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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	Docket No. CR06-305 TSZ
)	
Plaintiff,)	Seattle, Washington
)	June 19, 2007
vs.)	
)	
ALBERT KWOK-LEUNG KWAN,)	
)	
Defendant.)	
)	
_____)	

TESTIMONY OF LEN SAVAGE
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:
William Redkey

For the Defendant:
Eric R. Stahlfeld
Joseph R. Conte

Court Reporter: Nichole Rhynard, CCR, CRR, RMR
Federal Court Reporter
206.370.8504

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(None admitted.)

1 June 19, 2007 - Time 9:00 a.m.

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7 MR. CONTE: We call Mr. Len Savage.

8

9 LEN SAVAGE, the witness, after being duly sworn
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CONTE:

13 Q Please state your name for the record.

14 A My name is Len Savage.

15 THE COURT: You want to spell your last name for the
16 record.

17 A S-A-V-A-G-E.

18 THE COURT: Go ahead.

19 BY MR. CONTE:

20 Q Where are you from?

21 A Heard County, Georgia.

22 Q And how are you employed?

23 A I own a company called Historic Arms, LLC.

24 Q How long have you owned that company?

25 A Since about 2000, 2001.

1 Q How old are you?

2 A 40.

3 Q And how far did you go in school?

4 A Two years of college after high school.

5 Q And when did you become interested in guns?

6 A Since I can remember.

7 Q And your business, what exactly does your business do?

8 A We design reproductions of historic machineguns utilizing
9 as many of the original parts as possible.

10 Q How does that work?

11 A Well, we take machinegun parts, we assemble them so they
12 conform with the regulations of the ATF, make sure it's a
13 closed bolt, semi automatic only, send it to the ATF to verify
14 compliance, and then we offer it for sale.

15 Q And what, if any, background do you need to do that type
16 of business?

17 A Well, you've got to understand machining and welding, as
18 well as how firearms operate and the different systems.

19 Q And your historical approach would cause research into the
20 configuration of those weapons?

21 A Oh, yes, sir.

22 Q What type of weapons have you worked on?

23 A Worked on or designed?

24 Q Designed.

25 A The Bren Mark II semi automatic, RPD semi automatic, the Mag

1 58 semi automatic, the SGNB semi automatic, the 971 sport
2 rifle, and a host of other systems that are designed to
3 integrate with legal machin guns.

4 Q Now, besides your own company have you worked and
5 consulted with other companies?

6 A Yes, sir. That's the main thrust of my business, is
7 research design and development for other manufacturers.

8 Q And approximately how many other manufacturers have you
9 worked for?

10 A About six.

11 Q And you've been doing that all since 2000, 2001?

12 A Yes. Before then actually. I did some research and
13 development before that. But it was getting to the point
14 where I had to get my FFL.

15 Q And you said you had contact with the firearm technology
16 branch. How much contact have you had with them?

17 A Quite a bit. At least weekly on average.

18 Q And have you consulted with other people involving
19 firearms?

20 A Yes, sir.

21 Q Like who?

22 A Attorneys, lawyers, other manufacturers, people who own
23 extensive collections so I can examine some of the rarer
24 pieces.

25 Q Have you been hired as an expert by these people?

1 A From time to time.

2 Q And have you published articles about firearms?

3 A I've authored one. But there has been quite a bit that
4 have been authored by other people about my designs and our
5 firearms, as well as some other things involving the ATF.

6 Q And have you become involved in legislation concerning --

7 A Yes, I have.

8 Q What type of legislation is that?

9 A The short title was the Fairness in Firearms Testing Act.

10 Q What was that about?

11 A A real simple, short piece of legislation that would
12 require the firearms technology branch to videotape all their
13 testing and examinations.

14 MR. CONTE: Your Honor, we offer Mr. Savage as an
15 expert.

16 THE COURT: Do you wish to voir dire?

17 MR. REDKEY: If I could ask a couple questions.

18 THE COURT: You may.

19 VOIR DIRE EXAMINATION

20 BY MR. REDKEY:

21 Q Good morning, Mr. Savage. I'm Bill Redkey.

22 A Good afternoon.

23 Q I had a chance to look at your CV. I want to make sure I
24 didn't miss anything with respect to your qualifications.

25 Is it correct that you've never actually testified as a

1 witness before in a court of law?

2 A I've never been allowed to testify. They usually dismiss
3 the charges beforehand.

4 Q Now, you list no military service either; is that correct?

5 A That is correct.

6 Q And no trade schools in gunsmithing?

7 A No trade schools in gunsmithing, but I'm a journeyman
8 machine builder by trade. I have an honorable withdrawal
9 card from the United Auto Workers.

10 Q But no gunsmithing?

11 A A gun is a machine. It's a little bit bigger than a
12 pocket watch, a little bit smaller than a car. A machine is
13 a machine. The same principles apply.

14 Q Have you had any formal training in firearms
15 classification?

16 A No, sir.

17 Q Have you had any formal training in federal firearms laws?

18 A No, sir.

19 Q Have you had any specialized training in Winchester or
20 M-14s?

21 A No, sir.

22 Q H&K VP 70s?

23 A No, sir. No formal training, but I've fired all these
24 weapons, examined them in my day-to-day operations at Knob
25 Creek, working with other manufacturers. But no formalized

1 schooling.

2 Q That is, no schooling where people with superior knowledge
3 would check your progress and make sure you were learning
4 along the right path and firing with correct knowledge -- in
5 other words, no supervision over that schooling?

6 A Well, I've gone to other manufacturers who have been in
7 the business quite a bit longer than I have and had them
8 school me. If that's your definition of schooling then I've
9 obviously had it.

10 Q Go ahead.

11 A But it wasn't at a university or recognized school, no.

12 Q You haven't taken any armorer's courses from Beretta,
13 Glock, Smith & Wesson, so forth?

14 A Well, an armorer's course is a maintenance course. No, I
15 haven't.

16 Q And I believe you got your 07 SOT FFL four years ago, in
17 2003; is that correct?

18 A 2003 I don't believe is correct. I believe it was 2001.

19 Q I stand corrected.

20 MR. REDKEY: We pass, Your Honor.

21 THE COURT: All right. You may inquire.

22 DIRECT EXAMINATION

23 BY MR. CONTE:

24 Q You were retained by me; is that correct?

25 A That is correct.

1 Q I'm paying you a fee?

2 A Yes, sir.

3 Q So we have that straight, would you tell the ladies and
4 gentlemen of the jury what the fee is?

5 A \$3,500 plus travel, to cover my expenses coming here.

6 Q Now, when I first retained you I sent you some photographs
7 of an M-14; is that correct?

8 A Yes, sir.

9 Q And I also sent you the FTB reports on the M-14 and the
10 VP70; is that correct?

11 A That is correct.

12 Q On specifically the M-14 -- you wrote a report about both
13 to me, correct?

14 A Yes, sir.

15 Q And specifically on the M-14 you were operating under a
16 misbelief that they weld on that sear attached to the frame;
17 is that correct?

18 A Are we talking about the weld on the sear release and the
19 selector shaft?

20 Q Yes, sir.

21 A By looking at the photograph it looks like the weld goes
22 beyond just those two components and attached to the lug
23 underneath.

24 Q And you subsequently learned that that is not true. You
25 were here for Mr. Galbraith's testimony?

1 A Yes, sir.

2 Q And he testified that it wasn't welded to it; is that
3 correct?

4 A Yes, sir. That's correct.

5 Q And you examined that firearm?

6 A Yes.

7 Q What were your findings?

8 A Well, when I examined the firearm -- when I looked at the
9 photographs and I look at his report the pieces that he's
10 talking about, the sear release and selector shaft, were
11 still permanently attached to the receiver. If they weren't
12 attached to the receiver he would have had no need to use a
13 tool to cut anything off. It would have fell out or he could
14 have removed it.

15 When the weld on that earlier photograph that you were
16 showing earlier -- the way that those are assembled --

17 MR. CONTE: May I return the photograph?

18 BY MR. CONTE:

19 Q Let me put one of the photographs on the screen for you.
20 I'll direct your attention to defendant's Exhibit No. A-7.
21 Can you see that?

22 A Yes, sir.

23 Q What is it showing?

24 A Well, it's a picture of the receiver sear release and
25 selector shaft. You can see the weld right here

1 (indicating). And it shows that the two pieces were joined
2 together. What is not brought up is those two pieces cannot
3 be removed from that receiver unless you cut that weld. And
4 welding by definition is to permanently join two pieces of
5 metal together. It's not designed to be temporary.

6 Q All right. So we have a permanent change to the receiver?

7 A Correct. That's permanently attached.

8 Q Now, you reviewed the FTB report on the M-14, correct?

9 A Yes, sir.

10 Q And did you find any errors in the report?

11 A Yes, sir.

12 Q And what were they?

13 A Mr. Galbraith stated in his report that he didn't modify
14 the receiver in Exhibit No. 45 in any way. He said that
15 twice in his report. Then why did he need a Dremel, rotary
16 tool? He had to use a machine, a machine tool to cut the
17 weld in order to remove those parts because those parts could
18 not be removed unless that was cut.

19 Q Were there any other omissions in the report?

20 A It lacked any scientific method or documented, established
21 procedure he followed. It also lacked a timeline.

22 Q What do you mean a timeline?

23 A He didn't state in his report when he started, when he
24 ended, with his test. There is no timeline.

25 Q And that's important why?

1 A Because the time it takes to turn something from a
2 semi automatic firearm to a machin gun is significant to ATF.

3 Q All right. Did he list the procedures that he used in the
4 report?

5 A He didn't list any procedures. He just goes on to state
6 what he did. He didn't say these are the procedures I'm
7 going to be following, and then go through and how they
8 applied to that weapon. It's obvious from the report that
9 when it didn't work the first go-around when he did his
10 function test or dry-fire test he just threw more parts at it
11 until he could get it to fire full auto. There is nothing
12 that says that he can go one step, two steps, five steps, 20
13 steps. He could just have continued to throw parts at it
14 until it goes full auto.

15 Q Well, I believe he testified when he was on the stand that
16 once a machin gun always a machin gun. Was that true for
17 government's Exhibit No. 1?

18 A Well, that's a misleading statement. That's not true. I
19 have personal knowledge that that is not true.

20 Q What personal knowledge is that?

21 A When I submit a sample to FTB for approval with the
22 government sometimes my first tryout doesn't work out so
23 well. And they'll point out features or characteristics that
24 they don't like and say because of these features or
25 characteristics it's a machin gun. They ship it back to me.

1 I take a look at what they said the features and
2 characteristics were. And then I would modify that to be in
3 accordance with the law and resubmit it to firearms
4 technology branch.

5 At least one incidence that I can think of off the top of
6 my head when they were going to send it back to me they said
7 you must file a Form 2 -- a Form 2 is where you declare and
8 you notify the government that you're going to manufacture a
9 machinегun. Sometimes they require it before they ship it
10 back to you. Sometime they don't.

11 If you file a Form 2 you have notified the government
12 you've manufactured a machinегun. They send my sample back
13 to me. And then I look at the features and characteristics
14 they say are offensive to the law. With respect to that I'll
15 modify that weapon and resubmit it to firearms technology
16 branch for analysis.

17 And in one incidence, the SGMB semi automatic, they then
18 declared it to be a firearm under 18 USC or illegal and
19 unlawful to possess. I filed a memorandum of update to the
20 NFRTR, gave them a copy of ATF's report declaring it to be a
21 lawful firearm and asked it to be removed from the registry.
22 And it was no longer a machinегun at that point, and I sold
23 it to a customer.

24 Q All right. I guess the follow-up question is: Is a frame
25 or receiver always a firearm -- a machinегun?

1 A

2 It depends. That would depend on what type of weapon
3 we're talking about.

4 Q What about the M-14 that was brought in -- government's
5 Exhibit No. 1?

6 A The frame or receiver is, as he said, the heart of the
7 weapon.

8 THE COURT: Is there a difference between the frame
9 and the receiver? Or are they different words to describe
10 the same thing?

11 A It can be very confusing.

12 Sometimes what you would think would be the frame or
13 receiver -- government's Exhibit No. 1. The frame or the
14 receiver is a frame or receiver because the barrel attaches
15 to it, the sights are on it, and the bolt and bolt carrier
16 are within it.

17 However, on an AR-15 or M-16 that same housing that holds
18 the barrel, holds the sights, holds the bolt and bolt carrier
19 isn't a firearm, and you don't even have to fill out a 4473
20 to purchase one.

21 BY MR. CONTE:

22 Q Where is the frame or receiver on the AR-15?

23 A That would be what they consider the lower receiver and it
24 houses the trigger group and the butt stock and pistol grip.

25 Q So I guess that begs the question: What is the most

1 important part of the gun? Is it the frame, the receiver, or
2 the trigger group? Frame or the trigger group?

3 A That's a moving target and subject to interpretation and
4 reinterpretation.

5 Q Well, does the FTB change their interpretation of what is
6 the frame or receiver or machinегun over time?

7 A Yes, sir.

8 Q How often does that happen?

9 A It can happen -- how often does it happen? I can only
10 tell you it's happened to me more than once.

11 Q So would it be possible at one point for them to designate
12 one point of the AR-15 as the receiver and another time it
13 could be the lower part?

14 A Not to my knowledge on that particular firearm. But on
15 some other firearms or firearm systems that I'm very familiar
16 with at one point the government determined it to not be a
17 firearm nor a machinегun, and then ten months later wrote me
18 a letter saying we've changed our mind; not only is this a
19 firearm it's a machinегun.

20 Q So the FTB is capable of making mistakes?

21 A Oh, yes, sir. They've made multiple mistakes in dealing
22 with my company.

23 Q And to your knowledge have they made mistakes with other
24 companies?

25 A Yes, sir.

1 Q And what about -- I'll withdrawal that question.

2 A This --

3 Q There's no, question sir.

4 You were here during Mr. Galbraith's testimony. You heard
5 his testimony, correct?

6 A Yes, sir.

7 Q And he testified that he could make a machinegun out of a
8 semi automatic?

9 A That's entirely correct. All semi automatics can be turned
10 into a machinegun if you give enough time and effort into
11 them. Some much faster than others.

12 Q Well, you've read his report on the M-14. How much
13 training and experience would you need in firearms to make
14 the same changes that he was able to make whether it's 30
15 minutes to two hours?

16 A Well, somebody more than average would have to understand
17 how to do that so that they didn't damage it when they
18 attempted it.

19 Q Could you damage the frame or receiver with a Dremel tool?

20 A Certainly.

21 Q So before you make any changes to it you probably have to
22 have some experience. Would that be a fair statement?

23 A Yes, sir.

24 MR. CONTE: Court's indulgence.

25 BY MR. CONTE:

1 Q The guns you supply are all historical replicas?

2 A Most of them.

3 Q And the methods that Mr. Galbraith talked about today and
4 the M-14, if they applied to your guns what would happen?

5 A I'm afraid if -- if you were allowed to just remove weld
6 in order to change a semiautomatic to a full automatic then
7 certainly one or two of my firearms would fall under that and
8 would be illegal under that type of criteria that you
9 described.

10 Q What does a weld do to a gun?

11 A Well, it can do many things. You can join parts together.
12 Specifically, if you were to remove the weld in my Bren
13 semiautomatic, the only difference in my Bren semiautomatic
14 receiver and a fully automatic Bren is weld on the interior
15 left-hand rail. If you remove the weld from that it would
16 become a machinergun receiver. But that would be illegal.

17 Q To your knowledge has the M-14 ever been sold to the
18 general public?

19 A Yes, sir.

20 Q When was that?

21 A 1963 to '65. The DCM, now called the civilian
22 marksmanship program, utilized very much similar methods in
23 manufacturing a semiautomatic version of the M-14 and sold it
24 to the general public. Thousands of them.

25 Q And how long did that go on?

1 A I believe in 1968, 1970, the ATF changed its mind. They
2 originally approved that type of method and then
3 approximately 1970 changed their mind from my research.

4 Q Has the M-14 ever been used as a sniper rifle?

5 A I believe so.

6 Q Is that used in semi or full automatic mode?

7 A Semi. You wouldn't -- a sniper rifle to me would indicate
8 that a scope would be mounted. I would not want to try to
9 attempt to shoot an M-14 with a scope on it.

10 MR. CONTE: I have nothing further. Thank you.

11 THE COURT: Cross of the witness.

12 CROSS-EXAMINATION

13 BY MR. REDKEY:

14 Q Mr. Galbraith, you were not present during Adam
15 Galbraith's -- I'm sorry, Mr. Galbraith's examination of the
16 firearms in this case, were you?

17 A No, sir, I was not present. I'm going off his report and
18 the photographs.

19 Q So you just read the report of his technical examination?

20 A And what it did contain or did not contain. That is
21 correct.

22 Q You were observing here today as he gave his testimony?

23 A Yes, sir.

24 Q And wouldn't you agree that that was a very professional
25 technical examination that he recreated here today?

1 A Yes, sir.

2 Q You don't doubt his credentials as an expert, do you?

3 A I don't doubt his credentials. I doubt his conclusions.

4 Q You've never actually restored an M-14 from semi automatic
5 to full automatic or vice-versa, have you?

6 A No, sir.

7 Q But you're familiar with the cutting tool that
8 Mr. Galbraith talked about here today, the Dremel tool?

9 A Yes, sir.

10 Q Is that a tool that you use in your firearm manufacturing?

11 A That's one of many I have.

12 Q That's a tool that is fairly common in the industry, isn't
13 it?

14 A It is.

15 Q It's fairly common? You can probably go down to Home
16 Depot and buy it, couldn't you?

17 A Yes, sir.

18 Q And you agree with the report that -- and Mr. Galbraith's
19 testimony -- that he had to cut a small weld on the sear
20 release, is that right, on the internal mechanism?

21 A Yes, sir. But that same operation performed, say, on an
22 SKS rifle which is commonly available would turn it into a
23 machin gun and it would not require any more parts.

24 Q Okay. And that particular part that was welded was not
25 welded to the frame and the receiver, was it? Let's use the

1 term "receiver." Is receiver the term that is usually used
2 with respect to machin guns and frames or more with pistols
3 and so forth?

4 A They have been interchanged in our industry.

5 Q I'll call it a receiver.

6 A That's fine.

7 Q There wasn't actually any change to the receiver itself,
8 was there?

9 A That's incorrect, sir.

10 Q Why?

11 A Because those two parts were permanently attached to that
12 receiver by weld. At that point in time you could not remove
13 those parts unless you machined off that weld. At that point
14 in time it became one homogenous unit.

15 Q So your testimony is that simply by removing that weld he
16 altered the receiver of that firearm?

17 A Certainly.

18 Q But you would agree that it's a fairly simple procedure to
19 cut that weld and you probably do that many times during a
20 week or month of your manufacturing?

21 A It is a simple procedure. But as I've told you there is
22 other firearms out there that you could do that to that you
23 could render into a machin gun far faster than the 30 minutes
24 that he said it took him to do this.

25 Q So your answer is it is a fairly quick and easy procedure?

1 A It is if you know precisely what you're cutting and where
2 to cut it and how to cut it. Had somebody been untrained
3 what they would have done they could have cut right through
4 that lug and rendered that thing ruined, and there is no way
5 parts could have fit, and they could have actually harmed the
6 shooter.

7 Q But you would agree that Adam Galbraith is not such a
8 person. He's --

9 A No. He has extensive knowledge.

10 Q So when he did it fairly quickly and fairly simply you
11 would agree that that is how it was done, wouldn't you?

12 A I would agree that Mr. Galbraith could do that fairly
13 simply and fairly quickly because he's an expert not an
14 average person.

15 Q And wouldn't you agree that it's a fairly simple and quick
16 procedure to simply remove the trigger group from that
17 firearm?

18 A Certainly.

19 Q And to remove the stock from that firearm?

20 A Certainly.

21 Q And wouldn't you agree also that it's fairly quick and
22 simple to reinstall the parts that you heard him testify
23 about?

24 A But even he didn't realize the parts were modified. He
25 said so in his report.

1 Q The trigger group, he said there was a piece on the
2 trigger group that had been modified?

3 A Sear had been removed in the Exhibit 1 to preclude it from
4 firing fully automatically.

5 Q Right. That's part of the trigger group, isn't it?

6 A Yes, sir. But if he's an expert and he didn't realize it
7 right away, how could anybody else?

8 Q Maybe he didn't look.

9 THE COURT: Just a moment. Don't argue with the
10 witness. You can ask questions. He'll give answers. That
11 is the way we proceed.

12 BY MR. REDKEY:

13 Q So but my point is that part is not on the trigger group;
14 is that correct?

15 A What part? I don't understand.

16 Q The part that was ground down that prevented it from
17 firing full auto.

18 A That's a part of the trigger group, yes.

19 Q Not part of the receiver?

20 A That is correct.

21 Q When he discovered that all he had to do was just switch
22 out the trigger group and put in a new one; is that correct?

23 A When you say "just switch out" they happen to have an
24 extensive firearms collection. Even I as a manufacturer
25 would have to make arrangements and have it shipped in and

1 find one that hasn't been altered.

2 Q So then you would agree that at least the trigger group
3 part is something that is available on the open market. It's
4 not a restricted part?

5 A It's available. It's not readily available. You can't
6 walk down to your Wal-Mart and buy one.

7 Q But if you were in business you could find it somewhere,
8 Internet catalogs, etcetera?

9 A Certainly, if you were in the business.

10 Q Now, you talked a little bit about these M-14s that were
11 sold at one point to the general public.

12 Do you recall that testimony?

13 A Yes, sir. That is correct.

14 Q And by your testimony those guns were sold to the DCM?

15 A Not sold to the DCM. The director of civilian
16 marksmanship is what DCM stands for. They were sold to the
17 general public through the DCM. And this is what my research
18 indicated. I had to find out. I couldn't tell from the
19 photograph whether or not that was a DCM-sold rifle or not.

20 Q And then later they were recalled, according to your
21 testimony?

22 A I didn't say they were recalled. I said that the ATF
23 changed its mind.

24 Q And when was that?

25 A I believe 1970.

1 Q And, in fact, wasn't it around 1968 when the Gun Control
2 Act was enacted?

3 A Yes, sir.

4 Q And that affected the change in the law with respect to
5 those guns, didn't it?

6 A Yes, sir. That's where readily restorable I guess got its
7 start because people were just removing internal components
8 from their firearms and saying, Okay, it won't shoot. And
9 this new law addressed that.

10 Q Because it was too easy to switch it out and restore it to
11 full auto?

12 A You didn't have to make any alterations at that point. It
13 just didn't have to fire is my understanding.

14 Q But you are familiar generally with the Winchester M-14;
15 is that correct?

16 A I'm familiar with the M-14, T and W. Quite a few other
17 manufacturers. I looked and examined and fired.

18 Q I'm focusing on the Winchester M-14. You're aware that
19 that was manufactured to fire in both semi automatic and full
20 automatic mode; is that correct?

21 A That is correct.

22 Q And it was manufactured with what was called a selector or
23 selector switch so that you could choose which mode to shoot
24 it in; is that correct?

25 A Yes, sir, that is correct.

1 Q And it is the frame and receiver I think you agreed is the
2 heart of the firearm and that's the part of the firearm, is
3 it not, that permits that gun to fire in a full-auto mode?

4 A That is incorrect.

5 Q Correct me.

6 A You have to have all the other ancillary equipment. You
7 have the full auto trigger group, the selector, you have to
8 have --

9 Q To be sure, there are other parts, but that is the part
10 that allows those other parts to interact and shoot full
11 automatic; is that correct?

12 A That is correct. And it's also very confusing because if
13 those same rules apply then every AR-15 upper would have to
14 be considered a machinegun because they allowed the same
15 thing.

16 Q All right. And you had frequent interaction with ATF and
17 FTB; is that correct?

18 A That is correct.

19 Q So you have actually come to rely to some degree, or maybe
20 to a great degree, on their expertise in deciding the
21 classification of firearms; is that correct?

22 A To a degree. Sometimes I don't always agree with them. I
23 don't always rely on them. We discuss it. I've developed a
24 professional relationship with the firearms technology branch
25 over the years.

1 MR. REDKEY: If I may have a few moments.

2 Your Honor, I have no further questions of this
3 witness.

4 THE COURT: Any redirect?

5 MR. CONTE: No, thank you, Your Honor.

6

7

8 (Testimony concluded.)

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I, Nichol e Rhynard, CCR, CRR, RMR, Court Reporter for the United States District Court in the Western District of Washington at Tacoma, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographi cally.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated thi s 24th day of July, 2007.

/S/ Nichol e Rhynard

Ni chol e Rhynard, CCR, CRR, RMR
Offi ci al Court Reporter