partnership, limited liability co.);
- 26 c. Relationship to You;

- 1 d. Complete business location and mailing address;
2 e. Telephone and facsimile numbers;
3 f. State of incorporation or organization or, if organized outside the United
4 States, country and city of incorporation or organization; and
5 g. Address of headquarters and/or principal place of business.

6 3.8 "Identify," when used with respect to a Person, means to state with respect to
7 each such Person:

- 8 a. Name;
9 b. Title(s);
10 b. Residential or business mailing address;
11 c. Telephone number; and
12 d. Email address.

13 3.9 "Person" and "entity" mean natural persons, proprietorships, firms, general
14 partnerships, associations, joint ventures, for-profit corporations, non-profit corporations, trusts,
15 groups, agencies, institutions, other business or government organization, or any other legal
16 entity, and all present and former directors, officers, employees, agents, consultants, or other
17 persons acting in concert with or on behalf of any of them.

18 3.10 The singular includes the plural and vice versa. The masculine includes the feminine
19 and neuter genders. The past tense includes the present tense where the clear meaning is not
20 distorted by change of tense. "And" as well as "or" shall be construed disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that otherwise might be construed
22 to be outside its scope. "Include" and "including," and variations thereof, shall not be interpreted as
23 terms of limitation but shall be deemed to be followed by the words "without limitation." "Any"
24 shall be construed as synonymous with "every" and "all" and shall be all inclusive."
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IV. INSTRUCTIONS

4.1 Unless otherwise noted, the relevant time period for which documents and information are requested is **July 1, 2022**, to the present.

4.2 This CID requests production of all described documents in your possession, custody, or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your employees, distributors, representatives, competitors, or others).

4.3 This CID includes documents and information in the possession of your employees, agents, representatives, and attorneys, unless privileged. If you contend that the information requested by any request is privileged in whole or in part, or if you otherwise object to any part of any request or contend that any identified document would be excluded from production to the Attorney General in discovery regardless of its relevance, identify the document and state the basis for the privilege, and provide a detailed privilege log that contains at least the following information for each document or piece of information that you have withheld:

- a. The name of each author, writer, sender, creator, or initiator of such document;
- b. The name of each recipient, addressee, or party for whom such document was intended or to whom the document was sent;
- c. The date of such document or an estimate thereof if no date appears on the document;
- d. The general subject matter of the document; and
- e. The claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.

1 4.4 This CID imposes a continuing duty to produce promptly any responsive
2 information or item that is not objected to, which comes into your knowledge, possession,
3 custody, or control after your initial production of responses to this CID.

4 4.5 In each instance in which a document is produced, produce the current edition,
5 along with all earlier editions or predecessor documents serving the same function, even though
6 the title of earlier documents may differ from current versions.

7 4.6 The following procedures shall apply to the production of documents and
8 information in response to this CID:

9 a. The recipient of this CID shall label each responsive document (i.e.,
10 Response to Request No. 1, Response to Request No. 2, and so forth),
11 group all documents responsive to a particular request together, and place
12 a label on each group of documents which identifies the
13 corresponding request;

14 b. All attachments to responsive documents or information shall be
15 produced with, and attached to, the responsive documents (or digitally in
16 corresponding order);

17 c. Each responsive document or information shall be produced in its entirety
18 and no portion of any document or information shall be edited, cut,
19 masked, redacted or otherwise altered, unless for applicable privilege
20 which shall be logged according to the procedures set forth above;

21 d. The recipient of this CID shall provide a key to all abbreviations used in
22 the documents or information and shall attach the key to the
23 corresponding documents or information.

24 4.7 Documents or information that may be responsive to more than one (1) numbered
25 request in this CID need not be submitted more than once. However, for each such document or
26 information, the recipient of this CID shall identify all of the numbered requests to which the

1 document or information is responsive. If any responsive document or information has been
2 previously supplied to the Washington Attorney General's Office, you shall identify the
3 document(s) or information previously provided and the date(s) of submission.

4 4.8 You shall consecutively number each page of all documents or information
5 produced with your response, and indicate the total number of pages produced with your
6 response. This page numbering must be separate from and must not alter any original page
7 numbering on the responsive documents or information.

8 4.9 Your responses to the requests in this CID should include all relevant
9 electronically stored information in your possession, custody, or control. Electronically stored
10 information is an irreplaceable source of evidence and therefore you must implement appropriate
11 safeguards against the destruction of evidence until the final resolution of this issue, as
12 noted below.

13 4.10 Production of electronically stored information and other documents in electronic
14 format shall conform to the standards set forth in **Exhibit A** (attached).

15 4.11 If you are unable to fully answer any particular interrogatory or request for
16 documents, supply all of whatever information is actually available. Designate such response as
17 incomplete, and accompany the information and documents produced with an explanation that
18 includes the reasons for the incomplete answer, a description of any and all of your efforts to
19 obtain the information, and the source from which the Attorney General may obtain information
20 to complete your response. If books, records, or other sources that provide accurate answers are
21 not available, provide your best estimates and describe how you derived the estimates, including
22 the sources or bases of such estimates. Designate estimated data as such by marking it with the
23 "est." notation. If there is no reasonable way for you to make an estimate, provide an explanation.

24 4.12 If particular documents responsive to this CID no longer exist for reasons other
25 than the ordinary course of business but you have reason to believe they have been in existence,
26

1 describe the documents, state the circumstances under which such documents were lost or
2 destroyed, and identify persons having knowledge of the content of the documents.

3 4.13 In order for your response to this demand to be complete, submit with your
4 response the attached certification form, as executed by the official supervising your compliance
5 with this CID.

6 4.14 **Duty to Preserve Documents: Do not destroy any documents, information,**
7 **or other data relating to any of the requests in this CID.** All documents, information, and
8 other data that relate to the subject matter or requests of this CID must be preserved. Any
9 destruction involving such documents, information, and other data must cease immediately, even
10 if it is your normal or routine course of business to delete or destroy such documents,
11 information, or data and, even if you believe such documents, information, or data are privileged
12 or otherwise need not be produced.

13 **V. INTERROGATORIES**

14 **INTERROGATORY NO. 1:** Identify all Persons involved in responding to this CID,
15 including identification of each Request that each Person provided information for or answered.

16 **ANSWER:**
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19 **INTERROGATORY NO. 2:** Describe Your corporate structure and ownership. Please
20 include all relationships with any parent, affiliate, sister, subsidiary, predecessor, or successor
21 assignee(s).

22 **ANSWER:**
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1 **INTERROGATORY NO. 3:** Identify all Persons responsible for Your regulatory
2 compliance.

3 **ANSWER:**
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6 **INTERROGATORY NO. 4:** For the time period of July 1, 2022 to the present, identify
7 each of Your sales, transfers, or other distributions of Large Capacity Magazines to any person
8 or entity located in the State of Washington. When identifying each such sale, transfer, or
9 distribution, include:

- 10 a. Customer name;
11 b. Shipping address;
12 c. Telephone number;
13 d. Email address;
14 e. Model number and name of Large Capacity Magazine(s);
15 f. Quantity of Large Capacity Magazine(s);
16 g. Date of sale, transfer, or distribution; and
17 h. Date You shipped Large Capacity Magazine(s) to Washington.

18 **ANSWER:**
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21 **INTERROGATORY NO. 5:** For the time period of July 1, 2022 to the present, identify
22 each Large Capacity Magazine that was returned to You by any person or entity located in the
23 State of Washington. When identifying each such return, include:

- 24 a. Customer name;
25 b. Shipping address;
26 c. Telephone number;

- d. Email address;
- e. Model number and name of Large Capacity Magazine(s) returned;
- f. Quantity of Large Capacity Magazine(s) returned;
- g. Date of return; and
- h. Date Person shipped Large Capacity Magazine(s) to You.

ANSWER:

VI. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Provide any and all documents referenced in, supporting, or that form the basis of your response to the Interrogatories above. This request is intended to include (but not be limited to) all invoices, sales records and receipts of any LCM sales or transfers, shipping manifests or similar paperwork regarding any sales or transfers of LCMs, FFL transfer documentation for any transfer of a firearm packaged with an LCM, etc. Please label those documents as responsive to the corresponding Interrogatory number listed above.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: For the time period of January 1, 2022 to the present, provide all Communications with any Person relating in any way to the sale, transfer, or distribution of Large Capacity Magazines in the State of Washington.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 3:** For the time period of January 1, 2022 to the
2 present, provide all Communications with any firearm dealer, firearm store, or other retailer that
3 sells firearms (i.e., Cabela's, etc.) located within the State of Washington. For purposes of this
4 Request for Production, "Communications" does not include invoices, sales records, receipts,
5 shipping manifests, or similar paperwork.

6 **RESPONSE:**

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10 **This Civil Investigative Demand is issued pursuant to the powers vested in the**
11 **Attorney General of the State of Washington by RCW 19.86.110. The Attorney General is**
12 **authorized to enforce this demand and failure to comply with this demand shall subject**
13 **you to sanctions as provided in RCW 19.86.110.**

14 DATED this 28th day of March, 2023.

15
16 ROBERT W. FERGUSON
Attorney General

17
18 /s/ Bob Hyde
19 BOB HYDE, WSBA # 33593
Assistant Attorney General
20 Attorneys for State of Washington
800 Fifth Avenue, Suite 2000
21 Seattle, WA 98104
(206) 233-3392
Bob.Hyde@atg.wa.gov

CERTIFICATION

I, _____, having made the foregoing responses to the interrogatories and requests for production of documents in this Civil Investigative Demand, certify under penalty of perjury under the laws of the State of _____, that I am authorized to sign legal documents on respondent's behalf and know the responses herein to be true, correct, and complete.

Signature: _____

Title or Position: _____

Date: _____

City and State: _____

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1 **PROOF OF SERVICE**

2 I certify that I caused true and correct copies of this document to be served via Certified
3 Mail on the following party at the following address:

4 **DAVIDSON'S, INC.**
5 **c/o Corporation Service Company**
6 **300 Deschutes Way SW**
7 **Ste. 208 MC-CSC1**
Tumwater, WA 98501

8 I certify, under penalty of perjury under the laws of the State of Washington, that the
9 foregoing is true and correct.

10 DATED this 28th day of March, 2023, at Seattle, Washington.

11
12 /s/ Bob Hyde
13 **BOB HYDE, WSBA # 33593**
14 **Assistant Attorney General**
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**Washington State Attorney General's Office
Consumer Protection Division
Everlaw Document Production Standards**

This document describes the technical requirements for electronic document productions to the Consumer Protection Division of the State of Washington Attorney General's Office (AGO). It is highly recommended that parties confer in advance of any large-scale document production.

Any proposed file formats other than those described below must be discussed with the legal and technical staff of the AGO Consumer Protection Division prior to submission.

1. Definitions and Scope

- a. **"Document(s)"** shall have the broadest meaning pursuant to Rule 34 of the Washington Superior Court Civil Rules (CR) and case law construing the same, and includes all electronic documents or electronically stored information (ESI) existing in any medium from which information can be obtained or translated into reasonably usable form.
- b. **"Native File(s)"** or **"Native Format"** means ESI that have an associated file structure defined by the creating or viewing application in the file type for (or of) the application in which such ESI is normally created, viewed, and/or modified in the regular course of the Producing Party's business.

At a minimum, all spreadsheets, presentation files (PowerPoint), and audio/video files must be produced in native format, unless there is an agreement to the contrary. (Note: An Adobe PDF file is **not** considered a Native File or Native Format unless the document was initially created as a PDF.)

- c. **"Metadata"** means: (i) information associated with or embedded in a Native File that does not constitute the primary content region of the file; and (ii) information generated automatically by the operation of a computer or other information technology system when a Native File is created, modified, transmitted, deleted, or otherwise manipulated by a user of such system.
- d. **"Load File"** means an electronic data file containing information about the Documents in a production, including an indication of which individual pages or files constitute each Document, and data relating to each individual Document, including extracted metadata.
- e. **"OCR"** means optical character recognition, i.e., using software to generate text from an image of text.
- f. **"Extracted Text"** means all text content extracted from a Native File.
- g. **"Receiving Party"** shall mean the party receiving production of Documents in response to any request for production of document(s).

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- h. **"Producing Party"** shall mean the party producing Documents in response to any request for production of documents.
- i. **"Bates Number"** means an identifier that consists of a short two to eight letter prefix, associated with the Producing Party's name, followed by a six-digit number (e.g., ABCD000001). The prefix should include only letters, dashes, or underscores. The prefix and number should not be separated by a space. Each page in the production must be assigned a unique, incremental Bates number. The prefix must be the same for all pages produced from the same Producing Party.

2. General Production Requirements

- a. Reference the specific portion of the request to which you are responding.
- b. All submissions must be organized **by custodian**, unless otherwise instructed.
- c. Electronic files must be produced in their **Native Format**, i.e., the format in which they are ordinarily used and maintained during the normal course of the Producing Party's business. For example, an MS Excel file must be produced as an MS Excel file rather than a PDF or other image of a spreadsheet.
- d. Emails and attachments to emails must be produced in their **Native Format**. If an email or an attachment requires either withholding or redaction, that file may be produced as an image file as long as the parent-child relationship is maintained and reflected in the Load File.
- e. While the AGO accepts imaged productions **in addition** to native formats, imaged productions without native formats are deficient, unless the original document only exists in hard copy form or its Native Format is an image.
- f. All Documents, whether originally stored in paper or electronic form, must be produced in the manner described herein. If the Producing Party has concerns or questions about these specifications and requirements, the Producing Party shall schedule a conference with the Requesting Party's counsel, as soon as possible after receipt of the requests at issue, to discuss alternative production requirements, concerns, formats, or methods.

3. Production Format

Documents shall be produced according to the following specifications:

- a. **Electronic Production of Paper Documents**
Documents that are maintained in paper format shall be scanned images at 300 DPI resolution, in text searchable PDF format that, to the maximum practicable extent, represents the full and complete information contained in the original

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Document. Documents must be produced with the associated OCR text, and Load File. Paper Documents that contain affixed notes shall be scanned with the notes affixed, if it can be done so in a manner so as not to obstruct other content on the document. If the content of the Document is obscured by the affixed notes, the Document and note shall be scanned separately, with a parent-child relationship indicated in the Load File.

b. Electronically Stored Information

Document images should be generated from electronic Documents in a set of color 300 DPI text searchable PDFs, one PDF file per document, that reflects the full and complete information contained on the original document to the maximum practicable extent. Electronic Documents must be produced together with a Load File containing all required metadata as set out in Section 13, below. The Producing Party may withhold the redacted text for redacted Documents.

c. File Structure

The Producing Party shall produce the following sets of files for all produced documents:

i. Load File

- (1) Each production must include a .dat metadata Load File, in a delimited text file format. The first row of the Load File should contain the metadata column/field names. Each subsequent row should contain the metadata for a single document. Each column of each row should contain one metadata value, with values encapsulated by a pre-designated "quote" character and columns separated by a pre-designated "separator" character throughout.
- (2) The Load File should use a thorn (þ, ASCII character 231) as the pre-designated "quote" character, and the special, non-printing character DC4 (ASCII character 20) as the pre-designated column separator.
- (3) The fields Begin Bates, End Bates, and NativePath must be present.
- (4) Every row must have the same number of columns/fields (empty values are acceptable).
- (5) Text must be encoded in either ASCII, UTF-8, or UTF-16.
- (6) The Load File should be placed in the Data folder of the production in the root directory.

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ii. Extracted Text and OCR Files (.txt files)

- (1) A single text file for each Document, containing the text of all the document's pages.
- (2) Pages separated by form feed character (decimal 12, hex 0x0C).
- (3) Filenames should be of the form: <Bates num>.txt, where <Bates num> is the Bates number of the first page of the Document.
- (4) Text and filenames must be encoded in UTF-8.
- (5) Files should be placed in the *text*/subdirectory.

iii. Image Files

- (1) A single 300 DPI, color, text searchable PDF file per Document.
- (2) Filenames should be of the form: <Bates num>.pdf, where <Bates num> is the BATES number of the first page of the document.
- (3) Files should be placed in the *images*/subdirectory.
- (4) PDFs shall include searchable text embedded in the Document.
- (5) No other information should be provided in image filenames, including confidentiality status.
- (6) Filenames must be encoded in UTF-8.

iv. Native Files

- (1) Filenames must be unique in the production, unless the content is identical. We recommend naming files by the Bates number of the first page of the associated Document.
- (2) The filename must retain the file extension corresponding to the original native format; for example, an Excel 2003 spreadsheet's extension must be .xls.
- (3) Each filename, including extension, must correspond to the NativePath metadata field in its corresponding document's row in the Load File.

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(4) Filenames must be encoded in UTF-8.

(5) Files should be placed in the *natives/* subdirectory.

4. Production Method

Production media shall always be encrypted and sent via FTP or SFTP link provided via email at the time a production letter is emailed, unless the parties agree otherwise. If a production is too large to practicably FTP, it may be sent via encrypted physical media such as a Hard Drive or USB, along with a cover letter noting the name of the matter in which it was produced, the production date, the Bates number range of the material contained in the production, and a short description of its contents. Passwords for encrypted media should be sent separately from the media itself.

5. Document Unitization

Imaged Documents shall be unitized in a manner that maintains the Document(s) and any attachments as they existed in their original state.

6. Attachment Families

For electronic Documents, the relationship of documents in a document collection (e.g., cover letter and enclosures, e-mail and attachments, binder containing multiple documents, or other documents where a parent-child relationship exists between the documents) shall be maintained using the Begin Family and End Family fields of the Load File, provided however that the Producing Party must present only one level of parent-child relationship. Document Images generated from attachments to emails stored in Native Format shall be produced contemporaneously and sequentially immediately after the parent email in their Bates numbering.

7. Duplicates

A Producing Party who has more than one identical copy of an electronic document (i.e., the documents are actual and contextual duplicates) need only produce a single copy of that document. A Producing Party need not produce the same electronically stored information in more than one form. Deduplication should be based on the MD5 or SHA1 hash values of native version of documents, respecting differences in families (i.e., two duplicates attached to different emails will both be provided). The hash value will take into account the document's text and intrinsic metadata (e.g., author, date created, etc.), but not extrinsic metadata values (e.g., custodian, file path). Emails should be systematically and consistently de-duplicated.

8. Bates Numbering

Each Producing Party shall Bates number its production(s) as follows:

a. Document Images

Each page of a produced Document shall have a legible, unique page identifier ("Bates Number") electronically "burned" onto the image at a location that does

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not unreasonably obliterate, conceal, or interfere with any information from the source document. The Bates Numbers shall be formatted as described in Section 1.i., above. The Producing Party will use a consistent prefix throughout the matter. Thus, once a party chooses a prefix, *e.g.*, ABCD, it should not later produce a Document using a different prefix, *e.g.*, EFGH. No other legend or stamp should be placed on the Document Image other than a confidentiality legend (where applicable), redactions, and the Bates Number.

b. Native Format Documents

To preserve the integrity of Native Format Documents, no Bates Number, confidentiality legend or internal tracking number should be added to the content of the Native Document.

c. Sort Order

For Bates numbering, documents will be sorted by their original file path in ascending order, preserving family ordering.

9. Confidentiality Designations

Confidentiality designations must be made on an individual document basis – productions where all documents are designated “Confidential” are unacceptable. Documents designated as confidential pursuant to a protective order or other agreement should be clearly labeled as such to avoid inadvertent disclosure of confidential information. Provide the confidentiality designations in a field provided with the load file and emblazon the confidentiality designation on the imaged document with the Bates stamp. The confidentiality legend shall be placed onto each document’s image at a location that does not unreasonably obliterate or obscure any information from the source document.

10. Search Terms

The Producing Party must meet and confer with the Receiving Party before finalizing any search terms to identify electronic documents to be collected for review for possible production, or any subsequent modification of such search terms.

11. Databases

To the extent discovery requires production of discoverable electronic information contained in a large database, the Producing Party should meet and confer with the Receiving Party’s counsel to discuss the format of the production, with an understanding of which fields are relevant, and what set of queries is to be made for discoverable information. Prior to the conference, the Producing Party should produce relevant data dictionaries, white papers, and exemplar reports from the database in a reasonably usable and exportable electronic file (spreadsheet if possible).

12. Privilege Logs

The Producing Party must produce privilege logs in spreadsheet or .csv format. A Producing Party will produce a separate privilege log for each production within 20 days after the production of documents for which a privilege is asserted. The production of a

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privilege log for a custodian or his/her department must be made not less than 20 days prior to that custodian's deposition.

13. Metadata

The Producing Party shall produce the metadata information described below with each production and in the format described above. For each Document, the Producing Party shall produce a line in the corresponding Load File with the following fields, where available. The field naming conventions shall be as set forth in this Section. Datetime metadata will be provided in UTC in a consistent, reasonable, and clearly delimited format (e.g., M/d/y H:m). To the extent timezone information is provided for context, it will be provided in a separate Load File field.

Field Name	Description	Data Type	Example
Begin Bates	Beginning Bates number of first page of a document	Text	ABCD000001
End Bates	Ending Bates number of last page of a document	Text	ABCD000003
Begin Family	Begin Bates of parent document of family of attachments	Text	ABCD000001
End Family	End Bates of last attachment of family	Text	ABCD000004
Pages	Number of Bates stamped pages for the PDF image each document.	Number	3
NativePath	Relative file path of native record within production, including filename and extension of native file within the production. Only for documents produced in native format.	Text	.\VOL001\natives\001\ABCD000001.xlsx
TextPath	Relative file path of text record within production, including filename and extension of the text file within the production.	Text	.\VOL001\text\001\ABCD000001.txt
Placeholder	If Bates stamped document is produced with a placeholder image (values: Y or N)	Text	Y
Redacted	If this document has redactions (values: Y or N)	Text	Y

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ConfDesig or Endorsement	If this document has been designated confidential and emblazoned with a confidentiality stamp.	Text	Confidential
PrivDesig	If this document has been designated privileged.	Text	Privileged Documents
ResponseID	Identification of request to which document is responsive. If your document is responsive to more than one request list each item separated by semi-colons.	Text	RFP 2; RFP 3
All Custodians	For de-duplicated documents, list of all custodians the duplicate copy was collected from.	Text	
All Paths	For de-duplicated documents, list of all file paths for duplicate copies.	Text	
Author	Creator of document	Text	Jones
Bcc	Additional blind recipients of an email (Blind Carbon Copy)	Text	bob@acme.com
Cc	Additional recipients of email (Carbon Copy)	Text	sue@acme.com
Custodian	Name of person from whom documents were collected	Text	Jones
Date Created	Datetime document was created	Datetime	07/21/1969 02:56:00
Date Modified	Datetime document was last modified	Datetime	07/21/1969 02:56:00
Date Received	Datetime document was received	Datetime	07/21/1969 02:56:00
Date Sent	Datetime an email was sent	Datetime	07/21/1969 02:56:00
File Extension	The suffix at the end of the native filename indicating file type	Text	.docx .pdf .xlsx
Filename	Original filename of native document, including extension	Text	interesting_spreadsheet.xlsx

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File Path	Original source file path, including location, folder name, filename, and extension	Text	media.zip/jones.p st//sentmail/444.eml //inte resting_spreadsh eet.xlsx
From	Sender	Text	jones@acme.com
In Reply To	Message id of email this email is in reply to	Text	
Message Id	Unique message id from internet headers	Text	
MD5 Hash	MD5 Hash value of Document	MD5 Hash	
SHA1 Hash	SHA1 Hash value of document	SHA1 Hash	
Subject	Subject line	Text	Check this out!
To	Recipient	Text	mary@acme.com

EXHIBIT

B

From: Hyde, Bob (ATG) <robert.hyde@atg.wa.gov>
Sent: Monday, April 24, 2023 5:23 PM
To: Christopher Renzulli
Cc: Nelson, John (ATG); Carr, Ben (ATG)
Subject: [EXTERNAL] CID to Davidson's - Follow Up to 4/21/23 Call

Mr. Renzulli,

I am following up to our call Friday about the Civil Investigative Demand (CID) to Davidson's. I understand that you were only recently retained, and I appreciate your call in advance of the CID response date (May 1). I also appreciate you relaying that Davidson's intends to cooperate with the CID, which I mentioned during the call is quite important to the Attorney General.

You expressed concern with the breadth of the CID and amount of time it would take for Davidson's to fully respond. During the call you indicated that Davidson's has several dozen sales people who may have responsive information, and that you have not yet had a chance to have in-depth conversations with the company about the CID response. During our call, you requested a 30-day extension of the CID response date, and you indicated that ideally it would be 90 days. I have spoken with my supervisor, and we are not be able to accommodate a 90-day extension. However, we can provide a 30-day extension to respond to the CID on the condition that you provide a complete response to Interrogatory No. 4 and provide related invoices / shipping documents by Friday May 12. The remaining answers and responsive documents would be due June 1.

As to your concerns with the breadth of the CID, we share the ultimate goal. Just as you do not want your client spending hours collecting nonresponsive documents (that you have to spend hours reviewing), we do not want to spend time reviewing them after production. This is why we are requesting Washington-specific information and documents, and we have narrowly limited the timeframe at issue. Additionally, I am providing at the bottom of this email search terms for your client to utilize in gathering documents responsive to RFP 3. These search terms (in conjunction with controls Davidson's IT personnel should be able to configure to limit communications with Davidson's Washington customers) should dramatically reduce the time and burden involved.

Finally, you requested a meet and confer the first week of May. How does Tuesday May 2 at 10 a.m. Seattle time work for you? Based upon our discussion at that meeting, we may be able to further clarify some of the interrogatories and requests to ensure that we are on the same page as to what the State is requesting.

Thanks,

Bob Hyde

Assistant Attorney General
Consumer Protection Division
Washington State Attorney General's Office
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Office: (206) 233-3392
bob.hyde@atg.wa.gov

Search terms:

- Large capacity magazine
- Lar* cap* mag*
- LCM
- High capacity magazine
- Hi* cap* mag*
- HCM
- Standard capacity magazine
- Stan* cap* mag*
- Regular capacity magazine
- Reg* cap* mag*
- Ten round*
- 10 round*
- 10-round*
- Fifteen round*
- 15 round*
- 15-round*
- Seventeen round*
- 17 round*
- 17-round*
- Drum
- Thirty* round*
- 30 round*
- 30-round*
- Senate Bill 5078
- SB 5078
- RCW 9.41
- RCW
- Washington Legislature
- Wash* Leg*
- Constit* AND ((Sec* Amen*) or 2A)
- Unconstit* AND ((Sec* Amen*) or 2A)
- Law enforcement
- Police Dep*
- Police
- Officer
- Military
- Active duty
- Armed forces
- Soldier
- Out-of-state
- Out of state
- Attorney General
- AG Ferg*
- Bob Ferguson
- Federal Way Discount Guns
- FWDG
- Baghai
- Ollerman
- Wirth
- WGS
- Welcher
- Welch* Gun Shop

- mag* AND sweep
- mag* AND legis*
- mag* AND constit*
- mag* AND unconstit*
- mag* AND law
- mag* AND crime
- mag* AND law*
- mag* AND ((Sec* Amen*) or 2A)
- Lobby*

EXHIBIT C

**OFFICE OF THE ATTORNEY GENERAL
STATE OF WASHINGTON**

IN RE THE MATTER OF:

RETAIL SALES OF HIGH CAPACITY
MAGAZINES IN WASHINGTON

DAVIDSON’S, INC.’S OBJECTIONS
AND ANSWERS TO CIVIL
INVESTIGATIVE DEMAND FOR
ANSWERS TO INTERROGATORIES
AND REQUESTS FOR PRODUCTION
OF DOCUMENTS

DAVIDSON’S, INC. TO: Bob Hyde
Assistant Attorney General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

Respondent Davidson’s, Inc. (“Davidson’s”), by and through its attorneys, Renzulli Law Firm, LLP, One North Broadway, Suite 1005, White Plains, NY 10601, and Corr Cronin LLP, 1015 Second Avenue, Floor 10, Seattle, WA 98104, hereby objects to and answers the Consumer Protection Division’s, Office of the Attorney General, State of Washington (“Attorney General”) Interrogatories and Requests for Production of Documents contained in the Civil Investigative Demand (“CID”), dated March 28, 2023, as follows:

GENERAL RESPONSES AND OBJECTIONS

The following General Responses and Objections are hereby incorporated into each of the specific Answers and Responses below as though they are fully set forth in full:

1. Davidson’s objects to the CID in its entirety on the ground that it seeks information and documents pertaining to matters for which the Washington Consumer Protection Act (RCW §§ 19.86, *et seq.*) does not apply and/or is preempted by the comprehensive federal regulatory

scheme applicable to licensed firearm manufacturers, importers, distributors and dealers, and/or Washington's Uniform Firearms Act, RCW §§ 9.41, *et seq.*

2. Davidson's objects to the CID in its entirety on the ground that it seeks information and documents pertaining to products that it has never sold to individual consumers in the State of Washington.

3. Davidson's objects to the CID in its entirety on the ground that the Washington Attorney General has no authority to regulate Davidson's, Inc.'s conduct outside the State of Washington, and the Attorney General has no colorable claim that any wholesale sales or transfers of so-called "Large Capacity Magazines" to licensed firearms dealers in Washington could somehow be an "unfair or deceptive act or practice" under the Washington Consumer Protection Act, RCW §§ 19.86, *et seq.*

4. Davidson's objects to the CID in its entirety on the grounds that it seeks information and documents out of proportion to the ends sought and of such a sweeping nature and so unrelated to the matter properly under inquiry as to exceed the Washington Attorney General's investigatory power. The CID's broad Requests for Production of Documents demand production of unreasonably extensive electronically stored information (ESI) regardless of whether such ESI involves conduct occurring within or outside of the State of Washington, and regardless of whether an action or transaction complies with RCW § 9.41.370(2) including, for example, the wholesale distribution of so-called "large capacity magazines" to a federally licensed dealers in Washington for subsequent retail sale to persons outside the state of Washington.

5. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein to the extent that they seek information or documents

regarding business activities that took place outside of the State of Washington and that are beyond the jurisdiction of the Washington Attorney General.

6. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein to the extent that they seek information or documents regarding actions or transactions permitted by federal law and RCW § 9.41.370(2) and which are beyond the jurisdiction of the Washington Attorney General.

7. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein as they seek to impose obligations upon Davidson's that exceed the scope of permissible discovery under the Washington Superior Court Civil Rules, the Washington Rules of Evidence, RCW § 19.86.110(3), and other applicable rules.

8. The responses and objections herein are neither intended as, nor shall in any way be deemed, an admission or representation that certain documents exist or do not exist.

9. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein insofar as they purport to require Davidson's to create or generate documents that do not currently exist.

10. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein to the extent that they purport to call for the production of documents protected by the attorney-client privilege, the work-product doctrine, the right to free speech under Article 1, Section 5 of the Washington Constitution, the right to privacy under Article 1, Section 7 of the Washington Constitution or any other right to privacy or any other applicable privilege, doctrine, law, or rule protecting information from disclosure. Nothing contained herein is intended to be, nor shall in way be construed as, a waiver of any applicable privilege, doctrine, law or rule protecting information from disclosure.

11. Davidson's objects to the CID and to each Definition, Instruction, Interrogatory and Document Request contained therein to the extent that they purport to call for information or documents a) already in the Washington Attorney General's possession, custody, or control, b) publicly available or otherwise equally available to the Washington Attorney General and Davidson's, or c) more appropriately obtained from other sources.

12. Davidson's objects to the Washington Attorney General's "Everlaw Document Production Standards" set forth in Exhibit A to the CID as the technical requirements are vague and ambiguous, overbroad, unduly burdensome and expensive.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all Persons involved in responding to this CID, including identification of each Request that each Person provided information for or answered.

ANSWER: Davidson's incorporates its General Responses and Objections by reference. Subject to and without waiving or otherwise limiting the foregoing objections, Davidson's states as follows: Wayne E. Tumlin, President, Davidson's, Inc., with the assistance of Davidson's executive committee, compliance committee, legal counsel, and various personnel responsible for information technology management and sales; c/o Christopher Renzulli, Esq., Renzulli Law Firm, LLP, One North Broadway, Suite 1005, White Plains, NY 10601; (914) 285-0700; crenzulli[at]renzullilaw.com.

INTERROGATORY NO. 2: Describe Your corporate structure and ownership. Please include all relationships with any parent, affiliate, sister, subsidiary, predecessor, or successor assignee(s).

ANSWER: Davidson's incorporates its General Responses and Objections by reference and objects to this Interrogatory to the extent that it would necessitate the creation of a compilation,

abstract, audit or summary of commercially sensitive documents. Davidson's objects to this Interrogatory on the grounds that it is vague and ambiguous and overbroad and unduly burdensome. In particular, the term "affiliate" is unclear and subject to numerous definitions and interpretations. Davidson's also objects to this Interrogatory on the grounds that it seeks information regarding business activities that took place and concern matters entirely outside of the State of Washington and which are beyond the jurisdiction of the Washington Attorney General. Davidson's further objects to this Interrogatory on the grounds that it seeks information which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington. Subject to and without waiving or otherwise limiting the foregoing objections, Davidson's states that it is an Arizona for-profit corporation that is owned by certain family trusts.

INTERROGATORY NO. 3: Identify all Persons responsible for Your regulatory compliance.

ANSWER: Davidson's incorporates its General Responses and Objections by reference and objects to this Interrogatory to the extent that it would necessitate the creation of a compilation, abstract, audit or summary of commercially sensitive documents. Davidson's objects to this Interrogatory on the grounds that it is vague and ambiguous and overbroad and unduly burdensome. Davidson's also objects to this Interrogatory on the grounds that it seeks information regarding business activities that took place and concern matters entirely outside of the State of Washington and which are beyond the jurisdiction of the Washington Attorney General. Davidson's further objects to this Interrogatory on the grounds that it seeks information which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington. Subject

to and without waiving or otherwise limiting the foregoing objections, Davidson's states as follows: all Davidson's personnel are responsible for ensuring compliance with federal, state, and local laws and ordinances which are applicable to the distribution, sale and/or transfer of firearms and firearm-related products with the assistance of and guidance provided by Davidson's executive committee, compliance committee, and legal counsel. To the extent that this Interrogatory purports to require Davidson's to provide a list identifying all of its personnel, Davidson's objects for the reasons stated above.

INTERROGATORY NO. 4: For the time period of July 1, 2022 to the present, identify each of Your sales, transfers, or other distributions of Large Capacity Magazines to any person or entity located in the State of Washington. When identifying each such sale, transfer, or distribution, include: a. Customer name; b. Shipping address; c. Telephone number; d. Email address; e. Model number and name of Large Capacity Magazine(s); f. Quantity of Large Capacity Magazine(s); g. Date of sale, transfer, or distribution; and h. Date You shipped Large Capacity Magazine(s) to Washington.

ANSWER: Davidson's incorporates its General Responses and Objections by reference and objects to this Interrogatory to the extent that it would necessitate the creation of a compilation, abstract, audit or summary of commercially sensitive documents. Davidson's objects to this Interrogatory on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and expensive in relation to the needs of the Washington Attorney General's purported investigation, Davidson's limited resources, and the fact that the information requested is not narrowly tailored. Furthermore, Davidson's objects to this Interrogatory on the ground that it seeks information concerning actions or transactions which are expressly permitted by RCW §§ 9.41.370(2)(a)-(c). Davidson's also objects to this Interrogatory on the grounds that it seeks information regarding

business activities which are beyond the jurisdiction of the Washington Attorney General and implicate confidential, trade secret, and commercially sensitive business information, the disclosure of which would cause economic and/or competitive harm to Davidson's. Davidson's further objects to this Interrogatory on the grounds that it seeks information which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington.

INTERROGATORY NO. 5: For the time period of July 1, 2022 to the present, identify each Large Capacity Magazine that was returned to You by any person or entity located in the State of Washington. When identifying each such return; include: a. Customer name; b. Shipping address; c. Telephone number; d. Email address; e. Model number and name of Large Capacity Magazine(s) returned; f. Quantity of Large Capacity Magazine(s) returned; g. Date of return; and h. Date Person shipped Large Capacity Magazine(s) to You.

ANSWER: Davidson's incorporates its General Responses and Objections by reference and objects to this Interrogatory to the extent that it would necessitate the creation of a compilation, abstract, audit or summary of commercially sensitive documents. Davidson's objects to this Interrogatory on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and expensive in relation to the needs of the Washington Attorney General's purported investigation, Davidson's limited resources, and the fact that the information requested is not narrowly tailored. Furthermore, Davidson's objects to this Interrogatory on the ground that it seeks information concerning actions or transactions which are expressly permitted by RCW §§ 9.41.370(2)(a)-(c). Davidson's also objects to this Interrogatory on the grounds that it seeks information regarding business activities which are beyond the jurisdiction of the Washington Attorney General and implicate confidential, trade secret, and commercially sensitive business information, the

disclosure of which would cause economic and/or competitive harm to Davidson's. Davidson's further objects to this Interrogatory on the grounds that it seeks information which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Provide any and all documents referenced in, supporting, or that form the basis of your response to the Interrogatories above. This request is intended to include (but not be limited to) all invoices, sales records and receipts of any LCM sales or transfers, shipping manifests or similar paperwork regarding any sales or transfers of LCMs, FFL transfer documentation for any transfer of a firearm packaged with an LCM, etc. Please label those documents as responsive to the corresponding Interrogatory number listed above.

RESPONSE: Davidson's incorporates its General Responses and Objections by reference and objects to this Request on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and expensive in relation to the needs of the Washington Attorney General's purported investigation, Davidson's limited resources, and the fact that the documentation requested is not narrowly tailored. Furthermore, Davidson's objects to this Request on the ground that it seeks documentation concerning actions or transactions which are expressly permitted by RCW §§ 9.41.370(2)(a)-(c). Davidson's also objects to this Request on the grounds that it seeks documentation regarding business activities which are beyond the jurisdiction of the Washington Attorney General and implicate confidential, trade secret, and commercially sensitive business information, the disclosure of which would cause economic and/or competitive harm to Davidson's. Davidson's further objects to this Request on the grounds that it seeks documentation which has no relevancy to the Washington Attorney General's purported investigation into retail

sales of magazines involving consumers who are located wholly within the State of Washington. Additionally, Davidson's objects to this Request to the extent that it seeks production of "any and all" documents under circumstances in which the production of a subset of documents would be sufficient to show the pertinent information on the ground that such a provision is overbroad and unduly burdensome.

REQUEST FOR PRODUCTION NO. 2: For the time period of January 1, 2022 to the present, provide all Communications with any Person relating in any way to the sale, transfer, or distribution of Large Capacity Magazines in the State of Washington.

RESPONSE: Davidson's incorporates its General Responses and Objections by reference and objects to this Request on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and expensive in relation to the needs of the Washington Attorney General's purported investigation, Davidson's limited resources, and the fact that the documentation requested is not narrowly tailored and includes communications dated prior to Senate Bill 5078's effective date. Furthermore, Davidson's objects to this Request on the ground that it seeks documentation concerning actions or transactions which are expressly permitted by RCW §§ 9.41.370(2)(a)-(c). Davidson's also objects to this Request on the grounds that it seeks documentation regarding business activities which are beyond the jurisdiction of the Washington Attorney General and implicate confidential, trade secret, and commercially sensitive business information, the disclosure of which would cause economic and/or competitive harm to Davidson's. Davidson's further objects to this Request on the grounds that it seeks documentation which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington. Additionally, Davidson's objects to this Request to the extent that it seeks production of "all

Correspondence” under circumstances in which the production of a subset of documents would be sufficient to show the pertinent information on the ground that such a provision is overbroad and unduly burdensome. Subject to and without waiving or otherwise limiting the foregoing objections, Davidson’s states that this overly broad Request implicates a substantial and overly burdensome volume of irrelevant electronically stored information (ESI) which could cost Davidson’s more than \$2,300,000.00 to collect, process, and review for potential responsiveness.

REQUEST FOR PRODUCTION NO. 3: For the time period of January 1, 2022 to the present, provide all Communications with any firearm dealer, firearm store, or other retailer that sells firearms (i.e., Cabela’s, etc.) located within the State of Washington. For purposes of this Request for Production, “Communications” does not include invoices, sales records, receipts, shipping manifests, or similar paperwork.

RESPONSE: Davidson’s incorporates its General Responses and Objections by reference and objects to this Request on the grounds that it is vague and ambiguous, overbroad, unduly burdensome and expensive in relation to the needs of the Washington Attorney General’s purported investigation, Davidson’s limited resources, and the fact that the documentation requested is not narrowly tailored and includes communications dated prior to Senate Bill 5078’s effective date. Furthermore, Davidson’s objects to this Request on the ground that it seeks documentation concerning actions or transactions which are expressly permitted by RCW §§ 9.41.370(2)(a)-(c). Davidson’s also objects to this Request on the grounds that it seeks documentation regarding business activities which are beyond the jurisdiction of the Washington Attorney General and implicate confidential, trade secret, and commercially sensitive business information, the disclosure of which would cause economic and/or competitive harm to Davidson’s. Davidson’s further objects to this Request on the grounds that it seeks documentation

which has no relevancy to the Washington Attorney General's purported investigation into retail sales of magazines involving consumers who are located wholly within the State of Washington. Additionally, Davidson's objects to this Request to the extent that it seeks production of "all Correspondence" under circumstances in which the production of a subset of documents would be sufficient to show the pertinent information on the ground that such a provision is overbroad and unduly burdensome. Subject to and without waiving or otherwise limiting the foregoing objections, Davidson's states that this overly broad Request implicates a substantial and overly burdensome volume of irrelevant electronically stored information (ESI) which could cost Davidson's more than \$2,300,000.00 to collect, process, and review for potential responsiveness.

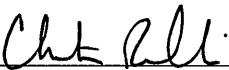
* * *

The foregoing objections and answers reflect only the current state of Davidson's knowledge, understanding and belief with respect to the matters addressed in the CID. The foregoing objections and answers are neither intended as, nor shall in any way be deemed, an admission or representation that certain information or documents exist or do not exist. Without obligating itself to do so, Davidson's reserves the right to modify, supplement, amend, or revise its objections and answers with pertinent information as it may subsequently discover.

DATED: May 1, 2023

Yours, etc.,

RENZULLI LAW FIRM, LLP



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-and-

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E-Mail: sfogg@corrchronin.com

Attorneys for Respondent Davidson's, Inc.

CERTIFICATION

I, Wayne E. Tumlin, having made the foregoing responses to the interrogatories in this Civil Investigative Demand, certify under penalty of perjury under the laws of the State of North Carolina, that I am authorized to sign legal documents on respondent's behalf and know the responses herein to be true, correct, and complete.

Signature: Wayne E. Tumlin
Title or Position: President
Date: May 1, 2023
City and State: Greensboro, North Carolina


PROOF OF SERVICE

I certify that I caused true and correct copies of this document to be served via e-mail and Certified Mail, Return Receipt Requested, on the following party at the following address:

Bob Hyde
Assistant Attorney General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
robert.hyde@atg.wa.gov

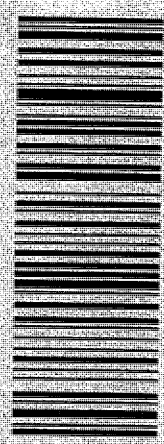
I certify, under penalty of perjury under the laws of the State of New York, that the foregoing is true and correct.

DATED this 1st day of May, 2023, at White Plains, New York.



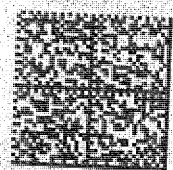
Christopher Renzulli, Esq.
Attorney for Respondent, Davidson's, Inc.

CERTIFIED MAIL™



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RENZULLI LAW FIRM LLP
ONE NORTH BROADWAY
SUITE 1005
WHITE PLAINS, NY 10601

TO:

Bob Hyde
Assistant Attorney General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

COMPLETE THIS SECTION

1, 2, and 3, and address on the reverse return the card to you. On the back of the mailpiece, space permits.

Bob Hyde
Assistant Attorney General
Office of the Attorney General

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input checked="" type="checkbox"/> Agent
B. Received by (Printed Name)	<input type="checkbox"/> Addressee
C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	