

EXHIBIT 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

ELLEN MISHAGA,)	
)	
Plaintiffs,)	
)	
vs.)	No. 10-3187
)	
HIRAM GRAU, Director of)	
the Illinois Department)	
of the State Police and)	
MICHAEL VORREYER,)	
)	
Defendants.)	

Deposition of ELLEN MISHAGA, taken before
Cathy J. Craggs, CSR, at the instance of the
Defendants, on July 26, 2011, at the hour of 9:00
a.m., at 3000 Montvale, Springfield, Illinois,
pursuant to attached stipulation.

ASSOCIATED COURT REPORTERS
1-800-252-9915
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Taylorville, Illinois 62568

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S T I P U L A T I O N

It is stipulated between the parties herein, through their attorneys, that the deposition of ELLEN MISHAGA may hereby be taken upon oral interrogatories, on July 26, 2011, at the hour of 9:00 a.m., at 3000 Montvale, Springfield, Illinois, before the instance of the Defendants, and before Cathy J. Craggs, CSR and RPR.

That the oral interrogatories and the answers of the witness may be taken down in shorthand by the Reporter and afterwards transcribed.

That the reading and signing of said deposition is waived.

That the deposition or any portions thereof may be used by any of the parties hereto, without foundation proof, for any purpose for which depositions are competent.

That copies of the deposition may be furnished to any of the parties at his or her own expense.

1 APPEARANCES: (July 26, 2011)

2

3 MOUNTAIN STATES LEGAL FOUNDATION
4 By Mr. Jim Manley
5 Attorney at Law
6 2596 South Lewis Way
7 Lakewood, Colorado 820227
8 Appeared on behalf of the Plaintiff;

6

7 ATTORNEY GENERAL'S OFFICE
8 By Ms. Bianca R. Chapman
9 Attorney at Law
10 500 South Second Street
11 Springfield, Illinois 62706
12 Appeared on behalf of the Defendants.

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
ELLEN MISHAGA	5	28	32	

E X H I B I T S

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EXHIBITS ATTACHED

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ELLEN MISHAGA,

called as a witness herein, at the instance of the Defendants, having been duly sworn on her oath, testified as follows:

DIRECT EXAMINATION

CONDUCTED BY MS. CHAPMAN:

Q. Good morning, Mrs. Mishaga, we met earlier but if you could just please state and spell your full name for the record?

A. M. Ellen Mishaga, M-I-S-H-A-G-A.

Q. Okay. And is this your first deposition or have you had depositions before?

A. I have had one prior.

Q. Okay. So you're probably a little familiar with the instructions but I am going to go ahead and just quickly run through them anyway.

When I ask you a question, I'll need a verbatim response, so head nodding is not okay because it can't be recorded.

Also try to avoid saying uh-huh and/or huh-uh, so if you do that, I'll wait for you and, you know, and ask for a verbal response.

A. Okay.

Q. Great.

1 Q. Now there is also a number listed on this
2 Exhibit 1, did you call that number?

3 A. No.

4 Q. Okay. Now have you ever been convicted of a
5 felony or a misdemeanor?

6 A. No.

7 Q. And I'm going to go through a lot of these
8 and it's a little bit tedious but I'd just like to go
9 through them and I'm sure --

10 A. Okay.

11 Q. -- they won't take too long.

12 As a minor were you ever adjudicated or
13 delinquent for the commission of an offense that if
14 committed by an adult would be a felony?

15 A. No.

16 Q. And are you now or have you ever been
17 addicted to any narcotics?

18 A. No.

19 Q. And have you been a patient in a mental
20 institution within the past five years?

21 A. No.

22 Q. Have you been adjudicated as mentally
23 defective?

24 A. No.

1 Q. With mental retardation?

2 A. No.

3 Q. Are you alien to the United States or were
4 you born in the United States?

5 A. No.

6 Q. You were born in the United States?

7 A. Yes.

8 Q. Okay. Thank you.

9 Are you subject to an existing order of
10 protection?

11 A. No.

12 Q. And have you been convicted in the past five
13 years of battery, assault, aggravated assault or
14 violation of an order of protection?

15 A. No.

16 Q. And have you been convicted of domestic
17 violence?

18 A. No.

19 Q. Okay. Now do you own guns currently?

20 A. Yes.

21 Q. Can you tell me what types of guns you own?

22 A. I have a 380 semi automatic pistol.

23 Q. Is that your only gun?

24 A. That's the only one that I have used.

1 Q. Okay. So do you own any other firearms?

2 A. My husband does.

3 Q. Okay. What about hunting rifles?

4 A. My husband does.

5 Q. And what date did you purchase your 380 semi
6 automatic?

7 A. It was in March of this year.

8 Q. Before March of this year have you ever
9 owned a gun?

10 A. I had one when I was in my 20's that my dad
11 gave me.

12 Q. And do you remember what kind of gun that
13 was?

14 A. It was a pistol, I don't know.

15 Q. And how long did you keep it?

16 A. A couple of years.

17 Q. Okay. And are you licensed or permitted to
18 carry or possess guns in your permanent resident state
19 of Ohio?

20 A. The concealed carry --

21 MR. MANLEY: Hold on, objection
22 can you cut that down to two questions, or it's kind
23 of a compound question.

24 Q. Are you, you can answer.

1 **Are you licensed or permitted to carry**
2 **or possess guns in your permanent resident state?**

3 A. I'm permitted to carry guns, we don't need a
4 license.

5 **Q. Okay. And so when you say you're permitted**
6 **to carry guns, did you have a permit that allows you**
7 **to do that?**

8 A. No.

9 **Q. Do you have a license to do that?**

10 A. No.

11 **Q. Do you have to register to do that?**

12 A. No.

13 **Q. So tell me what's the process in Ohio that**
14 **allows you to, to carry guns?**

15 A. I don't know that I understand that. We are
16 allowed to have guns in our home. I don't have a
17 license to go out and carry a gun like in public, I
18 don't have that, but I'm allowed to own a gun.

19 **Q. Okay. So you don't have a, a license or**
20 **permit --**

21 A. No.

22 **Q. -- to carry a gun outside your home?**

23 A. No.

24 **Q. Okay. So then you don't have a concealed**

1 **carry license?**

2 A. No.

3 **Q. Have you applied for one?**

4 A. No.

5 **Q. And why haven't you applied for one?**

6 A. I didn't feel I needed one.

7 **Q. And why do you feel you don't need one?**

8 A. Because I'm allowed to use a gun in my home
9 for protection, so I don't need, that's the only place
10 I would want to, to have a gun for protection.

11 **Q. Okay. So the only place that you feel like**
12 **you need a gun for protection is inside of your home?**

13 A. Correct.

14 **Q. So when you leave out of your home you don't**
15 **feel like you need a gun?**

16 A. Well, my husband has his.

17 **Q. Okay. And when you leave the home, are you**
18 **always with your husband?**

19 A. No.

20 **Q. So you feel safe to leave your home and**
21 **travel about in Ohio without carrying a gun with you,**
22 **having a gun with you for protection?**

23 A. Yes.

24 **Q. Now did you have a license to carry or**

1 **possess a gun in any capacity in any other state?**

2 A. No.

3 **Q. Have you ever applied for a license to carry**
4 **guns in any other states?**

5 A. I don't think I understand that question
6 cause I don't know how that applies to the FOID card.

7 **Q. Okay. You can still answer the question.**

8 **Do you understand that, that what I'm**
9 **asking you is have you ever applied for a license to**
10 **carry or possess a gun in any other state?**

11 A. I have never applied for a license. I've
12 only applied for the FOID card.

13 **Q. So you have never applied for a similar type**
14 **of card in any other state?**

15 A. No.

16 **Q. Do you travel to other states outside Ohio?**

17 A. Yes.

18 **Q. Where do you travel?**

19 A. Pennsylvania, Maryland, Texas, Florida, and
20 all the states in between to get to those places.

21 **Q. Okay. But you don't have a license or a**
22 **card to carry guns in any of those states?**

23 A. No.

24 **Q. Do you carry guns with you to those states**

1 **Pennsylvania, Maryland and Florida and you stay in**
2 **people's homes, you don't bring your firearm with you?**

3 A. No, but they have firearms at their homes.

4 **Q. And can you tell me how many times have you**
5 **traveled to Illinois since January 2008?**

6 A. Oh, 2008.

7 **Q. Uh-huh.**

8 A. It's usually at least twice a year,
9 sometimes three within a year.

10 **Q. And so in 2008 about how many times do you**
11 **think?**

12 A. Twice.

13 **Q. About twice.**

14 **And 2009?**

15 A. Twice.

16 **Q. And 2010?**

17 A. Twice.

18 **Q. And this year 2011?**

19 A. Once so far.

20 **Q. Today?**

21 A. Correct.

22 **Q. So have you --**

23 A. A couple of days, we were here Sunday.

24 **Q. Okay. So in 2011 you only traveled here for**

1 **this specific trip?**

2 A. This time, yes.

3 **Q. And when you travel to Illinois, how do you**
4 **get here?**

5 A. Drive.

6 **Q. Do you drive each time?**

7 A. Uh-huh, yes.

8 **Q. And about how long do you stay?**

9 A. Anywhere from 4 to 7 days.

10 **Q. And on these trips where do you stay?**

11 A. At Jim and Nancy Telzrow's.

12 **Q. Jim and Nancy?**

13 A. Telzrow, T-E-L-Z-R-O-W.

14 **Q. Where do Jim and Nancy stay?**

15 A. Where do they live?

16 **Q. Where do they live?**

17 A. White Hall.

18 **Q. Can you give me their address?**

19 A. They have a post office box, they have no
20 street name.

21 **Q. Okay. Fair enough. They have no street**
22 **name?**

23 A. (Nod Negatively).

24 **Q. Can you, do you know their post office box?**