

# **EXHIBIT B**

**SWORN DECLARATION OF  
GARY MARBUT DATED MAY 25, 2010**

I, Gary Marbut, declare as follows:

1. I am of adult age. I am mentally sound and competent to testify in the courts of the State of Montana. The matters set forth in this Affidavit are based upon my own personal knowledge unless otherwise stated.

2. I will testify in open court, if called upon to do so, as to the facts set forth herein.

3. I am 63 years old and am a longtime resident of Missoula County, Montana, having first moved to Missoula County in about 1954. I have never been arrested for or convicted of any crime. I have never been a defendant in a criminal matter (other than a rare parking ticket or more rare moving vehicle violation).

4. I am intimately involved with and am familiar with firearms, having used them since childhood. I have handloaded my own ammunition since high school (graduated 1964).

5. I currently serve as President and Chairman of the Board of Directors of the Montana Shooting Sports Association and as Secretary and a member of the Board of Directors of the Western

Montana Fish and Game Association. I am a member of the United States Practical Shooting Association, the Big Sky Practical Shooting Club, the National Rifle Association, Gun Owners of America, Citizens Committee for the Right to Keep and Bear Arms, the Wilderness Sportsmans Association, and the International Association of Law Enforcement Firearms Instructors (IALEFI). See Bio attached hereto as Exhibit A.

6. I shoot competitively in two different shooting disciplines, "practical pistol" an international sport involving speed and accuracy with handguns, and "precision rifle" which involves hitting game-sized targets out to 1,000 yards and beyond under field conditions.

7. I am the author of *Gun Laws of Montana*, a trade paperback book now the standard reference on this subject in Montana, and currently in its third printing.

8. I am self employed and doing business as Target Operator Systems. I manufacture shooting range equipment for law enforcement agencies nationwide, federal, state and local. I also do business as Montana Publishing, in which I market my book, *Gun Laws of Montana*. Personally and doing business as Montana

Firearms Academy, I am a firearms instructor and train people in the safe, effective and lawful use of firearms, having graduated approximately 2,500 students in the past 20 years. Personally, I work as a legal consultant and expert witness in state and federal courts on firearm-related issues: Self defense, use of force, shooting ranges, firearm safety and related topics.

9. For the two shooting disciplines in which I shoot competitively, I handload ALL of the ammunition I shoot - between 5,000 and 15,000 rounds of ammunition per year, depending on the year and my level of activity.

10. I am a lifetime hunter, having hunted varmints, upland game birds, waterfowl, coyotes, antelope, deer, moose, caribou and elk. Having grown up on a working cattle ranch, I've also had a lifetime exposure to and interest in wildlife. One of the applications for firearms in which I have long been interested is self-defense from large predators, especially bears.

11. In about 2003, I became interested in less-than-lethal ammunition that could be used for wildlife adversity training and behavior modification. I was first exposed to shotgun "beanbag"

ammunition at an IALEFI Annual Training Conference. I found the beanbag rounds then available in the marketplace to be inordinately expensive, to be quite inaccurate, and because of the ballistic coefficient of the projectile to be useful only within a narrow range of distance from target. I set about to develop a better beanbag round. The results of my experimentation and development was a very functional 12-gauge round with a drag-stabilized projectile, one ounce of lead shot encased in a triple-layer of parachute nylon fabric. I documented and published the results of my experimentation in December of 2005. Please see Beanbag report attached hereto as Exhibit B.

12. This ammunition tested to be much more reliable for accuracy and velocity than the ammunition then available in the marketplace, which used square pillow-shaped beanbag projectiles. I projected that my drag-stabilized beanbag rounds would thump a garbage-marauding bear about as if the bear had been hit with a good fastball pitch, which should be excellent for both non-lethality and for behavior modification.

13. During development of this ammunition I had been in dialog with Region 2 of the Montana Department of Fish, Wildlife and Parks (FWP), especially with Region 2 Director Mac Long, and Region 2 bear biologist Jamie Jonkle. I provided Region 2 with a dozen or so of my beanbag rounds for testing. The response from Region 2 was a request that I make and sell these rounds to FWP. FWP needs this ammunition to help fulfill its wildlife management mission.

14. I responded to FWP that federal law prohibited me from engaging in the commercial activity of loading and selling ammunition, especially to a state agency, without the appropriate federal manufacturing license, which I did not possess. Therefore, I was unable to supply FWP with the additional (beyond samples) ammunition they requested.

15. I am also interested in manufacturing a Montana-made youth model, single shot, bolt-action .22 caliber rifle, designated as the Montana Buckaroo. My report on the planned manufacturing process for the Montana Buckaroo is attached hereto as Exhibit C.

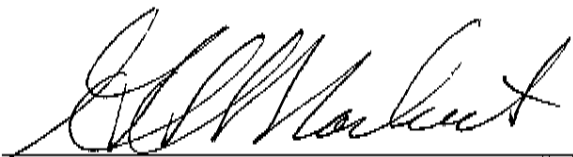
16. Since the passage of HB 246 (the "Montana Firearms Freedom Act") by the 2009 Montana Legislature, I believe it would

now be legal for me to make these beanbag rounds and sell them under contract to FWP, without any federal license, as long as the ammunition is used within Montana and does not leave the state. I now wish to pursue this commercial activity.

17. Under the Montana Firearms Freedom Act, I believe the same to be true, that it would be permissible for me to make and sell the Montana Buckaroo, without any federal license, as long as the rifle is used within Montana and does not leave the state. I wish to pursue this commercial activity.

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

EXECUTED in Missoula, Montana on 25<sup>th</sup> day of May, 2010.



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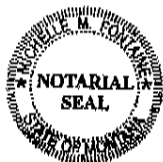
Gary Marbut

STATE OF MONTANA)

:SS

County of Missoula )

Subscribed and sworn to before me, a notary public, on the  
25<sup>th</sup> day of May, 2010.



MICHELLE M. FONTAINE  
NOTARY PUBLIC-MONTANA

Residing at Bonner, Montana

My Comm. Expires Oct. 3, 2010

*Michelle M. Fontaine*

Notary Public for the State of Montana

Printed Name: Michelle M. Fontaine

Residing at: Bonner Montana

My commission expires: 10/3/2010