



Syracuse University

College of Law

Syracuse National Trial Competition

BOBBY BLAIR

v.

GO WEST MOVIES, INC.

FACT PATTERN

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SUMMARY OF THE CASE

The Plaintiff, Bobby Blair, is 30 years old. In 2013, Blair graduated from New York University Tisch School of the Arts with Bachelor of Arts Degree in Drama. After graduating, Blair has worked as an actor and has been cast in roles in Homeland, Bull and Blue Blood. Blair has also been cast in roles in a number of independent films. While Blair has had some degree of success, when not working as an actor, Blair works teaching drama classes or as a bartender in NYC. In April of 2022, Blair was offered a role as a supporting actor in Double Cross Canyon, a movie that being filmed in the summer of 2022, in Carter City, Texas. The actor cast in the starring role was the legendary actor, Luke "Lucky" Lawler. Lucky is known as America's favorite cowboy and has acted in more low budget films than John Wayne. The production company that hired Blair and Lucky is the Defendant, Go West Movies, Inc. In 2018, Hannibal Hakes incorporated Go West for the purpose of producing low-budget, high yield Westerns. Since then, Hakes has been the CEO of Go West, and the Executive Produce of all the movies the company has produces. Since 2018, Go West has successfully produced five Westerns. The last movie they produced was Double Cross Canyon, which was a gun heavy Western, based on the life of Pat Garrett, the man who killed Bill the Kid.

This action arises out of an incident which took place on July 31, 2022, at the Crook Canyon Ranch, when the Defendant was filming Double Cross Canyon, at which time the Blair was shot in the leg by a gun s/he was holding. Blair alleges that the gun discharged suddenly and without warning because and injured. The type of gun used Blair was holding the gun at the time and alleges that it suddenly discharged without warning.

In April of 2022, Go West hired Jet Jeffrey as the Firearm Instructor, and directed Jeffrey to purchased original or antique firearms that were manufactured 140 years ago. The firearms were the Colt .45 Single Action Army Revolver (SAA Model P), known as the "Peacemaker," the Winchester Singe Action Lever Rifle (44-40 Model 1873), known as the "Gun That Won the West," and also purchased the Slim Jim Holster. Jeffrey delivered them to the Crook Canyon Ranch where they later used by the actors, including Blair. Prior to this, Blair never fired a firearm, so the Defendant provide a six-hour firearm training class.

Filming began on May 3, 2022, and continued through July. During that period of time, the movie ran behind schedule and over budget. The Plaintiff alleges that the Defendant used aggressive time saving and cost-cutting practices during production, which was one of the factors that created an unsafe work environment, that lead up to the injuries sustain on July 31, 2022. That day, Go West advised Blair that the scene s/he was in called for Blair to use a revolver and the Slim Jim Holster. The Plaintiff alleges that the revolved Go West required her/him to use was not properly loaded, in a poor and weakened condition, and even a slight jolt of the revolver would cause it to discharge. Go West denies that, and states that the revolver worked properly, was in good condition, and the reason the gun discharged was due to the Plaintiff's misuse of the gun.

At 4:00 PM, on July 31, 2022. Blair was in a barn on set, and when s/he placed the gun in her holster, the revolver suddenly discharged. The bullet/blank pierce through Blair's foot and left her with a large gaping hole from her instep through to her heel.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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STIPULATIONS REGARDING EVIDENTIARY
AND PROCEDURAL MATTERS

The Court hereby ORDERS, and the parties STIPULATE, to the following evidentiary and procedural matters:

1. All pretrial motions to dismiss and/or change venue based on the subject matter jurisdiction, personal jurisdiction and/or the statute of limitations have been litigated and denied. This Court determined that this action was timely and properly commenced; the United States District Court for the Northern District of New York has personal and subject matter jurisdiction over the Defendant; and venue is proper in this Circuit Court
2. All pretrial motions to dismiss based on workers compensation, special employee, and/or fellow servant/employee, have been litigated and denied. The Court determined that the Defendant did not purchase workers compensation coverage and pursuant to recently enacted state statutes, the Defendant was not required to purchase workers compensation coverage.
3. The Defendant is precluded from raising any defenses other than what the Defendant alleged in the Answer, and the defenses raised in the Answer of comparative negligence and assumption of risk are proper defenses in this action.
4. The parties have exchanged witness lists. The Plaintiff's witness list included the names of two witnesses, Bobby Blair and Cameron Counts. The Plaintiff is required to call both as witnesses at trial. The Defendant's witness list included Grey Groman and Jet Jeffrey. The Defendant is required to call both as witnesses at trial. The parties may not call a witness on their opponent's witness list. The witnesses may not be recalled by either side. Because the parties are limited to two witnesses per side, for purposes of the trial, no argument may be made or entertained that a party did not call a different witness to testify, as doing so will undermine the spirit of competition. For example, a defense team may not argue that the Plaintiff did not meet the burden because they did not call any other witnesses to testify.
5. Any individuals who are mentioned in the facts, but not listed on the witness list, with the exception of the Defendant, are deemed unavailable to testify at trial pursuant to Rule 804 of the Federal Rules of Evidence.

6. All witnesses, who are on the witness list, may be played by any gender, however, it is stipulated that Hannibal Hakes, Todd Travis, Nate Nicholas, Jacob Johns, Brandon Benjamin, Gary Guzman and Luke Lawler are males; and Laura Lily Michelle Martin, Hope Harper, Laura Lily, Gabby Guzman, Rachel Ramsdell and Christy Cheng are females.
7. Before trial, the parties had their respective client or witnesses review their prior testimony, statements, reports, expert reports and/or other documents, and the witnesses signed a certification, under penalty of perjury, that they have reviewed said document(s), and determined that the answers/information contained therein is truthful, accurate and complete, and that they have no other information relevant to the matters discussed
8. All exhibits in the file are authentic pursuant to Federal Rules of Evidence Rule 901 and are originals, pursuant to Federal Rules of Evidence Rules 1001 through 1003, unless otherwise noted on the exhibit or established by the evidence.
9. All materials in the case file will be treated as originals and authentic, unless otherwise noted in the file; all documents that appear to have been sent to or received by a witness are to be considered as having been sent or received by that witness; and all witnesses must authenticate exhibits and materials with which they are familiar.
10. Handwriting and/or signatures on depositions, statements, reports, exhibits, certifications and/or other documents, are authentic (unless otherwise noted or contested in the case file, which it is not), and no witness or party may testify that the handwriting and/or signatures on depositions, statements, reports, exhibits, certifications and/or other documents, are not authentic (unless otherwise noted or contested in the case file, which it is not).
11. All prior testimony, statements, and reports are signed and dated, and no argument may be made or entertained to the contrary unless specifically stated in the fact pattern.
12. The parties have gathered and exchanged in discovery all statements (defined as prior testimony, statements, reports, expert reports, and/or other documents, and no argument may be made or entertained to the contrary unless specifically stated in the fact pattern.
13. All items in this fact pattern, and referred to in prior testimony, statements, reports, and/or other documents provided, were provided to the plaintiff and the defendant through discovery, and no objections related to the disclosure of this evidence will be made or entertained.
14. All discovery requirements have been timely met and are sufficient, pursuant to the Federal Rules of Civil Procedure (and the Federal Rules of Criminal Procedure if applicable). No argument may be made or entertained to the contrary.
15. Any expert reports in the case file were timely exchanged. No argument may be made or entertained to the contrary.

16. The parties stipulate that all notice requirements under the Federal Rules of Evidence have been constructively met. For example, notice requirements under 404(b) are deemed by the Court to be met. However, this stipulation does not affect the admissibility of or objection to any other evidentiary issues pursuant to the Federal Rules of Evidence.
17. The case summary is solely meant to provide a synopsis of the case. It isn't an exhibit or a statement attributable to any witness. It may not be offered at trial and is not admissible.
18. The defendant cannot withdraw an affirmative defenses, but may choose not to argue a defense and/or may determine to what extent to argue said defense if at all.
19. Prior to trial, the Court instructed Counsel as to the following housekeeping issues:
 - A. All exhibits are pre-marked by numbers and shall retain their original numbers regardless of the order they are introduced at trial.
 - B. All witnesses have been sworn before testifying at trial. Counsel should ask for a sidebar to constructively go outside the presence of the jury.
 - C. When laying the foundation to introduce exhibits, Counsel should ask permission to approach and hand the witness the exhibit.
 - D. When using prior testimony, grand jury transcripts, interrogation transcripts, depositions, statements, affidavits, affirmations, and other documents and/or exhibits, for purposes of refreshing recollection or impeachment, Counsel is not required to have it marked for identification.
 - E. Counsel may not request, nor will the Court grant, any additions, or modifications to the jury instructions.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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STIPULATIONS REGARDING EVIDENTIARY
AND SUBSTANTIVE MATTERS

The Court hereby ORDERS, and the parties STIPULATE, to the following evidentiary and substantive matters:

1. Between 2018 and 2022, Go West produced five movies, and the names of the movies, filming dates, post production dates, and the delivery date is listed below:
 - A. The Gun Slinger: Production began on February 5, 2018; filming was completed on September 28, 2018; post-production was completed by November 30, 2018; the delivery date (date certain) was November 29, 2018.
 - B. The Sharpshooter: Production began on March 4, 2019; filming was completed on October 25, 2019; post-production was completed by December 27, 2019; the delivery date (date certain) was December 24, 2019.
 - C. Montana Massacre: Production began on April 6, 2020; filming was completed on September 25, 2020; post-production was completed by October 30, 2020; the delivery date (date certain) was October 29, 2020.
 - D. Killer Creek: Production began on May 3, 2021; filming was completed on August 27, 2021, post-production was completed by September 24, 2021; the delivery date (date certain) was September 23, 2021.
 - E. Double Cross Canyon: Production began on May 2, 2022; filming was completed on August 9, 2022; post-production was completed by August 25, 2022; the delivery date (date certain) was August 15, 2022.
2. During the production of the movie, Double Cross Canyon, the following individuals were employed by the Defendant, Go West Movies, Inc.: Hannibal Hakes (Executive Producer), Grey Groman (On-Site Producer), Laura Lily (Director), Jet Jeffrey (Firearm Instructor), Jacob John (Writer/Script Supervisor), Christy Cheng (Sound Production Director), Nate Nicholas (Set/Costume Designer), Rachel Ramsdell (Crew Coordinator), Brandon Benjamin (Stunt Coordinator), Michelle Martin (Makeup Artist), Gary Guzman (Animal Trainer), Bobby Blair (Actor), Todd Travis (Actor), Hope Harper (actor), Luke Lawler (actor), as well as 6 crew members, 6 stunt artists, & 6 extras/actors. All of the above individuals were hired by Hakes in March and April of 2022.

3. The sole outside investor for the five movies Go West produced was Celotto Studios, Inc. (hereinafter "Celotto"), a company that is in the business of investing in movies, and thereafter, distributing those movies in the United States and Canada. Pursuant to a contract between Celotto and Go West, Celotto agreed to invest fifty percent of the cost of production of all movies produced by Go West, matching Go West's investment of the remaining fifty percent, and Celotto and Go West split the profits; and Go West agreed to perform all work on the movies, from pre-production to post-production, and Celotto agreed to perform all work associated with the marketing and distribution of the movies; this agreement was contingent upon Go West completing the filming and post-production work on the movie, and delivering the completed movie to Celotto on a date certain, or Go West was required to pay Celotto a penalty of \$10,000 a day until the film was turned over to Celotto. The contract was signed by both parties on February 1, 2018, and is renewable every seven years.
4. In the month of May 2022, the average daytime temperature in Carter City, Texas was 85°; in the month of June, the average daytime temperature was 95°; in the month of July, the average daytime temperature was 105°.
5. Detective Cameron Counts took the photographs marked as Exhibit 2 and Exhibit 13 and can identify such at trial.
6. Exhibit 15 is the Medical Report of Dr. Angela DeCarlo. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
7. Exhibit 16 is an Inter-Office Memo from Hannibal Hakes to Grey Groman, dated April 18, 2022.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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EXHIBIT LIST

EXHIBIT 1	DOUBLE CROSS CANYON POSTER
EXHIBIT 2	PHOTO COLT .45 SAA MODEL P
EXHIBIT 3	PHOTO WINCHESTER SINGLE ACTION RIFLE
EXHIBIT 4	COLT .45 SCHEMATIC 1875
EXHIBIT 5	COLT .45 HAMMER POSITIONS
EXHIBIT 6	SLIM JIM HOLSTER
EXHIBIT 7	BUSCADERO HOLSTER
EXHIBIT 8	GO WEST MOVIES INC. GENERAL SAFETY RULES
EXHIBIT 9	FIREARM SAFETY PROTOCOLS
EXHIBIT 10	FIREARM INSTRUCTOR SAFETY RULES
EXHIBIT 11	FIREARM SAFETY PROTOCOLS
EXHIBIT 12	FIREARM INSTRUCTOR PROTOCOLS
EXHIBIT 13	PHOTO OF BARN
EXHIBIT 14	PHOTO OF BOBBY BLAIR'S FOOT
EXHIBIT 15	MEDICAL RECORD
EXHIBIT 16	GO WEST MOVIES, INC. MEMO
EXHIBIT 17	LUKE LAWLER STATEMENT
EXHIBIT 18	BRANDON BENJAMIN STATEMENT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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COMPLAINT

The Plaintiff, Bobby Blair, in support of his/her complaint against Defendant, Go West Productions, Inc., states the following:

1. Pursuant to 28 U.S.C. 1332, which confers jurisdiction over cases such as this, this Court has original and subject matter jurisdiction in this action.
2. Pursuant to 28 U.S.C. 1391, venue in this action is proper in this District, on the grounds that some and/or all of the actions which give rise to the claims herein, occurred in the District.
3. This action was timely brought within the Statute of Limitations period. Pursuant to Statute, Workers Compensation is not a proper defense to this action as the Defendant did not purchase Workers Compensation coverage and the State of Texas does not require employers to do so.
4. The Plaintiff, Bobby Blair, resides at 100 Lewin Lane, in Nutley, New Jersey.
5. The Defendant, Go West Movies, Inc., was and is a corporation, organized and existing under the laws of the State of New York, with a principal place of business in Brooklyn, New York. The Defendant, Hannibal Hakes filed the Articles of Incorporation for Go West Movies, Inc. in 2018. Since then, Hannibal Hakes has been the sole officer, director, and member of Go West Movies, Inc., and the sole person who has held the position of CEO, CFO and Executive Producer of Go West Movies, Inc.
6. The Defendant, Hannibal Hakes, incorporated Go West Movies, Inc. for the purpose of producing low-budget movies. Between 2018 and 2022, Go West Movies, Inc. filmed and/or produced five movies, all of which were low budget Westerns, including the movie, Double Cross Canyon.
7. This action arises out of a near-fatal incident which took place on Sunday, July 31, 2022, at the Crook Canyon Ranch, in Carter County, Texas, when the Defendant was filming and/or producing the movie, Double Cross Canyon, at which time the Plaintiff, Bobby Blair, was shot in the leg with a revolver, and seriously injured, due to the negligence of the Defendant.
8. The Defendant, Hannibal Hakes (hereinafter "Hakes"), was the Executive Producer on all five movies produced by the Defendant, Go West Movies, Inc. (hereinafter "Go West"), including the movie, Double Cross Canyon.
9. Double Cross Canyon was a gun-heavy Western, based on the life of Pat Garrett, the man who killed Billy the Kid, and was set in the period between 1880-1908.

10. In February of 2022, the Defendant secured capital to finance the movie, from Celotto Studios, Inc. (hereinafter Celotto”), and pursuant to a contract between the Defendant and Celotto, the movie had to be ready for distribution on or before August 15, 2022, or the Defendant was required to pay Celotto a penalty of \$10,000 a day
11. In February of 2022, the Defendant secured a location for filming, at the Crook Canyon Ranch, located in a remote location, approximately 30-40 miles from Carter City, Texas.
12. In March of 2022, the Defendant hired the production team for the movie, including hiring Hired Grey Groman (On-Site Producer), Laura Lily (Director), Jet Jeffrey (Firearm Instructor), Jacob John (Writer/Script Supervisor), Christy Cheng (Sound Production Director), Nate Nicholas (Set/Costume Designer), Rachel Ramsdell (Crew Coordinator), Brandon Benjamin (Stunt Coordinator), Michelle Martin (Makeup Artist), Gary Guzman (Animal Trainer), as well as six crew members, six stunt artists, & six extras/actors.
13. In April of 2022, the Defendant hired Jet Jeffrey (hereinafter “Jeffrey”) as the Firearm Instructor and directed Jeffrey to purchased working or real firearms for the movie, and specifically, the Defendant directed Jeffrey to purchase original weapons that were manufacture in the 1880's, and thereafter, Jeffrey purchases authentic antique firearms that had been manufactured approximately 140 years ago.
14. The weapons that Jeffrey purchased for the Defendant’s movie were the Colt .45 Single Action Army Revolver (Model P SAA), which is known as the “Peacemaker,” and the Winchester Singe Action Lever Rifle (44-40 Model 1873), which is known as the “Gun That Won the West.” Jeffrey also purchased the Slim Jim Holster and other items. After purchasing the firearms and other items, Jeffrey delivered them to the Crook Canyon Ranch for use by the actors the Defendant hired for the move.
15. Hereinafter, references to the Defendant or Defendants include but are not limited to Go West Movies, Inc., its corporate officer(s), director(s), and/or member(s); Hannibal Hakes, the CEO, CFO and Executive Producer of the movie, Double Cross Canyon; and/or other agents and/or employees, such as the On-Site Producer, Movie Director, Writer/Script Supervisor, Sound Production Director, Set/Costume Designer, Crew Coordinator, Stunt Coordinator, Animal Trainer, Makeup Artist, Firearm Instructor, other members of the production team, the crew, and others who were employed by and worked on the movie, Double Cross Canyon.
16. In April of 2022, the Defendant hired the lead actors for the movie, including Luke “Lucky” Lawler, Todd Travis, Harper Hope and the Plaintiff, Bobby Benjamin. At the time the Defendant hired the Plaintiff, he did not advise the Plaintiff that s/he would be required to operate and/or fire authentic antique firearms.
17. On Monday, May 2, 2022, the Plaintiff arrived at the Crook Canyon Ranch for a Pre-Production Information Meeting. Later that day, the Plaintiff attended a training session, and was informed, for the very first time, that s/he would be required to operate and/or fire authentic antique firearms. The Defendant arranged for a six-hour training session, however, the Plaintiff had to be trained along with 20 other individuals and as such, s/he received very little one-on-one training. Following that training session, the Defendant provided no further training to the Plaintiff.
18. On or about May 3, 2022, filming began, and continued through the months of May, June and July. During that period of time, the filming ran behind schedule and over budget. As such, the Plaintiff, the production team, crew members and cast were put under pressure to cut back on expenditures and complete filming in a hurried fashion. Specifically, the Defendant used aggressive time saving, cost-cutting and other unsafe practices during production, which was one of many factors that created an unsafe work environment.

19. In the month of July, due to mounting pressure related to budgetary constraints and deadlines, the Defendant required the Plaintiff, the production team, crew members and cast to work seven days a week up to 16 hours a day, in 100-degree temperatures.
20. On July 31, 2022, the Defendant advised the Plaintiff that s/he would be required to use a Colt .45 revolver, filed with blanks, during a scene that was being filmed that afternoon. The Plaintiff was also required to use the Slim Jim Holster and other accouterments that the Defendant supplied to her/him for use during the scene.
21. Jeffrey loaded the revolver and handed it to the Plaintiff for her/his use during a scene and, upon information and belief, Jeffrey did not properly or safely load the weapon.
22. A revolver is a deadly weapon, which is capable of inflicting severe bodily harm or death. The Defendant(s) chose to have the actors, including Bobby Blair, use authentic antique firearms with blanks, specific holsters and other accouterments, on location for the movie, Double Cross Canyon, despite the danger inherent in any use of real firearms, ammunition and/or blanks.
23. Because firearms are inherently dangerous, the Defendant was required, among other things, to provide a reasonably safe environment on the movie set/site when firearms are to be used; to hire, monitor and oversee an Armorer who is qualified to safely select, procure, purchase, secure, store, examine, inspect, transport, transfer and/or maintain all firearms, blanks, holsters, and/or other equipment, which are to be used on the movie set; to establish, monitor, and oversee that reasonable safety protocols for the safe selection, procurement, purchase, secure storage, examination, inspection, transport, transport, and/or maintenance of firearms, holsters, blanks and/or other equipment, which are to be used on the movie set; to establish, monitor, and oversee reasonable safety protocols to protect the safety of the production team, cast, crew, and/or others, including taking reasonable steps to ensure that all those who will be handling and/or operating a firearm in a scene have adequate training with firearms, holsters, blanks, and other equipment, including training on how to handle, inspect and operate such items and/or equipment before during and after they come in possession of the firearm, and other basic firearm safety rules; to provide information to the extent necessary for the operator to safely possess and/or fire a firearm necessary to promote the goals of the scene and/or production; to take reasonable steps to test-fire the firearm, to perform a safety inspection, and maintain the firearm to ensure that the firearm is in good working condition; to properly and safely load the firearm and/or instruct the operator with regard to how the firearm is loaded; failed to monitor the manner in which the operator is handling and/or operating the firearm, to ensure that the actor/operator is doing so in a reasonable and safe manner and/or failed to monitor the movements of the operator, firearm and/or other equipment; to reasonably respond to complaints, concerns, and reports from the production team, cast, crew, and/or other sources regarding health and/or safety concerns on the movie set, and take all necessary actions to resolve such, including shutting down the set, suspending and/or delaying production, issuing reprimands; to investigate all possible breaches of the safety protocols, and/or unexpected near-misses or discharges of firearms on the movie site, to determine the root cause and prevent any other firearm and/or other safety breaches; failing to stop using aggressive cost-cutting and other unsafe practices during production; and/or to otherwise failing to act in a reasonable and safe manner so as to protect the safety of the production team, cast, crew and/or others on set.
24. On July 31, 2022, due to the negligence of the Defendant, the antique firearm that the Defendant directed the Plaintiff to use, discharged and caused the Plaintiff to suffer a

severe, permanent and disabling injuries to her foot and/or leg, emotional distress, lost wages, and other injury and damage.

25. The negligence of the Defendant, it's agents and employees, includes but is not limited to their failure to provide a reasonably safe environment on the movie set when firearms and other equipment is to be use; failed to establish proper safety protocols and to properly train, monitor and inform those who will be using firearms and other equipment; failed to ensure that the firearm is in good working condition; failed to properly and safely load the firearm and instruct the operator with regard to how the firearm is loaded; failed to reasonably respond to reports regarding health and safety concerns on the movie set; and using aggressive cost-cutting and other unsafe practices during production which resulted in an unsafe work environment. The Defendant to establish proper safety protocols, to properly train their employees, and to properly monitor them when using firearms, such as the Colt .45 Single Action Revolver (SAA Model P), holster and other equipment. The Defendant failed to reasonably respond to reports regarding safety concerns on the movie set, including concerns related to the Colt .45 or other equipment, and that, together with their use of aggressive cost-cutting and other unsafe practices during production, resulted in an unsafe work environment. The Defendant procured firearms, specifically Colt .45 Single action Revolver (SAA Model P), which were over approximately 140 years old, in less-than-optimal condition, and extremely dangerous. Nevertheless, the Defendant required the victim to use such even though there were other firearms available to the Defendant (replicas) which were brand new, in excellent condition and contained safety features which would have prevented them from discharging in the manner the Colt .45 did on July 31, 2022. The Production procured holsters which were not properly conditioned for use and were dangerous when use in conjunction with the Colt .45, and had notice of the problems related to the firearm and holster being used together, but to act reasonably and remedy the danger. The Defendant did so even though they knew that there was a safe holster available, but nevertheless did not purchase one for the victim. The Defendant loaded the Colt .45 in a manner that was dangerous to the user and to inform the victim of critical information the victim required in order to protect herself/himself from danger. The Defendant knew there was danger if the Colt .45 was not loaded in a certain manner, but nevertheless to do so, and/or other negligence.

WHEREFORE, the Plaintiff, Bobby Blair, demands judgment against the Defendant for a sum to be later determined by the Court and/or Jury, together with costs, disbursements, and such other and further relief as is deemed just and proper.

Dated: November 2, 2022

Charlotte Parks

Charlotte Parks, Esq.
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Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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ANSWER

The Defendant, Go West Movies, Inc., by and through its Attorneys, and for the Answer to the Complaint, sets for the following:

1. The Defendant ADMITS the allegations set for in Paragraphs 1, 2, 4, 5, 8, 9, 10, 11, 12, 13 and 14 of the Complaint.
2. The Defendant DENIES the allegations set for in Paragraphs 7, 18 through 25.
3. The Defendant DENIES KNOWLEDGE or information sufficient to form a belief as to the truth of the allegations set forth in Paragraphs 3, 6, 15, 16 and 17 of the Complaint.
4. The Defendant DENIES each and every other allegation not hereinbefore admitted, controverted or denied.

AFFIRMATIVE DEFENSES

5. The Plaintiff has failed to state a cause of action upon which relief can be granted.
6. The Court lacks personal and subject matter jurisdiction.
7. The Plaintiff's Complaint is barred in whole or in part by the Statute of Limitations.
8. The Complaint should be dismissed as the Plaintiff lacks standing pursuant to the Workers Compensation Law and should be dismissed.
9. The Plaintiff assumed the risk of injuries alleged.
10. Upon information and belief, the injuries and/or damages alleged to have been sustained by the Plaintiff were caused in whole, or in part by the culpable conduct of the Plaintiff.

WHEREFORE, the Defendant respectfully requests that the Complaint be dismissed in its entirety with prejudice, and that Defendant be awarded costs, disbursements and such other further relief as may be deemed just and proper.

Dated: December 2, 2022

Danny Harrison

Danny Harrison, Esq.
Attorneys for Defendant
214 N. Louie Street
Carter City, Texas
(210) 222-1111

SAN ANTONIO POLICE DEPARTMENT INVESTIGATION DIVISION

**IN THE MATTER OF BOBBY BLAIR
PRELIMINARY INVESTIGATIVE REPORT**

DETECTIVE CAMERON COUNTS

AUGUST 4, 2022

1 **SYNOPSIS:** On Sunday, July 31, 2022, at 4:10 PM, dispatch received a call from Jet Jeffrey,
2 who reported a shooting incident that had occurred on a movie set at the Crook Canyon Ranch.
3 Jeffrey stated that a member of the cast, Bobby Blair, had accidentally shot herself/himself in
4 the left foot. Jeffrey stated that another member of the cast was transporting the victim to the
5 hospital as it would take too long for an ambulance to arrive. Jeffrey advised dispatch that s/he
6 would wait at the ranch for the police to arrive and would explain the circumstances surrounding
7 the accident. After dispatch informed me of this, I advised them that there was no need to send
8 a patrol car as this was an accidental shooting, and I was only twenty miles away. I arrived at
9 the scene at 4:30 PM, and since then, I have been in charge of the entire investigation,
10 including conducting interviews, collecting evidence, and analyzing what I found.

11
12 **INVESTIGATIVE NARRATIVE:** As noted above, on July 31, 2022, at 4:30 PM, I arrived at the
13 gate of the Crook Canyon Ranch and saw Jet Jeffrey. Jeffrey repeated what was stated to
14 dispatch, and added that an accident happened at 4:00 PM, in a barn on a back lot on the
15 property. Jeffrey escorted me to the location. Jeffrey was a law enforcement officer and was
16 advised and/or aware of the fact the scene needed to be secured until my arrival, but failed to
17 do so. In fact, upon my arrival, I saw at least a dozen people gathered around or walking out of
18 the barn. Jeffrey called out to everyone and said, "Didn't Lucky tell you to stay out of the barn.
19 Don't you movie people ever listen. Leave." One of the people standing there was Luke Lawler,
20 who said, "It took some time to get down here and I had a hard time getting them out, but I did
21 find what you were looking for..." Before Lawler could finish speaking, Jeffrey interrupted and
22 said, "sorry Lucky, I didn't mean you, but keep it for later." Later, I learned that evidence was
23 removed from the barn (see below).

24
25 **SCENE OF INCIDENT:** Jeffrey escorted me to the location where the incident took place. It was
26 in a back lot, and I walked to the barn, the door was slightly opened but could not be opened
27 further due to an obstruction. There were no other doors or windows in the barn, and no interior
28 lighting. There were dozens of bales of haystack near the interior east wall, two bales of hay on
29 the west interior wall, and a thin layer of hay on the concrete floor. Jeffrey said the position the
30 door was in, the lighting and location of the hay bales were exactly as it was at the time of the
31 accident. Jeffrey stated that s/he wasn't in the barn when the shot was fired but ran in there
32 after s/he heard the gunshot and that's when Jeffrey saw the victim. Jeffrey stated that the
33 victim was lying on the ground, holding her/his left foot, and that there was blood splattered on
34 the hay in that area. Jeffrey pointed to an area about five feet in front of the two bales of hay
35 and said that's where Jeffrey found the victim. There was blood splattered on the straw in that
36 area, but the bloody straw appeared to have been scattered about due to the people who
37 entered the barn after the shot was fired. To say that the scene had been extensively disturbed
38 would be an understatement. I took a photograph of the interior of the barn, and then I
39 examined the area looking for the firearm and any casings but was unable to locate either. As
40 such, I walked outside to interview witnesses. That's when Lawler approached, gave me a

1 revolver, and said, "I tried to give this to you two earlier. It's Bobby Blair's gun. I found it when
2 I went into the barn to shoo away all the nosey people in there. They were staring at the blood,
3 not paying attention to what they were doing, and ended up kicking around the gun. So, I picked
4 it up like they do on TV, with a hanky real gentle like, to keep it safe." I took possession of the
5 revolver and placed it in an evidence bag, and later photographed it at the station.
6

7 **FIREARM COLT .45 SAA MODEL P:** On Monday, August 2, 2022, I examined of the firearm
8 and determined that it was the COLT .45 Single Action Army Revolver (SAA Model P), which
9 is known as the "Peacemaker." The firearm was a real or original **COLT .45**, manufactured in
10 1873.
11

12 **ANTIQUE FIREARM VERSUS REPLICAS:** Jeffrey stated that the reason this revolver was at
13 the scene was because her/his superiors wanted to use original firearms to make the movie look
14 more authentic." Jeffrey stated that upon learning of the wished of her/his superiors, s/he chose
15 **COLT .45 SAA MODEL P**. Jeffrey didn't not advise her/his superiors that they make replicas
16 that look authentic and are marketed as being safer than the originals. Jeffrey offered no
17 reason why s/he didn't offer that option to her/his superiors. Jeffrey stated that s/he knew the
18 replicas came with modifications such as transfer bars, which the original **COLT.45** didn't have,
19 and that these transfer bars are market as being safer because the firing pin won't strike the
20 primer unless the trigger is pulled. Jeffrey stated that s/he knew about the transfer bars but
21 didn't think they made the firearm safer because "an original **COLT.45** is perfectly safe when
22 the operator handles it properly."
23

24 **DANGERS ASSOCIATED WITH ANTIQUE COLT .45:** A single action revolver usually requires
25 the hammer to be manually cocked, and the trigger be pulled for a shot to be fired. That's why
26 it's referred to as a single-action, because the trigger performs just one action, it drops the
27 hammer. The **COLT .45** used here, is a single-action revolver with the firing mechanism that can
28 fire without either the hammer being cocked, or the trigger being pulled. Specifically, when the
29 hammer is down, the firing pin protrudes and, if a live round (real ammunition or a blank) is
30 loaded in the chamber underneath, a **SHARP ENOUGH JOLT** can cause the pin to strike the
31 round's primer with enough force to set it off. When the hammer is pulled back on a
32 single-action revolver a series of sears are engaged which prevent it from moving back towards
33 the chamber without the trigger being depressed. There are scenarios where the gun might be
34 able to fire after the hammer is pulled back but without the trigger being pulled. In fact, there are
35 many cases which I found that support this theory. There are other dangers associated with an
36 antique COLT .45. One related to the **FRAGILITY OF NOTCH**. The metal making up the side
37 of the safety notch is very thin. Aside from the possibility of wearing out, a sharp blow on the
38 hammer could break the safety notch off completely, which could result in an accidental
39 discharge. There is also a danger associated with what is called the **PHANTOM NOTCH**. There
40 is a narrow ledge of metal between hammer down and the safety notch. The tip of the sear can
41 also rest on this, which may lead the operator to believe the revolver is in the safety notch
42 position when, in fact, it's not in any notch at all. This hair-trigger position is called the phantom
43 notch.
44

45 **LOADING REQUIREMENT:** Due to these dangers, the cowboys of old, as well as present day
46 operators of that firearm, left the chamber underneath the hammer unloaded. In other words,
47 there are only five bullets in the chamber or, in colloquial terms, **FIVE BEANS IN THE WHEEL**,
48 with the no bullet in the chamber underneath the hammer. In that way a jolt can't unintentionally
49 set off a round. Jeffrey agreed that was and is the best practice, and claims s/he loaded it in that

1 manner, however, if s/he actually loaded the revolver in that manner, the firearm would not have
2 discharged. Therefore, it appears that Jeffrey improperly loaded the weapon. In fairness, I
3 spoke to Jeffrey about my conclusion, in order to allow her/him the opportunity to retract her/his
4 statement. Instead, Jeffrey came up with a theory that the victim must have manually rotated
5 the cylinder and that's what caused the bullet to move into the chamber underneath the
6 hammer. However, the victim advised s/he did not do so, and frankly, there would be no reason
7 for her/him to do so. Also of note is the fact that the victim advised that Jeffrey never specifically
8 advised her/him that the revolver was loaded with five beans in the wheel amd. The fact of the
9 matter is that it wasn't.

10

11 **DANGERS ASSOCIATED WITH SLIM JIM HOLSTER:** Jeffrey stated that s/he also chose the
12 **SLIM JIM HOLSTER** and showed me the Slim Jim Holster the Production Company had on set,
13 and stated that this was the exact style, size and age as the one used by the victim that day.
14 I took a photograph of such and used that for a test I later performed. Jeffrey stated that s/he
15 chose the **SLIM JIM HOLSTER** for "ease of use and comfort, and for the nice sleek and
16 authentic style" that her superiors were looking for. Jeffrey stated that the **SLIM JIM HOLSTER**
17 was slimmer and tighter than other holsters that were used in the 1880's, but that s/he "did not
18 believe the tight fit made it impossible or even remotely difficult to remove the **COLT .45** from
19 the sleeve. Jeffrey claimed s/he never heard anyone complain about any difficulty, and never
20 saw anyone have difficulty related to the tight fit. Jeffrey's statement was **DISPUTED** by others,
21 including Groman, Lily and the victim who stated that the victim was having difficulty with the
22 **COLT .45 - SLIM JIM HOLSTER** combination on three occasions on July 31, 2022, before the
23 incident occurred. It was reported that Jeffrey was present when this occurred, as were others
24 in supervisory positions with Go West Movies, Inc. Additionally, Lawler advised the Production
25 Company that he refused or did not wish to use the **COLT .45 - SLIM JIM HOLSTER**
26 combination, and was allowed to use a different and safe holster. Jeffrey said "absolutely
27 everyone on site uses this type of holster and no one has had any difficulty or asked to use a
28 different holster." Interestingly, when I observed Lucky Lawler earlier, he was in costume and
29 not using a **SLIM JIM HOLSTER**. Instead, he was using a much safer and more
30 accommodating holster. It is called the **BUSCADERO HOLSTER**, which was used back in
31 1880's, and would have been the best practice and the safe safer choice.

32

33 **TESTING & ANALYSIS:** I obtained a voluntary blood sample and fingerprints from the victim,
34 and I went to the Bexar County Forensic Laboratory, where I analyzed the firearm myself. I
35 determined that the only blood and only fingerprints found on the firearm were the victim. After
36 that, I personally examined the condition of the **COLT .45**. There was wear and tear, particularly
37 the spring mechanism. I tested the firearm it fired, but the issue here is an whether the revolver
38 discharged due to it's condition and the fact it does not have a transfer bar or other safety
39 mechanism. Also, as mentioned above the metal making up the side of the safety notch on all
40 of these revolvers is very thin, which could lead to it wearing out and the consequence of a
41 sharp blow on the hammer breaking the safety notch off completely. I also obtained the **SLIM**
42 **JIM HOLSTER** that was being used and tested it and determined that the leather had not been
43 broken in on the holster, which resulted in it being particularly tight when used in conjunction
44 with the **COLT .45** revolver. This **COLT .45 - SLIM JIM HOLSTER COMBINATION** is
45 dangerous. Based on my examination of the revolver, it is somewhat clear that a revolver in the
46 state the subject revolver was in may discharge when a gun is being draw from the holster.
47 Based on testing, it may be sufficient to set it off.

48

1 **MEDICAL:** At approximately 4:00 PM, the victim was put in an SUV and transported to the
2 Carter City Hospital, where s/he was treated for a gunshot wound to the foot. The information
3 on treatment comes from the medical report of Dr. Angela DeCarlo, stating: "I was in ER on
4 consult for possible surgery, when patient, Bobby Blair, arrived in ER. Due to nature of injury,
5 I was asked to examine patient. The patient is 29 years old, and presented with what appeared
6 to be an accidental, self-inflicted, through-and-through, gunshot injury to left foot. Patient
7 appeared to be in extreme pain but was oriented x 3. No dilation. Slightly elevated heart rate.
8 Left-handed. Patient reported that s/he was on location at Crook Canyon Ranch and was filming
9 a scene. Patient was in barn with holster and gun. Patient said gun discharged for no reason.
10 Patient said s/he will never shoot a gun again. Attorney asked for copy of medical record...
11 Examination of left lower extremity revealed an entry wound on the dorsum of the left foot, with
12 a larger exit wound on the plantar aspect. X-ray revealed comminuted fractures of the second,
13 third, fourth, and fifth metatarsal... Immediate excisional debridement performed. Negative
14 pressure wound therapy applied. After initial debridement, wire was utilized for fixation of the
15 second metatarsal fracture, and an external fixator applied to the fifth metatarsal due to
16 extensive bone loss. A free gracilis muscle flap used to fill defect. Plans for a vascularized bone
17 graft at a later date. Flap was tunneled through the wound to the plantar aspect of the foot, with
18 an overlying split-thickness skin graft. Patient's postoperative course not expected to be
19 complicated, and a secondary bone graft is not likely. Gracilis flap used to reconstruct the bony
20 and soft tissue defects and secondary muscle fibrosis appears to provide adequate skeletal
21 support. Expected that patient should be full weight-bearing in 4 months. Unsure when patient
22 can return to preoperative activities.

23
24 **INTERVIEW OF GREY GORMAN:** On August 1, 2022, I at 9:00 AM, I interviewed a number of
25 individuals. One was Jet Jeffrey, who I have discussed above, but I will list only three others as
26 their observations were the most significant. The first was Grey Groman, who stated that s/he
27 was the on-site-producer of the Western movie that was being filmed; that original guns loaded
28 with blanks were used, and new holsters, because live ammunition was unsafe. Go West
29 established gun safety protocols, provided safety instruction and handed out written safety rules
30 to the production staff, cast and crew. Go West also hired Jeffrey as a Firearm Instructor,
31 substituting him for the Armorer they had used in the first two movies they produced. Groman
32 stated that the victim and others on set used the guns and holsters without incident until July
33 31, 2022. Groman stated that the victim was having difficulty removing gun from holster on three
34 occasions. Groman stated that the Director appeared to be frustrated, as the three takes took
35 hours to set up again, and after the third take, the Director advised the victim that it was
36 necessary for the victim to "remove the gun from the holster at something more than a snail's
37 pace." Groman and Jeffrey, who was allegedly monitoring the set, did not make any efforts to
38 investigate and provide victim with another holster, Groman stated that after "Bobby's three
39 screw-ups" that the Director told everyone to take five, and during the break, the victim was
40 injured. Groman stated that s/he did not know how or why the gun discharged because s/he
41 wasn't in the barn when it happened but said that it was her/his opinion that the victim "snuck
42 off into the barn with the gun, was goofing around with it, and stupidly shot herself/himself."
43 Groman was unsure of the time when this transpired. Groman said that s/he and other members
44 of the production team tried to help by wrapping the foot and applying pressure, until the victim
45 could be transported to the hospital. Groman said that the victim was in pain, crying
46 inconsolably and barely able to speak because of the condition s/he was in. I asked Groman
47 if s/he recalls anything else occurring and she said no but would contact me if s/he did. Groman
48 left to retrieve safety protocol documents which s/he delivered to me.

49

1 **INTERVIEW OF LAURA LILY:** On Sunday, July 31, 2022, I interviewed Laura Lily, the Director
2 of the movie. Lily stated that the movie was a Western based on the life of Pat Garrett. Lily
3 stated that this afternoon, she was filming the victim in a scene, and the victim, who was
4 supposed to fire her/his revolver, had difficulty doing pulling it out of the holster. Lily told victim
5 that the victim was “supposed to look like you know how to handle a gun, and that’s not what
6 it looks like. Let’s start again.” On the second take, the victim got the revolver out of the holster
7 “with great difficulty” and fumbled when s/he tried to shoot. Lily said the victim fumbled once
8 again when s/he tried to get revolver out of holster. Lily said, “let’s stop talking and start doing”
9 and called gave everyone a five-minute break. The main actors who were there left the area
10 along with the crew (Lawler, Travis and Harper). The victim walked into the barn. A few minutes
11 later, everyone heard a shot ring out, and found the victim, lying on the ground with blood
12 pouring from her/his left foot.

13
14 **INTERVIEW OF BOBBY BLAIR:** Bobby Blair stated that s/he was an actor on a movie set
15 where real firearms were used. On July 31, 2022, a scene was scheduled to be filmed in a back
16 lot at the Creek Canyon Ranch, near rock formations. The Director advised the victim that s/he
17 was supposed to pull the revolver from her/his holster, shoot at another actor (Lawler), but miss.
18 On the first take, the victim had difficulty pulling the revolver out of the holster. On the second
19 and third take, the victim fumbled and had difficulty removing the revolver from the holster. The
20 Director gave the cast and crew a break, and the victim walked into the barn, at which time the
21 gun discharged when she attempted to take the gun out of the holster. The victim stated that s/he
22 never pulled back the hammer, never pulled back the trigger, and never opened up the cylinder.

23
24 **CONCLUSION:** Based on my training, background, experience, and my investigation of the
25 scene, interviews, and examination of the evidence, I have concluded that the incident occurred
26 due to failures on the part of the Production Company, Go West Movie, Inc., and their
27 employees, and their failure to provide a reasonably safe environment on the movie set when
28 firearms and other equipment was to be use. Those failure include but are not limited to the
29 following:

30
31 **INADEQUATE SAFETY PROTOCOLS AND TRAINING:** The Production company failed
32 to establish proper safety protocols, failed to properly train their employees, and failed
33 to properly monitor them when using firearms, such as the **COLT .45** Single Action
34 Revolver (SAA Model P), holster and other equipment.

35
36 **INADEQUATE INVESTIGATION:** The Production Company failed reasonably respond
37 to reports regarding safety concerns on the movie set, including concerns related to the
38 **COLT .45** or other equipment, and that, together with their use of aggressive cost-cutting
39 and other unsafe practices during production, resulted in an unsafe work environment.

40
41 **UNREASONABLY DANGEROUS & UNSAFE FIREARM:** The Production Company
42 procured firearms, specifically **COLT .45** Single Action Revolver (SAA Model P), which
43 were over 150 years old, in less than optimal condition, and extremely dangerous.
44 Nevertheless, the Production Company required the victim to use such even though
45 there were other firearms available to the Production Company (replicas) which were
46 brand new, in excellent condition and contained safety features which would have
47 prevented them from discharging in the manner the **COLT .45** did on July 31, 2022.

48

1 **UNREASONABLE DANGEROUS & UNSAFE EQUIPMENT:** The Production procured
2 holsters which were not properly **CONDITIONED** for use, and were dangerous when use
3 in conjunction with the **COLT .45**, and had notice of the problems related to the firearm
4 and holster being used together, but failed to act reasonably and remedy the danger.
5 The Production Company did so even though they knew that there was a safe holster
6 available, but nevertheless did not purchase one for the victim.
7

8 **UNSAFELY & IMPROPERLY LOADED FIREARM:** The Production Company loaded the
9 **COLT .45** in a manner that was dangerous to the user and failed to inform the victim of
10 critical information the victim required in order to protect herself/himself from danger. The
11 Production Company knew there was danger if the **COLT .45** was not loaded in a certain
12 manner, but nevertheless failed to do so.
13

14 **PERSONAL HISTORY:** The following is a brief summary of my background, training and
15 experience. In 2005, I obtained a Bachelor of Science Degree in Criminology and Forensics
16 from the College of Criminal Justice at Sam Houston State University. In 2006, I received a
17 Master's Degree in Forensics and Biology from Texas A & M University. In 2007, joined the San
18 Antonio Police Department, and was a patrol officer for six years, until I was promoted in 2013,
19 to Detective in the Special Investigation's Division. In 2017, I was promoted to Detective First
20 Class, and in that capacity, I have investigated over 70 incidents involving shootings in Bexar
21 County. As for my certifications, in 1998, I received and have maintained a license to carry a
22 handgun in the State of Texas. In 2013, I received certification from the SAPD and State of
23 Texas Law Enforcement Department as in Forensic Analysis, Fingerprint Analysis and Blood
24 Splatter Analysis. In 2015, I received certification from the SAPD and the Texas Department of
25 Public Safety in Firearm Analysis. All of the certifications listed above require biennial
26 re-certification and have been continually received. I have always been interested in history, and
27 an aficionado of historical weapons, so in my spare time, I wrote A book, entitled, Firearms of
28 the Old West, which was published in 2019.
29

30 **ADDENDUM:** I understand that after I interviewed Jeffrey, s/he contacted SAPD and made an
31 official request that another detective be assigned to this case. Jeffrey stated that her/his
32 request as due to a conflict of interest or personal bias I may have against her/him. I believe
33 Jeffrey is referring to the fact that s/he gave me a poor grade when I was in the police academy.
34 While Jeffrey did give me a C- in the course, I did not take offense to her/his grading me as s/he
35 saw fit and it did not affect my ability to graduate. While I graduated in the lower third of my
36 class, I still graduated with my class and have been with the SAPD ever since. The only other
37 incident of potential conflict that I am aware of relates to Jeffrey having an issue with the way
38 I approached a situation when I was with the SWAT Division, but again, that didn't affect me in
39 any significant way, and I have no animosity toward her/him. Dated: August 4, 2022
40

41 **CERTIFICATION:** On April 6, 2022, I, Cameron Counts, certify, under penalty of perjury, that
42 I have carefully reviewed the above report to determine whether the answers contained are true,
43 accurate and correct, and whether I had any additional information relevant to the matters
44 therein. I hereby certify, under penalty of perjury, that the deposition testimony and transcript
45 are true, accurate and correct, and I have no information relevant to the matters discussed other
46 than what is discussed in this deposition. Everything was covered and nothing was left out.

47 Dated: August 4, 2022

48 Signed: Cameron Counts

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

BOBBY BLAIR, v. GO WEST MOVIES, INC., Defendant.	NUMBER: CR- 082360-2023 THE HON. ROBERTO FRANCESCO
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DEPOSITION TESTIMONY OF BOBBY BLAIR

1 This is the deposition testimony of BOBBY BLAIR, taken before a Notary Public on April 3,
2 2023. BOBBY BLAIR, having been called as a witness, and duly sworn by the notary public
3 present, testified as follows:
4

5 Q. Good morning. I represent Go West Movies, Inc. and will be asking you some questions.
6 Why don't you start off by telling us how old you are and where you're from originally?

7 A. I was born on August 23, 1992, and I'm from Nutley, New Jersey, but I lived much of my
8 adult life in New York City. Of course, I don't live there now because I had to move back
9 in with my family after this happened to my foot. I have to stay there until I'm fully
10 recovered. At least that's what Dr. DeCarlo told me.

11 Q. Where did you go to school?

12 A. I went to the best film and drama school out there, New York University Tisch School of
13 the Arts. I graduated from there with a Bachelor of Arts Degree in Drama in 2013.

14 Q. What did you do after graduation?

15 A. I went on audition after audition, but I didn't have any luck until 2015, when I was cast
16 in one episode of Homeland. Love Claire Danes. After that, I hit a dry spell until 2016,
17 when I was cast in a recurring role in six episodes of Bull. Love Dena Tyler. In 2017, I
18 was cast in another recurring role in six episode of Blue Blood. Love Donnie Wahlberg.
19 In 2018, I made the jump to movies, and had a minor role in an indie film. There was
20 another dry spell until 2020, when I was cast in minor role in another indie. Finally, in
21 2020, I hit it big and was cast as a supporting actor in a movie on a streaming service.
22 Just in case you're wondering, all the movies were romantic comedies.

23 Q. What did you do during the dry spells when you weren't acting?

24 A. Well, I'm always acting, but I think you're asking what I do when I'm not playing a role in
25 a movie and what I do is anything that pays the bills from bartending to teaching. I think
26 my stint as a bartender was the longest, from 2013 to 2017, and from 2018 until Double
27 Cross Canyon, I worked as a drama instructor in the city. I can't do that now because of
28 my foot and the fact that I'm not marketable like this.

29 Q. I'm sorry to hear that, but let's move on from that to talking about Double Cross Canyon,
30 which you just mentioned. How did you first learn about the movie?

31 A. Go West had a casting call for a gun heavy Western and were looking for five actors for
32 leading and supporting parts. I was excited about the audition and nervous at the same
33 time. Excited because I grew up on Westerns, but nervous because I'd never been in a
34 Western and knew nothing about riding horses or shooting guns.

1 Q. Tell us about your audition.
2 A. It was on Monday, March 21, 2022, in the Go West studio, in Brooklyn, New York. It was
3 a big studio, and very well appointed, which wasn't what I expected from a company that
4 cranked out low budget films. When I walked in and met the Director, Laura Lily, and the
5 Executive Producer, Hannibal Hakes. Mr. Hakes looked at my resume and said I had the
6 perfect pedigree for the film. After that, I auditioned for them and they definitely liked me
7 because I got a second audition and shortly after that, someone from Go West called
8 and set up a meeting for me to see Mr. Hakes at his office on Monday, March 28, 2022.
9 Q. What happened at the meeting?
10 A. It was on Monday, March 28, 2022. Mr. Hakes told me that Double Cross Canyon was
11 based on the life of Pat Garrett, the man who killed Billy the Kid, and he was thinking
12 about casting me to play the role of Jesse Brazel. Mr. Hakes told me Lucky Lawler was
13 going to play the lead, Pat Garrett, and he had cast a few upcoming actors in the
14 supporting roles. They were Todd Travis, Hope Harper and Ace Andrew.
15 Q. Did you know who any of them were at the time?
16 A. I never heard of the Todd, Hope or Ace at the time, just like they probably never heard
17 of me, but I definitely heard of Lucky. He's a movie legend and America's favorite
18 cowboy. As soon as I heard I'd be working with Lucky, I said I was definitely interested.
19 Q. How did Hakes respond?
20 A. He said that he was happy that I was interested but needed me to know what was
21 expected of me. Mr. Hakes said the location was in Carter City, Texas. They were going
22 to start filming in May, and expected to be done in August. Mr. Hakes said that timetable
23 was an absolute must, so if I really wanted to succeed, and make sure the movie
24 succeeded, I needed to be a quick learner and work non-stop, so the movie was in the
25 can by August 15, 2022. Then he asked me if I wanted the part.
26 Q. In the can? What does that mean?
27 A. Films are delivered to movie theaters spooled on reels and stored in cans. So when the
28 film is completed and ready for distribution, we say it's in the can.
29 Q. What did you say after Hakes explained all that to you?
30 A. I said that he had me at hello. Loved Jerry McGuire. But actually, he had me when he
31 mentioned Lucky. Anyway, I told Mr. Hakes I wouldn't let him down, and he told me to
32 make sure I didn't, and that I needed to be at the Crook Canyon Ranch, in Carter City,
33 Texas, on May 2, 2022. Then we shook hands and I rushed off to tell my parents about
34 Lucky. He's their favorite cowboy too.
35 Q. Let's move ahead and talk about Carson City. When did you arrive and what did you do?
36 A. I arrived on Sunday, May 1, 2022, and went to the place Go West arranged for us to
37 stay. It was this sketchy place called the Mule Deer Motel, but it should have been called
38 the Flee Bag Motel. Not only was the place a dump, Go West had us doubling up in
39 rooms, and then there was the transportation problem. The movie set location was about
40 40 miles away. Unless you were willing to pay an arm and a leg for an Uber, you had to
41 take this rickety old bus Go West arranged for the cast. The problem with that is the bus
42 only made one run there and back. That meant we had to leave for the set by 8:00 AM,
43 and be trapped there until 8:00 PM when the bus took us bag to the Flee Bag. All this
44 confirmed my earlier concern that Go West was maybe a little too low budget for me.
45 Q. Calling your attention to the morning of Monday, May 2, 2022. What happened that day?
46 A. I survived my first bus ride to the Crook Canyon Ranch, which was interesting to say the
47 lease. I think we arrived early, so I looked around and was taken aback at how beautiful
48 the place was. There were acres and acres of land, big rock formations, lots of cactus
49 and an occasional tumbleweed. There was a rust, I mean rustic lodge, where the

1 production team was staying. Big rooms, air-conditioning and everything. Lucky them.
2 Go West also set up a catering tent which is where the pre-production meeting was held
3 that morning.

4 Q. When did the meeting start, and what happened?
5 A. It started at 9:00 AM and ended around 10:00 AM. Everyone was there, including the
6 production team, cast and crew. The person running the meeting was the On-Site
7 Producer, Grey Groman, who gave a long speech discussing Go West's overall
8 intentions for the production. Groman talked about the overall schedule, and said the
9 daily schedule, call times and logistics would be posted on the door of the lodge. Groman
10 reiterated the same dates Mr. Hakes told me about, and stressed the fact we had to
11 meet the deadline or it would be hell. After that, Groman told us to take a break and be
12 back here at 10:30 for a safety meeting.

13 Q. Was Lucky Lawler there?
14 A. Yes he was.

15 Q. I'm showing you Exhibit 1, is that what Lucky Lawler looked like when you met him?
16 A. Yes. It looks like they got rid of some grey for the poster, but that's what he looks like.

17 Q. When did the safety meeting start and what happened at that meeting?
18 A. It started at 10:30 AM and ended around 11:00 AM. It looked like the same sized group
19 as before, except there was someone new there. It was Jet Jeffrey. Groman said Jeffrey
20 was the Firearms Instructor, and would be conducting the safety meeting.

21 Q. What did Jeffrey say or do at the meeting?
22 A. Jeffrey talked about general safety issues like being careful about snakes and stuff, and
23 said we really needed to be careful when it came to the guns some of us would be using
24 in scenes. Jeffrey said that safety was very important to Go West, and safety had to be
25 just as important to us, and how we had to work together to make sure everyone stayed
26 safe. Jeffrey said that's why it was so important for everyone to follow Go West's safety
27 protocols at all times.

28 Q. Did Jeffrey read what was on the information sheets to you?
29 A. I don't think Jeffrey read from the information sheets. Jeffrey had it memorized. In any
30 case, I took all three sheets, and later on I made sure I memorized every word.

31 Q. Three? Wait a minute. Weren't there four?
32 A. No. I only saw three. There was the one with four stay away rules, one with five always
33 rules, and the one with ten never rules or Ten Commandments.

34 Q. I'm showing you Exhibit 7 through Exhibit 10. Do you recognize these?
35 A. I recognize Exhibit 7, Exhibit 8 and Exhibit 9. I never saw Exhibit 10, but that one is for
36 the Fire Inspector so I guess it doesn't much matter if I saw it.

37 Q. Before picking up the information sheets, do you remember anything else Jeffrey said?
38 A. The only other thing Jeffrey mentioned was a firearm training meeting at 11:00 AM, and
39 calling out the names of the people who had to be there. That included me, Todd, Hope,
40 Ace, Lucky, and a few other people whose names I didn't recognize.

41 Q. Where was the firearm training meeting?
42 A. It was quite a distance away so Jeffrey put us in the back of her/his truck, by that I mean
43 the bed of the truck where you put cargo and animals. Of course, Jeffrey didn't put Lucky
44 there. Lucky got to ride shotgun. In any case, we drove to this secluded area near a barn
45 where they had set up a firing range for the training session.

46 Q. What happened after you got out of the truck?
47 A. Jeffrey sat us down on some bales of hay, and told us about the firearms we would use.
48 They were going to be the actual firearms that were manufactured 150 years ago. Jeffrey
49 said that they had all been checked out thoroughly and were in good working order.

- 1 Q. Did Jeffrey tell you what kind of firearms you would be using?
2 A. Yes. Jeffrey said we would use two kinds of guns, and s/he showed them to us. One was
3 a Colt .45 Single Action Revolver, which Jeffrey called the Peacemaker. The other was
4 a Winchester Singe Action Lever Rifle, which Jeffrey called the gun that won the west.
5 After telling us that, Jeffrey used them to point out the important parts. I memorized
6 them. There's the barrel, hammer, loading guard, trigger, spring, and firing pin. Jeffrey
7 had pet names for some of things. S/he called the handle a hilt, the cylinder a wheel, a
8 bullet was a bean, and a holster was a Slim Jim.
- 9 Q. Did Jeffrey say anything else about handles or hilts or holsters?
10 A. Yes. Jeffrey said they bought new holsters that were made to look like the real thing, and
11 they were giving them to us now. To everyone except Lucky, who brought his own holster
12 with him. Jeffrey also gave us fake Stetsons, even though Jeffrey said they actually wore
13 bowler hats back then. Jeffrey told us all this other history stuff.
- 14 Q. How about bullets or ammunition? Did Jeffrey say anything more about that?
15 A. Yes. Jeffrey said no one could bring live ammunition on location. That they never used
16 live ammunition, only blanks. That if a gun was loaded with blanks it could still hurt us.
17 Jeffrey said that's why it was important to teach us what s/he does when inspecting guns
18 for bullets and loading guns on set.
- 19 Q. I'm handing you Exhibit 2 and Exhibit 3. Do you recognize these?
20 A. Yes. Exhibit 2 looks exactly like the Colt 45 Peacemaker we used in the movie. Exhibit
21 3 looks just like the Winchester Rifle that we used. I don't know if these are the exact
22 ones we used because they all looked alike, but these look just like the ones I used.
- 23 Q. What are Exhibit 4 through Exhibit 6?
24 A. These are the schematics and photos Jeffrey used during our training session. Exhibit
25 4 is the cylinder of the exact Colt 45 we used on set. Exhibit 5 is a schematic from 1875
26 for the Colt 45 Peacemaker. Exhibit 6 is the schematic Jeffrey used to show us what a
27 hammer looked like in a half-cock or full-cock position.
- 28 Q. Handing you Exhibit 7 and Exhibit 8. Do you recognize these?
29 A. Yes. Exhibit 7 looks exactly like the Slim Jim holster that Jeffrey gave us and we used
30 during the production. I had one just like it on when I was shot. Exhibit 8 looks exactly
31 like the holster Lucky Lawler used throughout production.
- 32 Q. Did Jeffrey give you any type of hands-on training?
33 A. Yes. The first part was on inspecting and loading the guns.
- 34 Q. How long was that part of the training?
35 A. The overall firearm training session lasted about 6 hours, so I'd say that the inspection
36 and loading part was maybe an hour.
- 37 Q. What was the next part of the training?
38 A. They taught us how to shoot.
- 39 Q. You used the word they. What did you mean by that?
40 A. Jeffrey and Lucky.
- 41 Q. Are you saying Jeffrey had Lucky to teach you how to shoot a gun?
42 A. Yes. At least that's what it looked like. Lucky was standing right near Jeffrey the whole
43 time, encouraging us when were shooting, and Lucky was shooting at the targets himself
44 without anyone telling him and doing all these cool moves and quick draws.
- 45 Q. What do you mean when you say quick draw moves?
46 A. Lucky pulled the hammer way back and put it in the holster like that so all he had to do
47 when he pulled out his gun is pull the trigger.
- 48 Q. You saw Lucky do that move that day? Did Jeffrey see Lucky do that?
49 A. I definitely saw it but I don't know if Jeffrey did, although it would have been hard to miss.

- 1 Q. You don't know for sure, true?
- 2 A. True.
- 3 Q. You never heard Jeffrey tell Lucky to teach you how to fire a gun, true?
- 4 A. True.
- 5 Q. You never heard Jeffrey tell Lucky to teach you how to do a quick draw move, true?
- 6 A. True. But that's what I saw and I assumed that was okay since Lucky was doing it. That
- 7 being said, I knew I couldn't do that because I had no experience with guns at that point.
- 8 Q. Was anything else said or done at the firearm training session?
- 9 A. Yes. Jeffrey pulled me and Ace aside for one-on-one training sessions. Ace was first and
- 10 I was next, and I have to admit that the two of us needed the extra help. Everyone else
- 11 either owned guns or used guns before. Everyone but us.
- 12 Q. Other than that, did you receive any other training that day, or did Go West ever give you
- 13 any additional training in the weeks and months after that?
- 14 A. No and no.
- 15 Q. What happened after the training session?
- 16 A. We went back to the Flee Bag and the next day we returned to the set for a table read.
- 17 After we finished, some changes were made to the script. By 7:00 PM, new scripts were
- 18 distributed to everyone involved in the production, and we were told that filming would
- 19 start the next day, so we needed to be at work at 9:00 AM sharp.
- 20 Q. Over the next couple of months, what were you doing?
- 21 A. Honestly, nothing much in May or June. You see, my character doesn't show up in the
- 22 script until the last part of the movie, and those scenes were mostly scheduled for July.
- 23 But I'd go on location every day, mostly hanging out in the catering tent. Waiting for
- 24 Lucky to show up. Hoping he'd say hello, and sometimes he'd find me and ask what he
- 25 could do to help out another gunslinger.
- 26 Q. Did he help you out with anything?
- 27 A. Yes. He taught me how to dress for a scene, how to do the right kind of accent and how
- 28 to ride. That's something I desperately needed to learn because the stunt coordinator,
- 29 Brandon Benjamin, didn't like me much, and I didn't really like him and his gang of eight.
- 30 Q. Gang of eight?
- 31 A. It's the nickname I came up for them ever since I got hurt. Not in issue. Next question?
- 32 Q. My question is whether Lucky taught you anything else? I guess what I'm asking is if he
- 33 ever taught you how to hold a gun or holster a gun or shoot a gun or anything like that?
- 34 A. No to all four questions. But to be perfectly honest, I asked Lucky to show me how to do
- 35 a quick draw like he did the first day of training. I don't remember when I asked Lucky,
- 36 but I remember how he responded. It was a big fat no. Lucky said the powers that be
- 37 didn't like anyone telling their people how to hold, holster or fire guns. That everyone was
- 38 supposed to listen to Jeffrey. I told Lucky that I thought that was crazy since Lucky was
- 39 the real expert, but Lucky said Jeffrey was an expert too.
- 40 Q. Did Lucky say anything else?
- 41 A. Yes. He said no one could and no one should quick draw with the kind of equipment Go
- 42 West gave us. I didn't quite understand what Lucky meant then, but I do now. I only wish
- 43 I listened to him better and didn't get so caught up trying to be quick on the draw.
- 44 Q. Are you saying you tried to do a quick draw on set?
- 45 A. No. Never. I misspoke.
- 46 Q. Lucky's way of holstering or pulling out his gun was different than how Jeffrey did, true?
- 47 A. Very true. What Jeffrey did was definitely not a quick draw. I'd call it a slow draw. The
- 48 slowest. I couldn't believe it.
- 49 Q. Did you ever see Lucky do a quick draw when you weren't on location?

- 1 A. Lucky was always doing something at the Flee Bag, using his own gun, but I don't think
2 I saw him do any quick draws.
- 3 Q. Did you notice anything else different about how Lucky did things?
- 4 A. Yes. First of all, Lucky didn't use a skinny holster like Jeffrey gave us, and he didn't wear
5 the holster up high like us.
- 6 Q. You've spent a lot of time talking about Lucky. Did you spent a lot of time hanging out?
- 7 A. Lucky spent a lot of time with me and everyone else. He loved making people laugh by
8 showing them his tricks. I remember one time he got in trouble for it.
- 9 Q. What happened?
- 10 A. It was sometime in late May. A buddy of mine came in and said Lucky, Hope and Ace
11 were in a scene right near the catering tent. I went outside but the scene was over.
12 Jeffrey looked like s/he was taking the guns back to storage and suddenly turned around
13 and saw Lucky standing there with Hope and Ace, pulling a gun from his holster all fast
14 like I told you. Jeffrey walked over to Lucky, told him to turn over the gun, and to never
15 do that again. Lucky promised he'd give the gun back quick next time and said
16 something about his Buddy Boy being better and quicker than Jeffrey's Colt and his
17 Busca-something being better and quicker that a Slim Jim.
- 18 Q. Other than that, do you remember Lucky ever getting in trouble on location?
- 19 A. There was that Crazy Carly killed a camera incident.
- 20 Q. Crazy Carly?
- 21 A. Lucky's horse. I guess Lucky shot off a blank on set and Crazy Carly went crazy, bucked
22 around and threw Lucky into the whole camera crew. The Director was mad as hell at
23 Lucky for destroying the camera. The Director told Lucky that if he wasn't more careful,
24 that he and Carly were going to single-handedly put Go West out of business.
- 25 Q. Other than that comment from Jeffery, did anything else happen related to that incident?
- 26 A. Yes. On Monday, June 27, 2022, the On-Site Producer, Grey Groman, held what s/he
27 called a motivational meeting. Groman said we were way behind schedule, and everyone
28 needed to get motivated and work longer and harder. Unfortunately, the only thing
29 Gorman's speech motivated was a lot of anger from the cast and crew. They said it was
30 impossible to get motivated when Go West was torturing them at the Flee Bag, trapping
31 them on site all day, and subjecting them to sun stroke.
- 32 Q. How did Groman respond when s/he heard that?
- 33 A. Groman said the only thing that's giving her/him a stroke was the fact they were behind
34 schedule, and the next thing you know, Groman said we needed to be at work 24-7, well
35 actually 16-7, meaning 16 hours a day 7 days a week, and to add insult to injury, when
36 we showed up the next day, Groman had sun block lying all around the set.
- 37 Q. Do you have any idea if production improved after that? If you caught up?
- 38 A. I'm not sure, but I don't think so because all the big bosses were pushing us and pushing
39 us all month.
- 40 Q. Calling your attention to Sunday, July 31, 2022, do you recall where you were that
41 morning?
- 42 A. Yes. At this point in filming, my character was very involved in the action, and I was on
43 set waiting for the scene to be filmed.
- 44 Q. Describe the set and who was there?
- 45 A. The set that was designed to look like a small town, with a bank, hotel, bar and a one
46 room courthouse. The Director, the Firearm guy and the production crew were there,
47 along with Lucky, Todd, Hope, Andrew and me. The crew was still setting up. In the
48 meantime, the Director explained what the scene was about.
- 49 Q. What did the Director tell you about the scene?

- 1 A. This was when Pat Garrett and his nemesis, Jesse Brazel, were in a land dispute. Pat
2 walked out of the court room with his family, and they started to ride out of town. But
3 when Jesse walked outside and saw Pat leaving, angry words were exchanged but no
4 shots were fired.
- 5 Q. How long did that scene take start to finish?
- 6 A. It was a short and simple scene. We were done before lunch. Unfortunately, lunch wasn't
7 an option because the next scene was scheduled to start in ten minutes. So, I ran over
8 to Jeffrey and handed in my gun, and that's when I saw Lucky fall off his horse. He said
9 the heat got to him, but I think he was just embarrassed to have everyone see America's
10 favorite cowboy get dumped off a horse a second time. At least his gun didn't go off and
11 he wasn't hurt. Anyway, the Director said something about expecting accidents to
12 happen when everyone's in a rush, and then she told us to get to the far back lot ASAP.
- 13 Q. What time did you get to the next location?
- 14 A. We were all there by 12:15 PM.
- 15 Q. Describe the set and who was there?
- 16 A. It was an outdoor set near the rock formations, designed to look like Bear Canyon
17 Ranch, where the feud between Pat Garrett and Jesse Brazel began. The Director,
18 Jeffrey, Groman and the production crew were there, along with Lucky, Todd, Hope,
19 Andrew and me. The Stunt Coordinator was there with his gang of eight.
- 20 Q. Gang of eight?
- 21 A. It's the nickname I came up for them ever since I got hurt. Not in issue. Next question?
- 22 Q. My question is, what did you do after you arrived?
- 23 A. The crew was rushing around setting up. In the meantime, the Director explained what
24 the scene was about. That this was when Pat Garrett and his family just learned that
25 Jesse Brazel was misusing the land that the Garretts had leased to Jesse. The Garrets
26 rode out to confront Jesse and there were more angry words and threats. It looked like
27 there was going to be a gun fight until Jesse's neighbor intervened and worked out a
28 compromise that no one was really happy with. As the Garrets rode off, they pull out their
29 guns and shoot into the air as an act of defiance. In response, Jesse Brazel runs over
30 to the side of the barn, pulls out his gun and takes a shot at Pat Garrett but misses.
- 31 Q. All right. What happened next?
- 32 A. The Director spent the next hour explaining the timing, pointing to where we all needed
33 to stand and working with the crew. Around 1:15 PM, the Director said she was ready to
34 start filming, and had Jeffrey give everyone their guns. Jeffrey said all the stunt artists
35 were getting unloaded revolvers, and the main cast was getting revolvers that were
36 loaded with blanks.
- 37 Q. Did you hear Jeffrey tell you there were five bullets or blanks in the gun?
- 38 A. You mean fine beans in the wheel? No, I didn't.
- 39 Q. After Jeffrey gave you the gun, how long after that did the Director start filming?
- 40 A. Right away. I'd say around 1:30 PM.
- 41 Q. What happened during filming?
- 42 A. The scene progressed as expected, until the part where I was supposed to pull out my
43 gun and pull the trigger. I'm not sure why but I couldn't do it, so we had to do another
44 take. For a second time, I fumbled around getting the gun out of the holster. Then for a
45 third time, I couldn't get my gun out of that damn skinny-assed holster. It took two hours
46 to do all those takes, and for two hours I looked stupid as hell and the gang of eight were
47 laughing non-stop. I'm sure this was going to be the talk of the town back at the Flee
48 Bag.
- 49 Q. Tell us what happened next.

1 A. The Director looked really exasperated and told us to take a five-minute break. The gang
2 of eight handed in their guns so they could go to the catering tent to laugh it up at my
3 expense, but I decided to stay put and go into the barn. It was cooler in there and I
4 figured I could see what the hell was going on with my gun and my holster.

5 Q. So you snuck off to the barn without permission?

6 A. No. I didn't sneak off. The Director gave us a break, and everyone was coming right back
7 so we could finish the scene. I still needed the gun, so I didn't have to give it back.

8 Q. You didn't have to go to the barn. You chose to do that so you could fool around with the
9 gun without anyone seeing you, true?

10 A. No.

11 Q. You were with Grey Groman in the barn after you shot yourself in the leg. Didn't you tell
12 her/him you were in the barn trying to play around like you were a Lucky Lawler type?

13 A. Absolutely not.

14 Q. You opened up the loading guard on your gun when you were in there?

15 A. Just to see how many bullets were in there but that's it.

16 Q. You spun the bullets or cylinder around when you were checking on that?

17 A. Absolutely not.

18 Q. Can you explain how the bullets or cylinder got spun around?

19 A. No idea.

20 Q. How many bullets were in there?

21 A. Five or six. I can't remember.

22 Q. What did you do after spinning the cylinder?

23 A. I just said I didn't do that?

24 Q. What did you do after you didn't spin the cylinder?

25 A. I went to holster the gun and it just went off for no reason. Let me rephrase that. The
26 reason the gun went off had nothing to do with me. It had to do with your client using old
27 guns that malfunctioned, and new holsters that were too tight.

28 Q. Did you ever tell anyone about your issues with the holster?

29 A. Lucky. Maybe not. I'm not sure.

30 Q. When you holstered the gun, was the hammer pulled back in a full-cock position?

31 A. No. I don't think it was even in the half-cock position.

32 Q. You had it at half-cock?

33 A. No. I just told you that. Let me be clear. I never pulled the hammer all the way back or
34 half-way back or anywhere back. I never pulled the trigger. I never spun the cylinder. I
35 never goofed around with anything if that's what you think. I never did anything to make
36 that gun go off. It went off because it was old. It was broken. It was dangerous, and your
37 people put that thing in my hand and there goes my foot.

38 Q. After you shot yourself, it's my understanding you were transported to the hospital by the
39 Stunt Coordinator, correct?

40 A. Yes. I was admitted to Carter City Hospital and my surgeon was Dr. Angela DeCarlo.
41 Very talented doctor. Such an Angel. She saved my life.

42 Q. I'm handing you Exhibit 11. Do you recognize this?

43 A. Yes. Exhibit 11 is a photo of the barn where s/he got shot.

44 Q. Where were you when you shot yourself?

45 A. On the left-hand side of the photo in front of the two free-standing bales of hay.

46 Q. I've handed you Exhibit 12. Do you recognize what's shown in that photo?

47 A. Yes. It's a photo of my foot. That's what it looked like in the hospital on July 31, 2022. I
48 hate seeing this. I hope you don't have any more gory photos for me to look at.

49 Q. No. I'm handing you Exhibit 13. What is this?

- 1 A. It's Dr. DeCarlo's medical report.
2 Q. How long were you in the hospital?
3 A. An eternity, and I have to go back for more treatment today. Are we done?
4 Q. We're done. Thank you.

5
6 CERTIFICATION: On January 3, 2023, I, BOBBY BLAIR, certify, under penalty of
7 perjury, that I have carefully reviewed the above deposition transcript and testimony to
8 determine whether the answers contained are true, accurate and correct, and whether
9 I had any additional information relevant to the matters therein. I hereby certify, under
10 penalty of perjury, that the deposition testimony and transcript are true, accurate and
11 correct, and I have no information relevant to the matters discussed other than what is
12 discussed in this deposition. Everything was covered and nothing was left out.
13

14 Dated: April 3, 2023

15 Signed: Bobby Blair

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

BOBBY BLAIR, v. GO WEST MOVIES, INC., Defendant.	NUMBER: CR- 082360-2023 THE HON. ROBERTO FRANCESCO
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DEPOSITION TESTIMONY OF GREY GROMAN

- 1 This is the deposition testimony of GREY GROMAN, taken before a Notary Public on May 3,
2 2023. GREY GROMAN, having been called as a witness, and duly sworn by the notary public
3 present, testified as follows:
4
- 5 Q. I represent Bobby Blair in this action against Go West Movies, Inc., and I have to ask you
6 some questions on the record. Do you understand?
- 7 A. Yes, I understand but I don't even work for Go West anymore.
- 8 Q. I understand and I'll try to get you out of here as soon as possible. Tell us about yourself.
- 9 A. I was born on February 19, 1992. I'm from Boston and no, I don't love the Patriots.
- 10 Q. Where did you go to school? When did you graduate? Give me the details.
- 11 A. In 2013, I graduated with a Bachelor of Arts Degree in Cinema Studies from Emerson
12 College in 2014, I received a Master's Degree in Film Production from there.
- 13 Q. What did you do after you graduated?
- 14 A. In 2015, I was an Assistant to the On-Site Producer on a documentary film on law school
15 trial teams called Competition Crazy. From 2016-2017, I was an Assistant On-Site
16 Producer on an independent movie in 2018, I was an On-Site Producer on two
17 independent movies. All of them were low budget movies, but that's not a sin. Low
18 budget movies make money here, Canada and oversees, and I got a lot of experience.
- 19 Q. What did you do after you finished up your last low budget movies?
- 20 A. I didn't do much for six months. Then, in 2000, Hakes called and hired me to be the On-
21 Site Producer for Montana Massacre, and in 2021, Hakes hired me be the On-Site
22 Producer for Killer Creek, and in 2022, Hakes hired me to be the On Site Producer for
23 Double Cross Canyon.
- 24 Q. Let's back up a minute so you can tell us about Go West Movies, Inc. and Hakes.
- 25 A. Go West makes low budget, but high-yield Westerns, and Hakes is Go West. He's the
26 big boss. The Grand Poobah. The Lord High Commander of Go West. But on the door
27 of his office, it says Executive Producer.
- 28 Q. What can you tell us about his career?
- 29 A. I know he's from New York City, which he calls The City, as if there's no other city in the
30 world. I know where Hakes went to school because he has all these oversized diplomas
31 on the walls. He has a BA in Film Production and a Masters in Cinema Studies, from
32 Columbia University School of Art. Hakes loves telling me that Columbia's the best, when
33 we all know Columbia doesn't hold a candle to Emerson, just like the Yankees don't hold
34 a candle to the Red Sox.

1 Q. What else did Hakes tell you about himself?
2 A. He was Screen Writer for Deadwood for a couple of years, an Associate On-Site
3 Producer in Breaking Bad for about five years, and an On-Site Producer for two
4 independent movies. At some point, Hakes was an Assistant Executive Producer for
5 three Westerns. That's a great run in a short time but I heard Hakes got it because he
6 has a high-powered uncle in the industry. Nepotism runs rampant in this industry, which
7 is why he was able to start up Go West when he was forty. Uncle Moneybags helped.
8 Q. You said Hakes was the Executive Producer at Go West. What did he do as an EP?
9 A. According to Hakes, he did everything. He always talked about how he had to find the
10 scripts and raise capital for the movies. How he had to hire and negotiate contracts with
11 the whole production team, cast, and crew. How he had to stay oversee the schedule,
12 logistics, the budget, and everything from afar from pre-production to post-production
13 Q. Between 2018 and 2022, how many movies did Go West filmed or produced?
14 A. Hakes produced five Westerns. The Gun Slinger in 2018, The Sharpshooter in 2019,
15 Montana Massacre in 2020, Killer Creek in 2021, and Double Cross Canyon in 2022. As
16 I mentioned, I was the On-Site Producer for those last three movies.
17 Q. What were your job duties as the On-Site Producer for Go West?
18 A. You know how Hakes claimed he did everything on the movies. Not entirely true. While
19 he sat around in his air-conditioned office, I was in the trenches doing all the real work.
20 Q. What do you mean when you said you were in the trenches doing the real work?
21 A. As the On-Site Producer, I had to go to all the movie locations and oversee all on-site
22 day-to-day operations, logistics and scheduling. I had to review scripts, create a shooting
23 schedule, and coordinate everything with the production team, cast and crew.
24 Essentially, if there was a problem on site, I had to fix it. If anything needed to be done,
25 I had to do it. I could even hire other production professionals and make expenditures
26 if it was absolutely necessary. But what I couldn't do was go over budget or miss any of
27 the drop-dead deadlines, or all hell would break lose. Hakes would kill me.
28 Q. What do you mean by the drop-dead date?
29 A. The drop-dead date is when we had to deliver the completed movie to Celotto Studios,
30 Inc., or Hakes would have to pay a penalty of \$10,000 a day until the film was in the can,
31 meaning until we turned the film over to Celotto Studios for distribution.
32 Q. What's that all about?
33 A. All I know about Celotto is what Hakes told me. He said Celotto is in the business of
34 investing in low budget movies and distributing the movies in the US and Canada. From
35 2018 to 2022, Celotto was the sole outside investor for all of the Go West movies. Hakes
36 said he had a contract with Celotto, where Celotto would invest fifty percent of the cost
37 of production, matching Go West's investment of the other fifty percent, and Celotto and
38 Go West split the profits down the middle. Go West's part of the bargain was performing
39 all work on the movies from pre-production to post-production, and Celotto had to
40 perform all work associated with the marketing and distribution of the movies. Sound like
41 a great deal but there was a contingency, or as Hakes called it, a drop-dead clause. If
42 Go West didn't deliver the completed movie to Celotto on a date certain, Go West had
43 to pay Celotto a penalty of \$10,000 a day until the film was turned over to Celotto.
44 Q. Fair to say that you were under a lot of pressure to finish up before the drop-dead date?
45 A. No, I was used to it, and I did fine with the drop-dead date until the last movie.
46 Q. What do you know about the production and drop-dead dates on Go West's movies?
47 A. The first two were before my time but Hakes said they met the drop-dead dates because
48 they had more than six months to put it in the can and deliver it to Celotto. As for
49 Montana Massacre we only had five months, but we did it. Production began in early May

1 2020, filming was done in late August, and post-production was done about thirty days
2 later. As for Killer Creek, we only had five months, but we did it again. Production began
3 in early May 2021, filming was done in late August, and post-production was in the can
4 in late September. While we did it in time, it was hard to do. In fact, it was a miracle.

5 Q. It's my understanding you only had four months to complete Double Cross Canyon. Did
6 you tell Hakes about needing more time for that movie?

7 A. Not exactly. When Hakes called about Double Cross Canyon, he said he was impressed
8 with how I stayed on budget and finished the last movie in record time. Hakes said he
9 had another movie, and was interested in hiring me again, but first he needed me to
10 promise to have an even quicker turn around than before. If I could get it done in less
11 than four months, Hakes said that he'd give me the biggest bonus I could imagine. He
12 didn't say how much but I have a big imagination, so I said I'd get it done.

13 Q. Did you get Double Cross Canyon done on time?

14 No. Production began on May 2, 2002, and the drop-dead date was August 15, 2022.
15 Because we need about thirty days for post-production, we had to finish filming before
16 the end of July. Unfortunately, filming wasn't done until August 5, meaning there was no
17 way we could get the movie in the can by August 15, even if we rushed. As I recall, post-
18 production wasn't done until August 25, and Hakes had to pay Celotto \$100,000 in
19 penalties. Never got that bonus. Never got hired again by Hakes, but there's always
20 hope. I heard Hakes is thinking about another one soon.

21 A. Back to Double Cross Canyon. What is the movie about?

22 Q. It's about the life of Pat Garrett. That's the man who killed Billy the Kid. Lucky Lawler
23 played Pat Garrett, and Bobby Blair played the person who killed Pat Garrett.

24 Q. Tell us about the firearms you used for the movie?

25 A. We used original firearms that were manufactured in the 1880's to make the movie look
26 more authentic. That's important because that's what our target audience wants to see,
27 and we have to give the audience what they want or we're all out of a job.

28 Q. Do you know anything about guns or holsters or anything like that?

29 A. Not anything other than what the guns and other props we used looked like.

30 Q. Are all your props authentic?

31 A. No. For example, we had to buy new holsters, chaps and saddles because so few of the
32 old ones exist, and the ones that are still floating around are in really bad shape and that
33 can be dangerous. Can you imagine what would happen if a saddle strap broke when
34 Lucky was riding, and he took a nosedive off a horse and got hurt? That would be bad
35 news. Production would come to a halt, and we'd never meet the drop-dead date. But
36 as they say, time is money.

37 Q. Speaking of money, don't all these real guns and rifles, and all the authentic-looking
38 props cost you a pretty penny? You said Go West was all about low budget films.
39 Doesn't spending all that money on real guns mean the less money in your pocket?

40 A. Not necessarily. These gun aficionados and history buffs are loyal, almost cult-like, so
41 we have to make the movies worth their while by putting real guns in our movies, and we
42 market ourselves as doing that. That's who Go West is. Everyone knows that. For every
43 dollar we spent on real guns and real-looking props, that means lots more gun
44 enthusiasts spending lots more money and lots more time watching our movies.

45 Q. That may be so, but how can you stay low budget when you're spending big budget
46 dollars on props and the like? It seems incongruous.

47 A. Not if you use the Hannibal Hakes method of making money. Dump a lot of money into
48 the gums these aficionados want to see and do the bare minimum on everything else.
49 Low-level accommodations. Low-rent locations. Unknown actors who you can get dirt

1 cheap. You have to have a tighter than tight schedule, a tighter than tight budget, and
2 a tightwad like me who won't spend a dime on a band-aid for Lucky or sunscreen if I can
3 get away with it.

4 Q. Speaking of Lucky, he can't come too cheap. What about that?

5 A. Lucky's like the Colt 45. An old one but a good one that brings the audience in, so we're
6 willing to pay the price, even though he's problematic at times.

7 Q. Let's get back to the firearms and the like. You used real firearms, but did you use real
8 or live ammunition?

9 A. No. We used blanks because they were the next best thing in terms of giving off the
10 desired effect that the audience expected from one of our movies but keep us from being
11 sued. I mean, I didn't want a Go West movie to be the next headline like it was with
12 Highlander II: The Quickening, Terminator 2: Judgment Day, The Crow or Rust.

13 Q. Aside from not wanting to be sued, I'm sure that you were concerned for the safety of the
14 production team, cast and crew, yes?

15 A. Of course. I don't know much about guns, but I do know they are dangerous unless you
16 make sure they're used safely. That's why we established gun safety protocols, provided
17 safety instruction and handed out written safety rules to the production staff, cast and
18 crew. We also hired a Firearm Instructor, Jet Jeffrey, who provided hands-on training on
19 how to safely inspect and operate a gun.

20 Q. Did you know Jeffrey before s/he worked on Double Cross Canyon?

21 A. Yes. Jeffrey was the Fire Inspector on Killer Creek, and s/he was great. Never had any
22 problems, incidents or concerns with Jeffrey's work or any problems, incidents or
23 concerns regarding firearms or other safety matters on the Killer Creek set. Not one.

24 Q. Let's get back to Double Cross Canyon. How did you originally find out about who was
25 being hired, and that sort of information?

26 A. Hakes sent me a memo.

27 Q. I'm showing you Exhibit 16, is the memo?

28 A. Yes.

29 Q. Earlier you said you provided safety training on May 2, 2022, before filming began. Tell
30 us what happened after the safety training?

31 A. On May 3, 2022, we had a table read of the script, and the next day we began filming.
32 Everything moved along smoothly in May and June, until the very end of that month.
33 That's when we had unexpected expenditures related to the green room technology, and
34 some expensive camera equipment was destroyed. The added expenditures set us back
35 about \$20,000, meaning I had that much less to spend in July. Not only that, the delays
36 put us back weeks. When I looked at the schedule and made some computations, it
37 seemed unlikely that we would complete filming by our drop-dead date, August 15, 2022.

38 Q. After realizing that, what did you do?

39 A. On Monday, June 27, 2022, I held a motivational meeting on with the production team,
40 cast and crew. I told them we were weeks and weeks behind and wouldn't meet our
41 August deadline unless everyone gets motivated to work longer days and longer weeks.
42 I also told them that we were way over budget, so if anyone wanted anything extra, they
43 shouldn't come to me.

44 Q. Did you say anything else at the meeting or did anyone else say anything to you?

45 A. No.

46 Q. Didn't you tell them they were required to work 7 days a week 16 hours a day?

47 A. Absolutely not. It's hotter than hell in Texas. The temperature is 80° to 90° in the shade
48 all summer long. I wouldn't want to subject my people to that. I wanted to gently motivate
49 them to work as a team to get the job done on time and within budget.

1 Q. After your gentle motivational meeting, did things improve?
2 A. We made some progress, but it wasn't enough. By July 30, 2022, we still had a few
3 scenes to film, and we hadn't even started post-production. With everything we needed
4 to do, it was going to be impossible to meet the deadline, so I called Hakes and told him
5 what was happening. Hakes said he didn't want to hear a sob story. He wanted results,
6 so I needed to tell the whole production team to get it done or Go West was done with
7 them. After Hakes hung up, I told everyone what the boss said.
8 Q. Calling your attention to the afternoon of July 31, 2022, tell us what happened?
9 A. At about 1:30 PM, I was watching the Director film an important scene in the movie that
10 was supposed to have a lot of drama, a lot of action, and a lot of guns. The Director said
11 the stunt artists would have unloaded guns, and the five main actors would have guns
12 loaded with blanks. The Director told everyone what to do with the guns, including Blair,
13 who needed to pull a gun on the Pat Garrett character. Unfortunately, Blair screwed up
14 the draw again and again and again. After the third screw-up, Blair was so frustrated, that
15 s/he started pacing around and blaming her/his screw-up on everyone and everything.
16 The heat. The handle. The holster. The horses. Hannibal Hakes. The Firearm Instructor.
17 The Governor of Texas. The Flee Bag Motel. The list went on and on.
18 Q. What happened next?
19 A. After Blair made her/his third screw up, the Director said cut, and gave everyone a
20 fifteen-minute brake to get hydrated.
21 Q. Wasn't it five-minutes?
22 A. No. In fact, I think it was more like 30 minutes. I may be wrong but that sound like
23 something the director would do. She's a sweetheart.
24 Q. Go on. What did you see next?
25 A. It was a thirty-minute break, so everyone walked over to the Firearm Instructor and
26 turned in their guns. Everyone but Blair. Instead, Blair snuck off to the barn with the gun.
27 Q. Did you actually see Blair sneak off set with a gun?
28 A. No, but obviously Blair did because sixty seconds into the break, I heard a gun shot
29 coming from the barn, which is where we found Blair after s/he stupidly shot
30 herself/himself. Now, I guess I shouldn't call Blair that but if the shoe fits. Sorry, bad joke.
31 Q. Agreed. Let's get back to your story. Who was or wasn't there when you heard the shot?
32 A. Just about everyone walked off set to get water, so there were only a few of us hanging
33 around the set. It was the Director, the Stunt Coordinator, the Fire Instructor and me.
34 Q. What time was it when you heard a shot coming from the barn?
35 A. My best guess would be 3:30 PM.
36 Q. After you heard the shot, what did you and the rest of your group do?
37 A. We all ran in the barn and found Blair all alone, crying, and cradling her/his left foot. As
38 soon as we saw that, everyone sprang into action. Actually, Jeffrey sprang into action
39 and told us all what we needed to do. Jeffrey wrapped her/his vest around Blair's foot
40 and had me apply pressure. Then Jeffrey told the Stunt Coordinator to get the truck so
41 we could get Blair to the hospital. Jeffrey told the Director to get a cold water and ice for
42 Blair. Jeffrey told me to stay with Blair while s/he went outside to call the police. That was
43 a good idea because there was better reception there.
44 Q. After everyone else left, tell us what Blair was doing.
45 A. I can sum it up in three words. Bleeding Crying. Lying.
46 Q. What do you mean by that?
47 A. While I was applying pressure to Blair's foot, there was still some bleeding. Not much,
48 but some, and every time Blair that, s/he'd start crying about how s/he was going to lose
49 her/his foot or lose her/his leg or die, in her/his words, because of this stupid movie and

1 stupid Lucky and the stupid quick draw tricks. I told Blair that s/he wasn't stupid, that s/he
2 wasn't going to lose anything, and that s/he be all right.

3 Q. What happened next?

4 A. Jeffrey walked in with the Director and Stunt Coordinator. Right after that, we all carried
5 Blair to the truck, and the Stunt Coordinator drove Blair to the hospital. As for the rest of
6 us, we stuck around for the police to show up.

7 Q. Since the shooting, have you seen or spoken to Blair?

8 A. No. The only person that told me they spoke to Blair was Brandon Benjamin, the Stunt
9 Director. I guess when Brandon drove Blair to the hospital, s/he started changing her/his
10 story. At the beginning of the ride, Blair was reeling against Lucky. Blair was saying
11 Lucky let her/him down with all his cowboy antics and cowboy tricks.

12 Q. Your long time employee told you this? When?

13 A. Brandon doesn't work for me right now, but t answer your question. He told pretty close
14 to when this happened. How Blair's story change from what I just told you, to an entirely
15 different story after s/he had you come to the ER that day.

16 Q. What do you mean?

17 A. According to Brandon, Blair's wallet was in his truck and the ER staff let him see Blair to
18 give it to her/him. That's when Brandon heard the new and improved version of events.
19 Now, all of the sudden the gun was falling apart and malfunctioning, and that's why she
20 got shot. That doesn't sound anything like what Blair said to me earlier. Listen, I want you
21 to know that I feel bad for your client. I really do. But the gun didn't go off for no reason.
22 It's obvious that Blair was goofing around, trying to do a quick draw, and that's why it
23 went off.

24 Q. You weren't there. You don't know that happened.

25 A. What I know is that the rules say that you shouldn't be unsafe or fool around with a gun
26 or aim a gun at yourself. That's right in the rules. You know, when Jeffrey told me we
27 needed to have that in our rules, I thought that Jeffrey was crazy because everyone
28 knows that. Well, everyone but Blair.

29 Q. While we're talking about the rules, let me show you some that we marked as exhibits.
30 I've handed you Exhibit 1. Do you recognize this?

31 A. Yes. It looks like a poster we were working on for Double Cross Canyon. That's Lucky
32 Lawler, the star of our movie.

33 Q. Do you recognize Exhibit 2?

34 A. Yes. It looks like the type of Colt 45 SSA Model P we used for Double Creek Canyon.

35 Q. I'm handing you Exhibit 3. Do you recognize this?

36 A. Yes. It looks like the Winchester single action rifle we used for Double Creek Canyon.

37 Q. I'm handing you Exhibit 7 and Exhibit 8. Do you recognize these?

38 A. Yes. Exhibit 7 looks exactly like the Slim Jim holster that we used on the movie and
39 Exhibit 8 looks exactly like the holster Lucky Lawler used throughout production. We
40 always gave Lucky special consideration and let him do things his way in terms of letting
41 him use his own horse, holster, and the like. Sometimes you have to change the rules
42 and make accommodations for legends like Lucky Lawler.

43 Q. I'm showing you Exhibit 9 through Exhibit 12. Do you recognize these?

44 A. Yes. They are the safety rules we gave Blair and everyone else at the safety meeting on
45 May 2, 2022. Exhibit 9 is the General Safety Rules Sheet. Exhibit 10 is the Firearm
46 Safety Sheet. Exhibit 11 is the Firearm Safety Protocols Sheet. Exhibit 12 is the Firearm
47 Instructor Safety Rules Sheet.

48 Q. Do you recognize Exhibit 13?

49 A. Yes. It's a photo of the inside of the barn where I found Bobby Blair on July 31, 2022.

- 1 Q. Does it accurately reflect what the barn and lighting were like when you first went into the
2 barn on July 31, 2022?
3 A. A bit darker than it was that day but I'd say it was accurate.
4 Q. Where did you see Blair when you first walked in?
5 A. On the left-hand side of the photo about 10 feet in front of the bales of hay.
6 Q. I've handed you Exhibit 14. Do you recognize what's shown in that photo?
7 A. Yes. It looks like Blair's foot. I only saw it for a few seconds before Jeffrey put her/his
8 vest around it. I'm not sure where this was taken, probably at the hospital, but that's
9 basically what Blair's foot looked like.
10 Q. I think that's all I've got. Thank you.
11

12 **CERTIFICATION:** On May 3, 2023, I, Grey Groman, certify, under penalty of perjury, that
13 I have carefully reviewed the above deposition transcript and testimony to determine
14 whether the answers contained are true, accurate and correct, and whether I had any
15 additional information relevant to the matters therein. I hereby certify, under penalty of
16 perjury, that the deposition testimony and transcript are true, accurate and correct, and
17 I have no information relevant to the matters discussed other than what is discussed in
18 this deposition. Everything was covered and nothing was left out.
19

20 Dated: May 3, 2023

21 Signed: Grey Groman

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

BOBBY BLAIR, v. GO WEST MOVIES, INC., Defendant.	NUMBER: CR- 082360-2023 THE HON. ROBERTO FRANCESCO
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DEPOSITION TESTIMONY OF JET JEFFREY

1 This is the deposition testimony of JET JEFFREY, taken before a Notary Public on June 3,
2 2023. JET JEFFREY, having been called as a witness, and duly sworn by the notary public
3 present, testified as follows:
4

5 Q. Good morning. Before we begin, I was just told that you're scheduled to appear tomorrow
6 before the U.S. Congress Judiciary Committee on Firearm Safety and have a flight out
7 later today. Knowing that, I'll do my best to keep my questions short and to the point, and
8 in return, I'd ask you to do me the same courtesy.

9 A. Thank you for your consideration, Sir. I will do my best.

10 Q. It's my understanding that you no longer work with the Defendant, Go West Movies, Inc.
11 Do you have any plans to work with the Defendant in the future?

12 A. I make those decisions based on the information I have at the time and right now, I
13 haven't had any communications from them, so my answer would be no.

14 Q. Fair enough. Why don't we start out with you telling us about yourself? Where are you
15 from, and where did you go to school? That's what we would like to know.

16 A. I was born on July 3, 1970. I'm from right here in San Antonio, Texas. After graduating
17 from highschool, I attended the University of San Antonio, and received a Bachelor's
18 Degree in Business and American Military History in 1989. That same year, I enlisted in
19 the Army, and rose to the rank of Chief Warrant Officer First Class. I finished one tour
20 in Afghanistan, received a Silver Star, and was honorably discharged in 1998. Since
21 coming home, I got married and we have four children.

22 Q. After leaving the Army, where did you work?

23 A. In 1998, I joined the San Antonio Police Department, and was a patrol officer for three
24 years. I worked my way up to the SWAT Division, and in 2006, I was promoted to Master
25 Sergeant in charge of the SWAT team. After a few too many years doing that, I was
26 assigned to the Police Academy, and became the Firearm Training Supervisor in 2014.

27 Q. Are you still with the SAPD?

28 A. No, Sir. In 2018, I retired and opened a small firm that provides firearm training services
29 all across the State of Texas. I employ only ex-military or ex-police officers, and we
30 provide training and support to state and local agencies, private industry and smaller
31 companies like the Defendant Go West Movies, Inc.

32 Q. Do you have any licenses or certifications that qualify you to be a Firearm Instructor?

33 A. Yes. Together with licenses and certifications I received in the Army and the SAPD, in
34 1990, I received and have maintained a license to carry a handgun in the State of Texas,

1 and in 2010, I received and have maintained certifications as a Handgun Instructor with
2 the Texas Department of Public Safety and the Texas Commission on Law Enforcement.

3 Q. Do you have any other licenses or certifications that may qualify you for the particular
4 kind of work you were doing for the Defendant?

5 A. As a matter of fact I do. On top of my degree in American Military History, in 2000, I
6 received and have maintained a license from ATF as a Collector of Curios and Relics,
7 and in 2021, I received and have maintained certifications for all firearms that were used
8 in the movies the Defendant produced, Killer Creek and Double Cross Canyon.

9 Q. When and how did you first come into contact with the Defendant.

10 A. In 2020, I was contacted by one, Hannibal Hakes. He was the owner of the company,
11 and advised that they produced Westerns, and he was the Executive Producer of those
12 movies. Mr. Hakes then advised me that he was filming a Western at the Crook Canyon
13 Ranch and was looking for someone to research and procure historically accurate
14 firearms, as well as provide firearm training to the actors who would be using the
15 firearms. He mentioned that the filming would take five months, and he would
16 compensate me at 20% over our present fee structure, which would be around \$3,600
17 a week for 22 weeks.

18 Q. Did you accept his offer?

19 A. Not right away. My colleagues and I have to be very careful about who we work for, so
20 I asked one of my people to do the standard investigation, that would typically include
21 a criminal background check, corporate status verification, credit history, a search of
22 court records to determine if there have been any bankruptcy filings, civil lawsuits and
23 the like. The only hits we found related to a DWI from 15 years ago, and a lawsuit over
24 book rights three years back. After my next telephone conference with Hakes, I ended
25 up accepting the offer first, as a Fire Instructor on the movie Killer Creek, and then on
26 the movie Double Cross Canyon.

27 Q. When did you start working for the Defendant on the Killer Canyon movie?

28 A. I began working for the Defendant in the spring of 2021, and my last day was sometime
29 in November of 2021.

30 Q. When you were the Fire Instructor on Killer Creek, do you recall any problems, incidents
31 or concerns regarding firearms or other safety matters on set, specifically any near
32 misses related to the firearms?

33 A. There were no near misses, but I recall two incidents in June.

34 Q. As for the first incident, didn't that involve an actor who left set with a revolver?

35 A. No. The actor forgot that she had a revolver in her holster, began to walk off set, and as
36 soon as I noticed one of the revolvers hadn't been returned, I retrieved the revolver. The
37 actor was less than twenty feet away and less than sixty seconds passed. Also, the
38 revolver was unloaded, so no one was in danger of being hurt.

39 Q. Did you report that to anyone?

40 A. Yes, I reported it to Grey Groman, the On-Site Produce for the movie. I told Groman
41 everything that happened and said everything was resolved.

42 Q. What happened after you told Groman that?

43 A. Groman said s/he was relived to hear that everything was copasetic because if it wasn't,
44 s/he would have to tell Hakes and that would mean Groman's job was over, not mine.
45 Just Groman's job would be on the line.

46 Q. Did Groman explain why?

47 A. Groman said that as of that date, s/he hadn't procured insurance coverage. I suggested
48 to Groman that s/he get right on it and Groman responded, that s/he was working on it
49 but it was hard to do the impossible.

1 Q. Did Groman say anything else?
2 A. Yes. When I told Groman that the woman wasn't hurt, Groman said that was good, and
3 kept on repeating a slightly different version of an old phrase. No harm. No foul. No
4 lawsuit. No insurance. No pain in the ass boss firing me over money I didn't have.
5 Q. Did Groman ask for any further information on the incident? Names? Dates? Did Groman
6 ask you any questions at all?
7 A. Let me answer those one at a time. Groman didn't ask me for any names, dates, contact
8 information, or anything else.
9 Q. Do you know if there was a further investigation done by Groman?
10 A. I know there wasn't because there was nothing to investigate.
11 Q. Let's discuss the second incident. Didn't an actor have a revolver on set that was loaded
12 with blanks, and didn't the revolver discharge on set?
13 A. That's half the story. The other half is the fact that the actor tripped during a scene while
14 holding a revolver loaded with blanks, and accidentally pulled the trigger, causing the
15 blank to hit a cactus. After retrieving the firearm, I made sure no one was hurt, and then
16 I reported it to Groman.
17 Q. What happened after you told Groman that? Did Groman ask any questions this time?
18 A. No. All Groman did was repeat a truncated version of that phrase. No Harm. No foul. No
19 lawsuit. So sorry cactus. Better you getting shot than me being killed over this whole
20 insurance fiasco.
21 Q. With regard to either of those incidents, did Groman take any remedial action or issue
22 any reprimands to you or anyone else?
23 A. Not that I know of.
24 Q. Do you know if Groman filled out an incident report on either matter?
25 A. Not that I know of.
26 Q. Let's move on from Killer Creek to Double Cross Canyon or DCC as we call it. When did
27 you begin working for the Defendant on the DCC movie?
28 A. I was hired in April of 2022, but didn't begin working at that movie location until May 2,
29 2022, and my last day on site was around August of that same year.
30 Q. What were your job duties as the Fire Investigator on the DCC movie?
31 A. My job included selecting historically accurate firearms and purchasing the firearms,
32 holsters and blanks. I was responsible for inspecting the firearms, bringing them on set,
33 loading them, and monitoring the actors who were using firearms. I would also retrieve
34 and store the firearms in a secure location.
35 Q. Did you have any other job duties?
36 A. Yes. I provided general safety training to the entire production team, cast and crew, as
37 well as firearm training for the actors who would be using firearms in a scene.
38 Q. In carrying out your duties, did you follow any federal, state or local rules or regulations
39 regarding firearm safety?
40 A. There are no specific federal, state or local rules regarding firearm safety on a movie set.
41 The general firearm safety rules apply. The ones we are trained on in order to receive
42 my license and certifications.
43 Q. Are you saying there are no federal, state or local rules that Go West has to comply
44 with?
45 A. I mean, if the production crew needs to have their people do a fake explosion, they'd
46 have to get prior approval. But in regard to firearm safety, there are no specific rules
47 which apply to them. Just the standard firearm safety rules and the even safer rules I
48 train the actors to use.

1 Q. Isn't there a group of American movie producers that have safety rules related to
2 firearms on movie sets?

3 A. I don't know about that because I'm not a movie producer but I'll Google it and see. I just
4 looked and there's nothing there.

5 Q. To be clear, are you saying you're not aware of any rules from a governing body that
6 directs movie producers to hire an Armorer or Weapon Master who is certified for all the
7 firearms/weapons to be used on set.

8 A. No, I'm not aware of any kind of rules about Weapons Masters, and by the way, my
9 qualifications are no different from a Weapons Master or an armorer, and I am certified
10 for all firearms that were used on the DCC set.

11 Q. Earlier you said Groman was Go West On-Site Producer for Killer Creek and DCC as
12 you call it. When was the first time you met or spoke with Groman on the DCC movie?

13 A. The morning of May 2, 2022, when s/he held a meeting with the production staff, cast
14 and crew. I didn't go to the first session. Groman said it was just going to be a pep talk
15 about the movie, but I did go to the rest of the sessions that day.

16 Q. When was the next session?

17 A. It was around 10:30 AM, in the catering tent, or as I call it, the canteen. When I arrived,
18 Groman told me this was the whole group, including the production team, cast and crew.

19 Q. What happened at that meeting?

20 A. Groman stood up, told the group it was a safety meeting, and that we were going to go
21 over the written safety protocols that Go West developed?

22 Q. Were you familiar with those protocols?

23 A. Yes. I helped write them back when I was working on the Killer Creek movie. Groman
24 told me that Go West didn't have any written safety rules, so I helped Groman develop
25 the rules, which we put on paper and were going to hand out to the whole group that day.

26 Q. What happened after Groman first stood up to address the group?

27 A. Groman introduced me to the group, said I was the Firearm Instructor, and that everyone
28 had to listen to me, learn from me, and do what I said. Then, Groman pointed over to
29 Lucky Lawler and said, "that goes for you too, Lucky, try to follow the rules this time."
30 After that, Groman said, I was going to be conducting the safety meeting.

31 Q. Is Lucky Lawler, the person shown in Exhibit 1, that I'm showing you?

32 A. Yes.

33 Q. What did you do after Groman turned the meeting over to you?

34 A. For the next hour or so I went over the safety protocols. I handed them out to everyone,
35 read them to everyone, explained them to everyone, and said I'd answer any of their
36 questions.

37 Q. Let's back up a minute. What exactly did you say to the group?

38 A. I talked about general safety issues. Told them to be stay away from dangerous locations
39 and dangerous animals and arachnids. Not to try to jump 100 feet down from a cliff. Not
40 to try to get friendly with a coyote or a snake. Not to go fool around with a firearm in a
41 barn pretending to be a real gunslinger.

42 Q. Do you recall saying anything else to the group during this session?

43 A. Yes. I told them that any complaints they had or questions they needed answers to or
44 if they saw any possible breaches of the safety protocols, that they were required to
45 immediately report this by text or email to Groman and to me.

46 Q. During the filming of DCC, did anyone advise you of any complaints, concerns or breach
47 of the rules?

48 A. No, and you know how I know no one did, other than my memory? Because if they did,
49 I would have filed a written report on it, and we have no reports from the DCC movie.

1 Q. Is that the rule that you file a written report when things like that happen?
2 A. Yes. If it has to do with a serious concern, breach or misfiring of a gun.
3 Q. Did you file a report when Lucky fell off his horse on July 31, with a gun in his hand?
4 A. No. The gun didn't go off and no one was hurt.
5 Q. Did you file a report when Lucky shot off a blank and his horse threw him into a camera?
6 A. No. That wasn't a misfire. Lucky was supposed to fire the gun as part of the scene. It's
7 just that no one explained that to the horse. Anyway, no one was injured.
8 Q. Did you file a report on yourself when you let a cast member leave set with a gun?
9 A. If you're talking about what your client said in her/his deposition that never happened.
10 Q. You didn't file a written report on those two incidents on the Killer Creek movie set, true?
11 A. No, but those were not a big deal.
12 Q. What happened to Bobby Blair is a big deal. Did you file a report on that?
13 A. No. The police investigated it so there was no reason why I should do that.
14 Q. That's right. The incident was investigated by someone you know, true?
15 A. Yes, and someone who doesn't particularly like me, which is why s/he is trying to blame
16 Go West for your client shooting herself/himself.
17 Q. You said that the detective doesn't like you. Why do you say that?
18 A. I almost got her/him thrown out of the police academy, and I did get her/him thrown off
19 the SWAT team. Did you know that?
20 Q. Let's get back to answering my questions about the training sessions. What else do you
21 recall saying or doing at the safety meeting?
22 A. I told them, which includes your client, that they needed to be really careful when it came
23 to the firearms they would use in scenes. That keeping them safe wasn't just our job. It
24 was also their job to know the rules and protect themselves. I told everyone everything
25 on the safety protocol sheets we handed out.
26 Q. I'm showing you Exhibit 9 through Exhibit 12. Do you recognize these?
27 A. They are the documents we handed out to everyone at the Safety Session. Exhibit 7 is
28 the General Safety sheet. Exhibit 10 is the Firearm Safety Procedure sheet. Exhibit 11
29 is the Firearm Protocol Sheet and Exhibit 12 is the Firearm Protocols Sheet. Those are
30 the rules I have to follow.
31 Q. Bobby Blair testified on an earlier date and said you had these memorized. Is that true?
32 A. I read that in Mr/s. Blair's deposition and all I can say is that I don't have them
33 memorized, but I do know them. Unfortunately, it looks like Mr/s. Blair didn't know them
34 as well as s/he should. On July 31, 2022, s/he violated almost all of the Ten
35 Commandments in the space of two minutes.
36 Q. Calling your attention to around 11:00 AM on May 2, 2022.
37 A. I'm not sure if it was exactly at 11:00 AM, but I recall calling out the names of the people
38 who had to go to the Firearm Training Session. That included Mr/s. Blair.
39 Q. Where was the firearm training meeting?
40 A. It was in a back lot. There was a barn near there, with some bales of hay that we could
41 use in case we needed somewhere to sit, and I set up a firing range there. Firing the
42 firearm is part of the training.
43 Q. Tell us about the training session.
44 A. It was very standard in terms of training. It started out with me telling them what types of
45 firearms they would be using. I told them they would be using the actual firearms that
46 were manufactured 150 years ago. I said that they had all been inspected thoroughly and
47 were in good working order.
48 Q. What firearms you chose to use, the make, model and year, that was all up to you,
49 correct?

1 A. I made the selection based on the time period from the movie, so it was historically
2 correct, which is one of the reasons I chose the firearms that I did.

3 Q. When were those purchased?

4 A. In April Of 2022.

5 Q. What firearms did you choose?

6 A. There were two. One was a Colt .45 Single Action Revolver, called the Peacemaker. The
7 other was a Winchester Single Action Lever Rifle, called the gun that won the west. After
8 telling them a little bit about Samuel Colt, and the history behind the Colt and
9 Winchester.

10 Q. Is there a reason you chose to have them use an original Colt 45 SAA Model P?

11 A. For one, Hakes told me he wanted authentic firearms so that's what I bought.

12 Q. There are replicas that look authentic, correct?

13 A. Yes.

14 Q. Is there a reason you didn't buy a safer revolver, like a replica? Don't the replicas have
15 additional safety features?

16 A. An original Colt 45 looks better, feels better, and handles better than replicas, and the
17 replicas they make now have all sorts of unnecessary modifications. For example, the
18 replicas have transfer bars, which the original Colt 45 didn't have. The manufactures
19 claim a transfer bar makes the Colt safer because the firing pin won't strike the primer
20 unless the trigger is pulled. But an original Colt 45 is perfectly safe when the operator
21 handles it properly.

22 Q. You didn't answer my question.

23 A. Yes, I did. It's a perfectly safe weapon when used safely by the operator, and the Colt
24 45's we had were beauties. Samuel Colt knew how to make a beautiful gun, and we
25 made sure Mr. Colt would be proud of how well we took care of them. They were all in
26 good working order. There's no dispute about that.

27 Q. But the people handling the revolvers are actors, not armorers or experts like you. It's a
28 lot to learn in a short period of time.

29 A. There are people out there who are safely handling these revolvers and they are younger
30 than your thirty-year-old client. S/he is an adult and fully capable of understanding how
31 a revolver works, what you should or shouldn't do with a revolver, and how to inspect and
32 fire a revolver safely. In your client's deposition, s/he told you about all the training s/he
33 received. How I brought one revolver and one rifle with me to the firing range, and used
34 the firearms, schematics and photos to explain in detail what the component parts of the
35 firearms looked like and how they interacted with one another. I also bought blanks with
36 me and explained what that looks like.

37 Q. I'm handing you Exhibit 2 and Exhibit 3. Do you recognize these?

38 A. Yes. Exhibit 2 looks exactly like the Colt 45 Peacemaker we used in the movie. Exhibit
39 3 looks just like the Winchester Rifle that we used.

40 Q. What are Exhibit 4 through Exhibit 6?

41 A. These are the schematics and photos I used during our training session. Exhibit 4 is the
42 cylinder of the exact Colt 45 we used on set. Exhibit 5 is a schematic from 1875 for the
43 Colt 45 Peacemaker. Exhibit 6 is the schematic I used to show us what a hammer looked
44 like in a half-cock or full-cock position. I trained them on everything you see here and
45 explained everything to them. How the firearm operates. How and what causes the
46 firearm to discharge. How to perform a safety check of the firearm to ensure that there
47 are no foreign objects in the barrel or cylinders, and that there is no live ammunition or
48 blanks in the chamber. How to load and unload the firearms. How to hold a firearm in a
49 safe manner so it will not discharge. How to safely fire a firearm. On top of that, they had

1 hands-on training on each of those topics. I even gave your client additional time with me
2 one-on-one, and I watched her/him do everything from inspecting, loading and firing the
3 firearms at a target. At the end of a six to seven-hour session, I gave your client the state
4 authorized test, and s/he passed.

5 Q. If you're finished, I have some questions about what you just said. For example, you
6 mentioned that you explained what everything was, but you often used colloquial terms
7 when doing that. Isn't it true that you never really explained what some of those
8 colloquialisms meant?

9 A. I guess what you're really asking me is if I told them what five beans in the wheel means
10 and if that's your question, the answer is yes, I did. Not only did I tell them that day,
11 whenever I handed them a revolver, there were only five beans or bullets in the wheel,
12 and I always told the operator that without fail.

13 Q. Once again, did you tell Bobby Blair that on July 31, 2022?

14 A. I must have said that. It's too important a thing for me to forget to do that.

15 Q. Do you have a specific recollection or not?

16 A. Same answer. I must have because I always do that without fail,

17 Q. Explain why it's absolutely necessary to load an original Colt 45 that way.

18 A. It's not absolutely necessary with well-maintained revolvers like ours, but it's the best
19 practice for those who may not have top-of-the-line Colts. For those people, it's the best
20 practice to leave the chamber underneath the hammer unloaded. Otherwise, a sharp jolt
21 can cause the pin to strike the primer with enough force to set it off. This is why the
22 cowboy load was developed. When the hammer is pulled back on a single-action
23 revolver a series of sears are engaged which prevent it from moving back toward the
24 chamber without the trigger being depressed.

25 Q. Are there scenarios where the gun might be able to fire after the hammer is pulled back
26 but without the trigger being pulled?

27 A. Not in my universe.

28 Q. On July 31, 2022, did you use a cowboy load, in other words, did you only put five bullets
29 in the chamber and leave the one chamber under the hammer empty.

30 A. I'm sure I did. I always did.

31 Q. Do you have a specific recollection or not?

32 A. Same answer. I must have. I always did that without that fail.

33 Q. You said you did that without fail. What about that near miss when the gun went off on
34 the set of Killer Canyon?

35 A. Completely different circumstances.

36 Q. Let's move onto a different topic then. Holsters. What did you train them about that?

37 A. I told them that Go West bought new holsters that looked like the real thing. We couldn't
38 actually use real ones because leather goes bad. I also gave them holsters that day.

39 Q. Did you have them put their holster on or train them how to pull a revolver from a holster?

40 A. No. I wasn't going to leave a revolver with people who were not used to firearms and
41 didn't want to take a chance that they would put the revolver in the holster instead of
42 giving the firearm right back to me.

43 Q. It's my understanding that you selected the type of holster, a Slim Jim. Is there a reason
44 you selected that one?

45 A. Yes. I chose it for ease of use and comfort, and for that nice sleek and authentic style
46 that Go West was looking for in their movies. Most everyone was using a Slim Jim.

47 Q. Isn't the Slim Jim a little too slim, which makes it difficult for people to get the firearm out
48 of the sleeve?

1 A. No. The Colt 45 fits in there not too tight but just tight enough so there's less of a chance
2 that the firearm will fall out of the holster.

3 Q. Did you give Lucky Lawler one of those holsters?

4 A. No. Lucky had his own and it was perfect for his style of gun fighting. Fast and loose.

5 Q. I'm handing you Exhibit 7 and Exhibit 8. Do you recognize these?

6 A. Yes. Exhibit 7 looks exactly like the Slim Jim holster that I gave the group to use during
7 the production. Exhibit 8 looks exactly like the holster Lucky Lawler used throughout
8 production.

9 Q. Do you know much about holsters?

10 A. Yes, I am somewhat of an expert on holsters. I've studied them over the years, I collect
11 them, I've given lectures on them, and have that certification or license from ATF, as a
12 Collector of Curios and Relics.

13 Q. Would you mind giving us a little history lesson on holsters and why you didn't choose
14 one of the other holster styles.

15 A. One of the earliest holsters was the Mexican Loop Holsters, but those weren't anything
16 more than a rustic-looking pocket. I didn't use one of those on DCC because the original
17 design covered most of the pistol grip, which made accessing the firearm difficult unless
18 you modified the cut by lowering the top edge to expose the handle and part of the
19 trigger guard.

20 Q. What about the Buscadero Holster? Would using one of those be consistent with what
21 the cowboys were using back in 1880?

22 A. Yes, and that's what Lucky Lawler used. But not because it's safer. Lucky likes the look
23 of a holster than can hang low on the leg. Also, it helps with his favorite move, the quick
24 draw, because he doesn't have to bring his hand up to his waist to draw his sidearm.
25 There's also a band of leather that he can strap around his thigh to keep the holster from
26 riding up when he pulls his pistol, which Lucky loves to do.

27 Q. What else can you tell us about Buscadero Holsters?

28 A. They evolved into the fast-draw holsters that make regular appearances in cowboy action
29 movies and shooting competitions because they have circular spring-metal straps sewn
30 inside the holster to hold the top open. The straps also spun the revolver wheel inside
31 the holster, allowing the shooter to begin to cock the weapon before clearing the top of
32 the holster.

33 Q. What else can you tell us about holsters?

34 A. Some Wild West pistoleers, like Wild Bill Hickok, carried their six-shooters with the butts
35 facing forward. That position allowed Wild Bill the operator or shooter to use a cross
36 draw or underhand draw, which was common on the Great Plains during the time period.
37 But that wasn't even a consideration for DCC. Too difficult. Too dangerous. Too hard to
38 teach and completely unnecessary. When it comes right down to it, the Slim Jim was the
39 right choice and a safe choice as long as the operator was being safe.

40 Q. How about bullets or ammunition? Did you say anything more about that?

41 A. Yes. I told them in no uncertain terms that no one could bring live ammunition on
42 location. That we didn't use live ammunition. That we only used blanks, but a gun was
43 loaded with blanks could still hurt them. That's why it was important to teach them how
44 to inspect a revolver. I told them that they had to inspect them every time.

45 Q. Did you say anything else?

46 A. I told them that when they did their inspection that they shouldn't fool around with the
47 gun, especially if it was loaded with blanks because of the five beans in the wheel issue
48 we already discussed. I didn't want them moving the beans, by opening up the loading
49 dock and moving the empty chamber to a different location.

- 1 Q. That language isn't on any of the safety sheets you gave them, correct?
- 2 A. No, but I definitely told them that.
- 3 Q. Specific recollection?
- 4 A. Same answer I always give you.
- 5 Q. During the training, is there a reason you let Lucky Lawler assist?
- 6 A. I didn't. Lucky was right there with everyone else, and I never asked him to train anyone.
- 7 Q. Didn't you see him demonstrating his quick draw moves to the trainees?
- 8 A. No. I mean, I saw him do that once, but no one was around, and it was years ago on
- 9 another set. He loves showing off and I think he thought I'd be impressed. But I wasn't,
- 10 and I told him in no uncertain terms never to do that again. He listened because I never
- 11 saw him do it again.
- 12 Q. When you saw Lucky do a quick draw, what did you see him do?
- 13 A. Lucky pulled the hammer in the full-cock position and put it in the holster like that so all
- 14 he had to do when he pulled out his gun is pull the trigger.
- 15 Q. Calling your attention to the afternoon of July 31, 2022, tell us what happened?
- 16 A. Everyone was on set, and I was instructed to bring firearms that were going to be used
- 17 in the scene. I inspected them, brought them on set, and loaded them, but only the ones
- 18 the main actors were using. Everyone else needed a rifle but no blanks were necessary.
- 19 At some point, the filming started, and your client kept on forgetting to pull out the
- 20 revolver on time or something like that. After the third take, s/he was obviously upset with
- 21 herself/himself. I mean no disrespect but the only way to describe it is to say s/he was
- 22 ranting and raving, raging against everyone from the horses to heat. The Director gave
- 23 everyone a break. Not sure how long she gave everyone, maybe 15 minutes. In any
- 24 case, everyone walked over to where I was, standing near the cart I transport the
- 25 firearms in, and I took them one by one, put a covering around them, and then took the
- 26 next. I'd say about 10 people turned over their firearms to me. When the last person in
- 27 line handed me their firearm, I realized that I was one down, and looked around. No one
- 28 was there, and that's when I heard a shot ring out from the barn.
- 29 Q. Do you remember how much time passed from when the Director sent everyone for a
- 30 break and when you heard the shot?
- 31 A. You know, Groman said it was two minutes in her/his deposition, and I'd have to agree.
- 32 Well, maybe three-minutes.
- 33 Q. What time was it when you heard the shot?
- 34 A. My best guess would be between 3:30 PM and 3:35 PM.
- 35 Q. After you heard the shot, what did you do?
- 36 A. I ran to the barn, and running right there with me were about three to four people. The
- 37 On-Site Producer, the Director, and the Stunt Coordinator. As soon as I walked in, I saw
- 38 Blair crying, and grabbing hold of a very bloody foot.
- 39 Q. Blair needed immediate attention, so I wrapped my vest around Blair's foot, had Groman
- 40 apply pressure, and sent the director and Stunt Coordinator to get the truck so we could
- 41 get Blair to the ER. Then, I called the SAPD.
- 42 Q. Where were you when you made the call?
- 43 A. In the barn but really close to the barn door so I could get better reception.
- 44 Q. When you were making the call, did you hear anything that Blair said?
- 45 A. Not really. I know s/he was mad at Lucky, but he didn't shoot Blair so I wasn't sure where
- 46 that was coming from.
- 47 Q. What happened after you finished your call to the police?

1 A. The truck was there so we picked Blair up, put Blair inside and the Stunt Coordinator
2 took Blair to the hospital. In the meantime, Groman and I waited for the police, which is
3 when the detective showed up. Just my luck.

4 Q. Since the shooting, have you seen or spoken to Blair?

5 A. No, but I read Blair's deposition as you know.

6 Q. Did you read the part where Blair said the gun accidentally discharging because it
7 malfunctioned?

8 A. I read that, but I don't agree. I've investigated a lot of cases involving firearms, including
9 accidental shootings. I've testified at least 20 times in cases like this, and based on my
10 training, background, experience, and the lab reports, records and statements I reviewed
11 from the SAPD, it is my opinion that the incident didn't happen the way Blair claims it did;
12 that the Colt 45 didn't misfire or malfunction; that the Colt 45 wasn't in poor condition;
13 that the firearms and holsters chosen were proper, safe and in good condition; Bobby
14 Blair accidentally shot herself/himself due to her/his failure to follow basic safety
15 protocols, failure to follow training instructions s/he received, and grossly negligent
16 mishandling the firearm. I have further concluded that Go West had proper safeguards
17 in place, proper training, proper protocols, proper staffing and bears no responsibility for
18 the shooting.

19 Q. That's all I have. Have a safe and hopefully successful trip to Washington, DC.

20 A. Thank you.

21

22 CERTIFICATION: On June 3, 2023, I, Jet Jeffrey, certify, under penalty of perjury, that
23 I have carefully reviewed the above deposition transcript and testimony to determine
24 whether the answers contained are true, accurate and correct, and whether I had any
25 additional information relevant to the matters therein. I hereby certify, under penalty of
26 perjury, that the deposition testimony and transcript are true, accurate and correct, and
27 I have no information relevant to the matters discussed other than what is discussed in
28 this deposition. Everything was covered and nothing was left out.
29

30 Dated: June 3, 2023

31 Signed: Jet Jeffrey

JURY INSTRUCTION

INTRODUCTORY INSTRUCTION: Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

CREDIBILITY OF WITNESSES: You are the sole and exclusive judges of the believability of the witnesses and the weight to be given the testimony of each witness. In determining the believability of a witness you may consider any matter that has a tendency reasonably to prove or disprove truthfulness of the testimony of the witness, including but not limited to the following: the demeanor and manner of the witness while testifying; the character and quality of that testimony; the frankness or lack of frankness of the witness; a statement previously made by the witness that is consistent with or inconsistent with the testimony of the witness; the existence or nonexistence of any fact testified to by the witness; the attitude of the witness toward this action or toward the giving of testimony and the conviction of a crime; the intelligence of the witness; the extent of the opportunity or ability of the witness to see or hear or otherwise become aware of any matter about which the witness testified; the ability of the witness to remember or to communicate any matter about which the witness testified; the existence or nonexistence of a bias, motive or interest in the outcome of the case; and the reasonableness of the testimony of the witness, considered in light of all the evidence in the case and in light of your own experience and common sense.

WITNESS WILLFULLY FALSE: A witness, who is willfully false in one material part of his or her testimony, is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.

WEIGHING CONFLICTING TESTIMONY: You are not required to decide any issue based solely on the number of witnesses that have testified on the opposing sides. The testimony of one witness worthy of belief is sufficient to prove any fact. This does not mean that you are free to disregard the testimony of any witness merely from caprice or prejudice, or from a desire to favor either side. It does mean that you must not decide anything by simply counting the number of witnesses who have testified on the opposing sides. The final test is not the relative number of witnesses, but the convincing force of the evidence.

DISCREPANCIES IN TESTIMONY: Discrepancies in the testimony of a witness or between the testimony of one witness and that of other witnesses, if there were any, do not necessarily mean that any witness should be discredited. Failure of recollection is common. Innocent mis-recollection is not uncommon. Two persons witnessing an incident or a transaction often will see or hear it differently. You should consider whether a discrepancy pertains to an important matter or only to something trivial.

EXPERT OPINION: Some witnesses, because of education and experience, are permitted to state opinions and the reasons for those opinions. Opinion testimony should be judged just like any other testimony. You may accept it or reject it, and give it as much weight as you think it deserves, considering the expert's education and experience, his/her believability, the reasons

given for the opinion, what the opinion is or is not based on, and whether the expert's opinion is consistent or inconsistent with other evidence in the case, among other factors.

EVIDENTIARY EVALUATION: The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence. There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence and the other is circumstantial evidence. The law makes no distinction between direct and circumstantial evidence in terms of its weight or importance. Either type may be enough to establish liability by a preponderance of the evidence, depending on the facts as you find them to be.

BURDEN OF PROOF FOR THE PLAINTIFF: The Defendant does not have a burden of proof in this case. Only the Plaintiff has the burden of proof. When I tell you that a party must prove something, I mean the party must persuade you, by evidence presented in court, that he or she is trying to prove is more likely to be true than not. This is sometimes referred to as "the burden of proof." After weighing all of the evidence, if you cannot decide whether a party has satisfied the burden of proof, you must conclude that the party did not prove that fact. You should consider all the evidence that applies to that fact, no matter which party produced that evidence. In criminal trials, the prosecution must prove facts showing that the defendant is guilty beyond a reasonable doubt. But in civil trials, such as this one, that party who is required to prove a fact need only prove that the facts is more likely to be true than not.

NEGLIGENCE: The Plaintiff's claim is for negligence. "Negligence" means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances. "Ordinary care" means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances. "Proximate cause" means a cause, unbroken by any new and independent cause, that was a substantial factor in bringing about an injury, and without which cause such injury would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the injury, or some similar injury, might reasonably result therefrom. There may be more than one proximate cause of an injury. "New and independent cause" means the act or omission of a separate and independent agency, not reasonably foreseeable, that destroys the causal connection, if any, between the act or omission inquired about and the injury in question and thereby becomes the immediate cause of such injury. The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true. The Plaintiff has the burden of proof on their claim of negligence. That is, the Plaintiff must prove the Defendant was negligent by a preponderance of the evidence. Plaintiff says that they were harmed by Defendant's negligence. Plaintiff also says that Defendant is responsible for the harm because Hannibal Hakes, Grey Groman, Laura Lily, Jet Jeffrey, Jacob John, Christy Cheng, Nate Nicholas, Rachel Ramsdell, Brandon Benjamin, Michelle Martin, Gary Guzman, Jet Jeffrey and

Todd Travis, Hope Harper, and Luke Lawler, acted within the scope of their employment or authority if they were doing an act they were hired or asked to perform or the act was closely related to an act they were hired or asked to perform or their conduct was a benefit to the Defendant and their conduct was not based on a reason that was solely personal to them.

COMPARATIVE NEGLIGENCE: The Defendant has pleaded the affirmative defense of comparative negligence. The defense asserts that the negligence of Bobby Blair was the proximate cause of Bobby Blair's injury. The definitions applying to negligence which I have previously given to you, apply to the defense of comparative negligence. The defense has the burden of proof on their affirmative defense. That is, the defense must prove that Bobby Blair was negligent by a preponderance of the evidence before the defense would prevail on that issue. The law imposes upon a person the duty to exercise ordinary care to protect oneself against the negligence of another; if there is little reason to apprehend danger, then little care is due to be exercised, and, under such circumstances, little care would be "ordinary care" or "due care," or such care as an ordinarily prudent person would exercise under the same or similar circumstances.

ASSUMPTION OF RISK: The Defendant has pleaded the affirmative defense of Assumption of Risk. Assumption of Risk occurs when a person knows of a specific risk associated with an activity, understands the nature of the risk, voluntarily chooses to accept the risk by engaging in said activity, and impliedly consents to relieve the Defendant of a duty of care owed to the person in relation to the specific risk. The defense has the burden of proof on their affirmative defense. That is, the defense must prove that the Plaintiff, Bobby Blair, assumed the risk of the injuries sustained by a preponderance of the evidence before the defense would prevail on that issue. If you find Assumption of Risk or Comparative Negligence] by the plaintiff, you must determine the degree, expressed as a percentage, to which Plaintiff's Assumption of Risk and/or Comparative Negligence contributed to the claimed injury or damage.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

BOBBY BLAIR, v. GO WEST MOVIES, INC., Defendant.	NUMBER: CR- 082360-2023 THE HON. ROBERTO FRANCESCO
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VERDICT

DID THE PLAINTIFF PROVE, BY A GREATER WEIGHT OF THE EVIDENCE, THAT THE DEFENDANT WAS NEGLIGENT?.

YES: _____ NO: _____

CHECK ONLY ONE OF THE TWO RESPONSES. IF YOU CHECKED "NO" REPORT YOUR VERDICT TO THE COURT. IF YOU CHECKED "YES" MOVE ON TO NEXT QUESTION.

DID THE PLAINTIFF PROVE, BY A GREATER WEIGHT OF THE EVIDENCE, THAT THE DEFENDANT'S NEGLIGENCE WAS A PROXIMATE CAUSE OF HER/HIS INJURY?

YES: _____ NO: _____

CHECK ONLY ONE OF THE TWO RESPONSES. IF YOU CHECKED "NO" REPORT YOUR VERDICT TO THE COURT. IF YOU CHECKED "YES" MOVE ON TO NEXT QUESTION.

DID THE DEFENDANT PROVE, BY A GREATER WEIGHT OF THE EVIDENCE, THAT THE PLAINTIFF ASSUMED THE RISK OF THAT INJURY?

YES: _____ NO: _____

CHECK ONLY ONE OF THE TWO RESPONSES. IF YOU CHECKED "YES" REPORT YOUR VERDICT TO THE COURT. IF YOU CHECKED "NO" MOVE ON TO NEXT QUESTION.

DID THE DEFENDANT PROVE, BY A GREATER WEIGHT OF THE EVIDENCE, THAT THE PLAINTIFF WAS COMPARATIVELY NEGLIGENT IN CAUSING THAT INJURY?

YES: _____ NO: _____

CHECK ONLY ONE OF THE TWO RESPONSES. IF YOU CHECKED "NO" REPORT YOUR VERDICT TO THE COURT. IF YOU CHECKED "YES" MOVE ON TO NEXT QUESTION.

WHAT PERCENTAGE OF RESPONSIBILITY IS ATTRIBUTED TO EACH PARTY. YOUR RESPONSE MUST ADD UP TO 100%.

PLAINTIFF'S PERCENTAGE OF FAULT: _____
DEFENDANT'S PERCENTAGE OF FAULT: _____

RETURN TO THE COURT WITH YOUR VERDICT.