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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10
11

12 **TRACY RIFLE AND PISTOL LLC et al.,**
13
Plaintiffs,
14
15 **v.**
16 **KAMALA D. HARRIS, in her official**
capacity as Attorney General of California,
17 **et al.,**
18 Defendants.
19

2:14-cv-02626-TLN-KJN (TEMP)

**EXPERT WITNESS REPORT OF
PROFESSOR GREGORY T.
GUNDLACH**

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INTRODUCTION

1. I am the Coggin Distinguished Professor of Marketing in the Department of Marketing and Logistics at the Coggin School of Business, University of North Florida. I am also a Senior Fellow at the American Antitrust Institute in Washington, D.C. Counsel for the State of California has requested that I offer opinions relating to *Tracy Rifle & Pistol LLC v. Harris*.¹ This report summarizes my opinions and the analyses and conclusions that led to them. For the report, I first address preliminary considerations in the form of my qualifications, compensation, materials considered, and past publications and reports as an expert. I then describe my assignment in this matter, set forth a summary of my opinions, and report on the analyses and conclusions that form the basis of my opinions.

PRELIMINARY CONSIDERATIONS

I. QUALIFICATIONS

2. I have been the Coggin Distinguished Professor of Marketing since 2007. I previously held the titles of the John Berry, Sr. Professor of Business at the University of Notre Dame from 2001 to 2004 and the Visiting Eminent Scholar of Wholesaling at the University of North Florida from 2003 to 2006. Prior to joining the University of North Florida in 2003 I was a faculty member at the University of Notre Dame from 1987 to 2004. I have taught undergraduate and MBA courses in marketing at the University of Notre Dame and the University of North Florida, as well as courses for business executives.

3. My academic specialty is in the field of marketing and public policy. In addition to the academic posts described above, I am the Past Vice President of Marketing for the Academic Council of the American Marketing Association, Past Chair of the American Marketing Association's Special Interest Group on Marketing and Society and Past Associate Editor for the *Journal of Public Policy & Marketing*. I have served as a member of Editorial or Advisory Boards for the leading publications in the fields of marketing and public policy. My areas of particular

¹ *Tracy Rifle & Pistol LLC v. Harris* (E.D. Cal. Case No. 2:14-cv-02626-TLN-KJN (TEMP)).

1 concentration, research and expertise include marketing, marketing management, promotion,
2 retailing, and the marketing and consumer public policy issues that attend such practices.

3 4. I have extensive experience in marketing and public policy practices by virtue of my
4 professional work, teaching, and consultations with branches and agencies of the United States
5 and state governments, non-profit groups, large and small companies, professional and trade
6 associations, public and private institutions, and members of the legal community. In addition, I
7 have conducted academic and public policy related investigations of marketing, marketing
8 management, promotion and retail practices. These investigations include academic analyses of
9 marketing and consumer issues in public policy associated with the marketing of firearms.² They
10 also include forensic analyses of marketing and consumer issues in public policy associated with
11 the marketing of firearms.³

12 5. I received my Bachelor's Degree in 1979, my Master of Business Administration in
13 1981, my Doctor of Jurisprudence in 1985, and my Doctor of Philosophy in Marketing in 1987.

14 ² See Gregory T. Gundlach, *Invitational Symposium on Responsible Procurement, Buyer*
15 *Power & Firearm Violence*, UNIVERSITY OF NORTH FLORIDA AND EDUCATIONAL FUND TO STOP
16 GUN VIOLENCE, (Jacksonville, FL, 2013) (unpublished presentation). Gregory T. Gundlach,
17 Kevin D. Bradford, and William L. Wilkie, *Countermarketing and Demarketing Against Product*
18 *Diversion: Forensic Research in the Firearms Industry*, 29 JOURNAL OF PUBLIC POLICY &
19 MARKETING 103 (2010). Kevin D. Bradford, Gregory T. Gundlach and William L. Wilkie,
20 *Countermarketing in the Courts: The Case of Marketing Channels and Firearms Diversion*, 24
21 JOURNAL OF PUBLIC POLICY 284 (2005). Gregory T. Gundlach, Gregory T., *Countermarketing*
22 *and Demarketing Against the Diversion of Firearms: Research in the Firearm Industry*, MACRO-
23 MARKETING/ISMD CONFERENCE, Washington D.C. 2007) (unpublished presentation). Gregory T.
24 Gundlach, *Product Diversion: Forensic Research in the Firearm Industry*, AMERICAN
25 MARKETING ASSOCIATION MARKETING & PUBLIC POLICY CONFERENCE (2006) (unpublished
26 presentation). Gregory T. Gundlach, *Interdisciplinary Roundtable on Firearms Diversion and*
27 *Trafficking*, JOHN HOPKINS SCHOOL OF PUBLIC HEALTH (Baltimore, MD 2006) (unpublished
28 presentation). Gregory T. Gundlach, and Kevin Bradford, *Safeguarding against the Diversion of*
Unsafe Products: Experience from Firearm Industry, INTEGRATING SOCIAL RESPONSIBILITY WITH
MARKETING STRATEGY (Boston, MA, 2003) (unpublished presentation). Gregory T. Gundlach,
Countermarketing Against Prohibited Customers: Experiences from the Firearms Industry,
PARTNERS IN PROGRESS, COLORADO STATE UNIVERSITY (Fort Collins, CO, 2003) (unpublished
presentation). Gregory T. Gundlach Kevin Bradford, *Countermarketing Against Diversion*,
MIDWEST MARKETING CAMP (Columbus, OH, 2003) (unpublished presentation). Gregory T.
Gundlach and Kevin Bradford, *Distribution Safeguards Against the Diversion of Firearms: An*
Analysis and Inter-Industry Comparison, AMERICAN MARKETING ASSOCIATION'S MARKETING
AND PUBLIC POLICY CONFERENCE (Atlanta GA, 2002) (unpublished presentation).

³ *NAACP v. Accusport et al.*, (99 CV 3999 (JBW) (2003). *People et al. v. Arcadia Machine*
& Tool (2002). *City of Boston v. Smith & Wesson et al.* (Civil Action No. 99-2590C) (2001). *Ileto*
v. Glock et al. (China North) (Case No. CV 01-9762 ABC (RNBx)) (2006).

1 All four degrees are from the University of Tennessee, Knoxville. A copy of my current
2 curriculum vitae is attached to this Report as Exhibit 1.

3 **II. COMPENSATION**

4 6. I am being compensated for services performed in this matter at an hourly rate of
5 \$450. In relation to these services, I have been supported by a research assistant with a Masters of
6 Business Administration from the University of North Florida, Coggin School of Business. My
7 research assistant is being compensated for services performed at an hourly rate of \$75.⁴ The
8 compensation received by myself and paid to my research assistant is not in any way dependent
9 on the outcome of this or any related proceeding, or on the substance of my opinions.

10 **III. MATERIALS CONSIDERED**

11 7. As part of my analysis in connection with the preparation of this Report, I, or those
12 working under my supervision, have reviewed information and materials referenced, cited, or
13 referred to in the body of this Report. These materials and other materials that were considered
14 and found relevant to my opinions expressed in this Report are listed in Exhibit 2.

15 **IV. PAST PUBLICATIONS AND WORK AS AN EXPERT WITNESS**

16 8. My curriculum vita also sets forth my publications and prior matters in which I have
17 offered expert opinion or testimony. Publications in which I have published in the past ten years
18 are attached to this report as Exhibit 3. Matters that I have offered expert opinion or testimony in
19 the last four years are attached to this report as Exhibit 4.

20 **ASSIGNMENT**

21 9. Counsel for the state of California has asked me to opine on Section 26820 of the
22 California Penal Code⁵ (hereinafter “Section 26820”) and in particular, whether, based on
23 accepted knowledge of marketing practice and relevant research in the field, it is reasonable to

24 ⁴ The opinions expressed in this report are mine. The services provided by my research
25 assistant involved the collection and organization of information at my direction. These services
did not involve the development or expression of any of the opinions contained in this report.

26 ⁵ California Penal Code, Section 28620 [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=26001-27000&file=26800-26915)
27 [bin/displaycode?section=pen&group=26001-27000&file=26800-26915](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=26001-27000&file=26800-26915). (“No handgun or
28 imitation handgun, or placard advertising the sale or other transfer thereof, shall be displayed in
any part of the premises where it can readily be seen from the outside.”).

1 conclude that the display of a handgun or imitation handgun or placard advertising the sale or
 2 other transfer thereof, in any part of the premises of a California licensed handgun seller, that can
 3 be readily seen from the outside, contributes in a positive way to the impulsive purchase of
 4 handguns. To the extent I find the above reasonable, I also have been asked to opine if it is
 5 reasonable to conclude that precluding such materials contributes in a negative way to the
 6 impulsive purchase of handguns.

7 SUMMARY OF OPINIONS

8 10. Based on accepted knowledge of marketing practice and review of relevant research
 9 in the field, it is my opinion that it is reasonable to conclude that the display of a handgun or
 10 imitation handgun or placard advertising the sale or other transfer thereof, in any part of the
 11 premises of a California licensed handgun seller, that can be readily seen from the outside,
 12 contributes in a positive way to the impulsive purchase of handguns. Moreover, it is my opinion
 13 that it is reasonable to conclude that the preclusion of such marketing materials, as is called for
 14 and are described in Section 26820, contributes in a negative way to the impulsive purchase of
 15 handguns.

16 11. Consequently, it is my further opinion that should Section 26820 be invalidated, and
 17 as a result, should marketing materials that are subject Section 26820, including the types of
 18 graphic decals displayed by Tracy Rifle & Pistol LLC⁶ and the types of metal signage posted by
 19 Ten Percent Firearms,⁷ become more commonplace in the sale of handguns, it is reasonable to
 20 conclude that the consequence will be a positive impact on the impulsive purchase of handguns.

21 ANALYSIS

22 12. As is explained in this report, to induce consumers to purchase their goods and
 23 services, marketers including retailers engage in marketing. As a business practice, marketing
 24

25 ⁶ Declaration of Michael Baryla in Support of Motion for Preliminary Injunction, *Tracy*
Rifle & Pistol LLC v. Harris (E.D. Cal. Case No. 2:14-cv-02626-TLN-KJN (TEMP)) (November
 26 17, 2014) (Exhibit 1).

27 ⁷ Declaration of Wesley Morris in Support of Motion for Preliminary Injunction, *Tracy*
Rifle & Pistol LLC v. Harris (E.D. Cal. Case No. 2:14-cv-02626-TLN-KJN (TEMP)) (November
 28 17, 2014) (Exhibit 1).

1 involves strategies of promotion and advertising and activities of merchandising and point-of-
2 purchase communications. A particular form of merchandising and communications involves
3 those that can be seen or visualized by customers. Most basically this involves signs and graphics
4 including the types of decals displayed by Tracy Rifle & Pistol LLC and the types of metal signs
5 posted by Ten Percent Firearms, as well as the other types of signage and graphics proscribed in
6 Section 26820.

7 13. Decades of academic knowledge and relevant empirical and theoretical research that
8 describe and examine marketing practice and consumer behavior have shown the aforementioned
9 types of signage and graphics to be effective in stimulating the purchase of goods and services,
10 including those acquired through impulse buying. This knowledge and research has been
11 summarized through reviews, analyses, and other work including compilations in the form of
12 meta-analyses.⁸ Consequently, these compilations provide a comprehensive and useful
13 understanding of the results of prior empirical and theoretical research and existing academic
14 knowledge on the topic.

15 14. These compilations support my opinion that it is reasonable to conclude that signage
16 and graphics of the type identified in Section 26820 and employed by plaintiffs in this matter,
17 contribute in positive ways to the impulsive purchase of handguns. It is also reasonable to
18 conclude that the preclusion of these types of signage and graphics, as well as other types of
19 signage and graphics proscribed in Section 26820, contributes in a negative way to the impulsive
20 purchase of handguns. Consequently, it is also reasonable to conclude that should Section 26820
21 be invalidated by this court or another, and as a result, should marketing signage and graphics that
22 are subject Section 26820 -- including the types of graphic decals displayed by Tracy Rifle &
23 Pistol LLC and the types of metal signage posted by Ten Percent Firearms -- become more
24
25

26 ⁸ Meta-analysis is a methodological approach employed fields for integrating the findings
27 from several individual studies of a research question. See Michael J. Houston, J. Paul Peter, and
28 Alan G. Sawyer, *The Role of Meta-Analysis in Consumer Research*, in 10 ADVANCES IN
CONSUMER RESEARCH, 497-502 (1983).

1 commonplace in the sale of handguns, the consequence will be a positive impact on the impulsive
2 purchase of handguns.

3 15. To support these opinions and others in this report, in the analysis that follows I draw
4 on relevant empirical research from marketing and incorporate accepted knowledge of marketing
5 practice and consumer behavior. In section one, I describe the nature of marketing practice
6 including the marketing function, sales role, and business impact of visual types of promotional
7 communication. This includes the types of on-premise signage and graphics used to market
8 firearms and handguns addressed in Section 26820 and employed by Plaintiffs Tracy Rifle &
9 Pistol LLC and Ten Percent Firearms. In section two, I describe the nature, occurrence, form and
10 process of impulse buying that can accompany the purchase of goods and services including
11 firearms and handguns. In section three, I describe the nature of antecedents and triggers to
12 impulse buying, including the types of retail environments where on-premise signage and
13 graphics proscribed in Section 26820 and employed by Plaintiffs Tracy Rifle & Pistol LLC and
14 Ten Percent Firearms is found. I further describe the findings of empirical and theoretical
15 research that has studied the relationship of these antecedents and triggers to impulse buying.
16 Drawing on these sections and their contents and imparting reasonable inferences, I then offer
17 conclusions associated with my opinions.

18 **I. MARKETING**

19 16. In this section one, I describe the nature of marketing practice including the
20 marketing function, sales role, and business impact of visual types of promotional communication
21 including on-premise signage and graphics. This information provides a useful basis for
22 understanding the function, role and impact of the types of on-premise signage and graphics
23 addressed in Section 26820 and employed by Plaintiffs Tracy Rifle & Pistol LLC and Ten Percent
24 Firearms in the marketing of firearms and handguns.

25 17. As defined by the American Marketing Association, marketing is “the activity, set of
26 institutions, and processes for creating, communicating, delivering, and exchanging offerings that
27
28

1 have value for customers, clients, partners, and society at large.”⁹ Together with the analysis of
 2 customers, competitors, markets and the larger environment; to offer value to customers, clients,
 3 partners, and society at large; marketers plan and execute across elements of the “marketing
 4 mix.”¹⁰ The marketing mix constitutes the central decision spheres¹¹ and types of marketing
 5 tools¹² available to marketers for creating, communicating, delivering and exchanging offerings in
 6 the form of goods and services.

7 18. A firm’s marketing mix, or 4P’s as they are called, include product (i.e., creating),
 8 place (i.e., delivering), price (i.e., exchanging), and promotion (i.e. communicating).¹³ The
 9 “promotion” component constitutes marketing communications that facilitate exchange¹⁴ and is
 10 considered a critical aspect of a company’s overall marketing.¹⁵ Marketing communication is the
 11 process whereby thoughts are conveyed and meaning is shared to create exchanges that satisfy
 12 individual and company goals.¹⁶ Major types of promotion include personal selling,¹⁷ direct
 13 marketing,¹⁸ sales promotion,¹⁹ and advertising. As a type of promotion, advertising is defined to

14 ⁹ Board of Directors, American Marketing Association (2007),
 15 <https://www.ama.org/AboutAMA/Pages/Definition-of-Marketing.aspx> (the American Marketing
 Association is the largest association of marketing academics and practitioners in the world).

16 ¹⁰ Manufacturers and retailers can utilize different labels for these elements, but in
 17 practical terms they are very similar.

18 ¹¹ Terrence A. Shimp, ADVERTISING PROMOTION (2000), 3.

19 ¹² Phillip Kotler, MARKETING MANAGEMENT (2000), 15.

20 ¹³ Kotler (2000), p. 15. The marketing mix represents the marketer’s viewpoint. From a
 21 buyer’s point of view, each of the 4P’s is designed to deliver a customer benefit – product (e.g.,
 22 customer solution), price (e.g., customer cost), place (e.g. convenience) and promotion (e.g.
 23 communication).

24 ¹⁴ Philip Kotler & Gary Armstrong, PRINCIPLES OF MARKETING (2001), 512. Practitioners
 25 and academics have used the terms “promotion” and “marketing communication”
 26 interchangeably. The term marketing communication is now preferred by most marketing
 27 practitioners as well as many educators. Shimp (2000), p. 3.

28 ¹⁵ Shimp (2000), p. 3.

¹⁶ Shimp (2000), p. 3

¹⁷ Personal selling is defined as “personal presentations by the firm’s sales force for the
 purpose of making sales and building customer relationships.” Philip Kotler & Gary Armstrong,
 PRINCIPLES OF MARKETING (2001), 512.

¹⁸ Direct marketing is defined as “direct communications with carefully targeted
 individual consumers to obtain an immediate response and cultivate lasting customer
 relationships” (Kotler and Armstrong 2001, p. 512).

¹⁹ Sales promotion is defined to be short-term incentives to encourage the purchase or sale
 (continued...)

1 be “any paid form of nonpersonal presentation and promotion of ideas, goods or services by an
 2 identified sponsor.”²⁰ Advertising can occur virtually anywhere. On-premise advertising is that
 3 which occurs on a building or grounds of a business.²¹

4 19. Important forms of on-premise promotion and advertising include *visual* forms of
 5 merchandising, point-of-purchase communications, and signage and graphics. Merchandising is
 6 broadly defined as the “activity of promoting the sale of goods at retail”²² Point-of-purchase
 7 communications support merchandising and call attention to a brand in the store environment.²³
 8 According to Duncan, “the greatest strength of merchandising and point-of purchase
 9 [communications] is that they direct attention to a brand or particular product offering at the point
 10 of sale. In doing so, they increase the level of customer consideration, which positively affects
 11 sales, especially for impulse items.”²⁴ To this end, visual forms of merchandising and point-of-
 12 sale communications in support of merchandising involve “everything the customer sees both
 13 exterior and interior to the store”²⁵ that promotes a brand or product.

14
 15
 16
 17 (...continued)
 18 of a product or service. Kotler and Armstrong (2001), p. 512.

19 ²⁰ Kotler and Armstrong (2001), p. 512.

20 ²¹ Terrence A. Shimp, ADVERTISING PROMOTION AND OTHER ASPECTS OF INTEGRATED
 21 MARKETING COMMUNICATIONS (2007), 214. (Describing the distinctions associated with on-
 22 premise advertising).

23 ²² According to the American Marketing Association, “merchandising” is a term of many
 24 varied and not generally adopted meanings.
 25 <https://www.ama.org/resources/Pages/Dictionary.aspx?dLetter=M>. See also Terrence A. Shimp &
 26 Craig J. Andrews, ADVERTISING PROMOTION AND OTHER ASPECTS OF INTEGRATED MARKETING
 27 COMMUNICATIONS (2013), 649.

28 ²³ Terrence A. Shimp and J. Craig Andrews, INTEGRATED MARKETING COMMUNICATIONS
 (2013), 648. (Defining point of purchase as the “store environment.”). Tom Duncan, INTEGRATED
 MARKETING COMMUNICATIONS: USING ADVERTISING AND PROMOTION TO BUILD BRANDS (2002),
 518.

²⁴ Duncan (2002), p. 519.

²⁵ Holly E. Bastow-Shoop, Dale F. Zetocha, & Gregory Passewitz, VISUAL
 MERCHANDISING: A GUIDE FOR SMALL RETAILERS (1991), 1. (Thus, merchandising materials such
 as audiotapes for playing over the store’s public-announcement system would not be considered
 visual merchandising).

A. Signage and Graphics

20. The nature and spectrum of point-of-purchase communications that support merchandising and customers “can see or visualize”²⁶ is quite diverse. These materials include different types of signs. These include store and building signs and graphics, wall and window posters and placards,²⁷ murals, banners, mobiles, TV monitors, end-of-aisle displays, counter and floor stands, product racks, fixtures, shopboards, product arrangements, product packaging, shelf ads, handbills, and other forms of communication.²⁸

21. One of the most basic forms of visual communications involves sign and graphics.²⁹ Signs are communications devices or systems designed for the purpose of conveying a message.³⁰ Because visual communications encompass more than just words, many retailers incorporate actual products or product imitations in their signs. These include the type of metal signs posted by Ten Percent Firearms. Retailers also incorporate in their signs large panels and decals like the type employed by Tracy Rifle in the sale of firearms. These types of signs often include so-called “lifestyle” images. Lifestyle graphics portray either the merchandise, often as it is being used, or related items and models that convey an image conducive to buying the product.³¹ These types of signs and graphics³² are found in the sale of sporting goods³³

²⁶ Khurram L. Bhatti & Seemab Latif, *The Impact of Visual Merchandising on Consumer Impulse Buying Behavior*, 2 EURASIAN JOURNAL OF BUSINESS AND MANAGEMENT 24, 24-25 (2014) (Describing visual merchandising to include “... any promotional signage like billboards, banners, posters, panaflexs, buntings, placards, pamphlets, shop boards, shelf markers and hand bills of any company, shop or brand which customer can see or visualize during his visit to the market or during shopping.”).

²⁷ Encyclopedia.com (2016) (defining placards as “a poster or sign for public display, either fixed to a wall or carried during a demonstration.”) (<http://www.encyclopedia.com/doc/1O999-placard.html>)

²⁸ Duncan (2002), p. 518.

²⁹ University of Cincinnati, THE ECONOMIC VALUE OF ON-PREMISE SIGNAGE (2012).

³⁰ Charles R. Taylor, Thomas A. Claus & Susan L. Claus, &, ON-PREMISE SIGNS AS STOREFRONT MARKETING DEVICES AND SYSTEMS 1.6 (2005) (defining signs in the context of storefront marketing devices and systems as “any place-based outdoor visual or tactile communication device or system designed for the political purpose of conveying a marketing, wayfinding, public, or political message.”)

³¹ Dunne and Lusch (1999), p. 488.

³² I use the phrase “signage and graphics” to generally refer to signs and graphics including signs that, as described in this paragraph, incorporate actual products, product imitations, images, graphics, etc..

22. Signs are one of the most visible means of communication for a business.³⁴ According to Dunne and Lusch, signs, large photo panels, and other visual devices like those just described serve as “silent salespersons” providing shoppers with important information and directions about how to shop a store, evaluate merchandise, and make purchases.³⁵ Without these visual communications the authors conclude, “a store would be like a newspaper full of words but no headlines, a jumbled, incomprehensible mess of merchandise”³⁶ For signage and graphics that appear on a building or grounds of a business, “High visibility is considered important to communicate where the store is to consumers.”³⁷ Consequently, signs and graphics serve as a multi-purpose media that can identify an organization, business or place while at the same time helping to market an idea, service, or product.³⁸ One type of signage and graphics involves on-premise signage and graphics.³⁹

B. On-Premise Signage and Graphics

23. On-premise signage and graphics refers to signage and graphics located on a building or grounds of a business.⁴⁰ Different types of on-premise signage and graphics include free-standing signs (e.g., monument signs, pole signs, A-frame/sandwich board signs, etc.) and building mounted signs and graphics (e.g., projecting signs, wall signs, roof signs, banners,

(...continued)

³³ Dunne and Lusch (1999), p. 488.

³⁴ Seth R. Ellis, Robert Johnson, and Robin Murphy, *THE ECONOMIC VALUE OF ON-PREMISE SIGNS* 4 (1997).

³⁵ Dunne and Lusch (1999), p. 486.

³⁶ Dunne and Lusch (1999), p. 486.

³⁷ Charles R. Taylor, Matthew E. Sarkees, Hae-Kyong Bang, *Understanding the Value of On-Premise Signs as Marketing Devices for Legal and Public Policy Purposes*, 31 JOURNAL OF PUBLIC POLICY & MARKETING 185, 186 (2012). Citing Berry Berman & Joel R. Evans, *RETAIL MANAGEMENT: A STRATEGIC APPROACH* (2007); Patrick M. Dunne & Robert F. Lusch, *RETAILING* (2007).

³⁸ University of Cincinnati (2012).

³⁹ It is my understanding that Section 26820 applies to a subset of signage and graphics -- those that display a “handgun or imitation handgun, or placard advertising the sale or other transfer thereof, ... displayed in any part of the premises where it can readily be seen from the outside.”

⁴⁰ Taylor, Sarkees and Bang (2012), p. 185. (“On-premise signs are permanent fixtures on the building or grounds of a business”).

1 murals, and canopy or awning signs).⁴¹ Shimp identifies the “ABCs of on-premise signs and
 2 graphics to minimally include three functions: attract new customers, brand the retail site in
 3 consumers’ minds, and create impulse purchases.”⁴² Similarly, in describing one of the significant
 4 roles of on-premise signage Taylor, Sarkees and Bang conclude “For businesses that rely on
 5 impulse purchases or serve immediate needs, the sign may often induce an immediate response
 6 that leads to a sale.”⁴³ In this way, on-premise signs play a key role in “getting the word out” to
 7 impulse buyers and other consumers that a business exists at a given location.⁴⁴

8 24. Given the identified function and significant role of on-premise signage and graphics,
 9 on-premise signs and graphics are considered a potentially powerful medium for commercial
 10 communication.⁴⁵ The ability to obtain and use adequate signage and graphics is considered
 11 highly important to the success of retail and services businesses of all sizes.⁴⁶ “On-premise signs
 12 intended to read and induce an immediate response” should be utilized by “businesses that serve
 13 immediate needs or rely on impulse sales.”⁴⁷

14 25. The lack of access to an easily detectable and readable on-premise sign or graphic can
 15 lead to lost sales.⁴⁸ Where a business is prevented from displaying a message that identifies their
 16 location, reinforces their brand and business, brands their site, and enhances their image;
 17 consumers may be confused, thus damaging the brand and firm.⁴⁹ In this regard, it is my
 18 understanding that Section 26820 applies to only certain forms of signage and graphics.

19
 20
 21 ⁴¹ Shimp and Andrews (2013), p. 661.

22 ⁴² Shimp (2007), p. 220. See also Taylor, Sarkees and Bang (2012), p. 186. (Describing
 23 other and related marketing roles of on-premise signage to include: “communicating the location
 of the business,” “reinforcing advertisements and other marketing variables,” “branding the site,”
 and “enhancing store image.”)

24 ⁴³ Taylor, Sarkees and Bang (2012), p. 186.

25 ⁴⁴ Taylor, Sarkees and Bang (2012), p. 186.

26 ⁴⁵ University of Cincinnati (2012).

27 ⁴⁶ Taylor, Sarkees and Bang (2012), p. 185, 186. See also, Taylor, Claus & Claus (2005).

28 ⁴⁷ See also, Taylor, Claus & Claus (2005), p. 4.7.

⁴⁸ Taylor, Sarkees and Bang (2012), p. 188.

⁴⁹ Taylor, Sarkees and Bang (2012), p. 186.

1 Consequently, retailers of handguns are not proscribed from using other forms of signage and
 2 graphics and benefiting from such signage and graphics in the ways described.

3 26. Studies of on-premise signage support the marketing function, sales role, and
 4 business impact of on-premise signs and graphics. According to Taylor and colleagues who have
 5 extensively studied on-premise signage, “Many academic and practitioner studies, though mostly
 6 from a legal perspective, suggest that businesses would lose sales if on-premise signs were
 7 altered, restricted, or removed.”⁵⁰ Given these studies focus on on-premise signage like that
 8 employed by Plaintiffs and proscribed in Section 26820, their findings are relevant to the
 9 questions examined in this report.

10 27. As one reported example, based on a large scale survey of 238 businesses ranging
 11 across different business types and sizes; among other findings, Taylor and colleagues reach
 12 several conclusions about on-premise signage. In particular, the researchers conclude that “The
 13 results of this survey reveal that on-premise signs play a key role in contributing to brand equity
 14 for many businesses.”⁵¹ The researchers also report that 85% of respondents responded that they
 15 would lose sales without an on-premise sign.⁵² According to the researchers, “Collectively, these
 16 results are indicative of the strong impact of on-premise signs on the success or failure of a
 17 business.”⁵³ The authors conclude, “As such, a business stands to lose first-time customers and
 18 potentially longer-term revenue without an on-premise sign.”⁵⁴

19 28. Relevant empirical research and accepted knowledge of marketing practice support
 20 the important marketing function and significant sales role of visual communications in the form
 21 of on-premise signage and graphics for inducing the sale of goods and services to consumers,
 22 including impulse buyers. Research and knowledge further supports that on-premise signage and
 23 graphics are a potentially powerful medium of communication that can have a strong impact on

24 ⁵⁰ Taylor, Sarkees and Bang (2012), p. 186. See also, Taylor, Claus & Claus (2005) (citing
 25 numerous studies).

26 ⁵¹ Taylor, Sarkees and Bang (2012), p. 188.

27 ⁵² Taylor, Sarkees and Bang (2012), p. 188.

28 ⁵³ Taylor, Sarkees and Bang (2012), p. 188.

⁵⁴ Taylor, Sarkees and Bang (2012), p. 186.

the success or failure of a business. The types of on-premise signage and graphics that induce purchases by consumers -- including impulse buyers -- include the visual types of decals employed by Tracy Rifle and the visual types of metal signage posted by Ten Percent Firearms. It also includes other types of visual signage and graphics proscribed in Section 26820.

II. IMPULSE PURCHASES AND IMPULSE BUYING

29. Impulse buying has been extensively studied in marketing and related business research. In this section I more specifically report on this research including definitions of impulse buying, the occurrence of impulse buying including for firearms, the nature of the impulse buying tendency, and the cognitive (i.e., mental) process of impulse buying. This information provides a useful basis for understanding the nature, occurrence, form, and process of impulse buying applicable to goods and services, including firearms and handguns.

A. Definition of Impulse Buying

30. To meet their needs and wants, consumers purchase goods and services, including firearms. Some purchases are planned while other purchases are unplanned. A particular type of unplanned purchase involves purchases completed through impulse buying.⁵⁵⁵⁶ Drawing on decades of research, impulse buying has been defined to involve “a sudden, hedonically complex purchase behavior in which the rapidity of the impulse purchase precludes any thoughtful,

⁵⁵ Rook (1987), p. 191. (“Impulse buying refers to narrower and more specific ranges of the phenomenon than unplanned purchasing.”). Clinton Amos, Gary R. Holmes, & William C. Keneson, *A Meta-analysis of Consumer Impulse Buying*, 21 JOURNAL OF RETAILING AND CONSUMER SERVICES 86, 87 (2014) (“Research findings suggest impulse buying behavior can typically be categorized as unplanned, but unplanned purchases cannot always be categorized as impulse buys.”). Bas Verplanken & Ayana Sato, *The Psychology of Impulse Buying: An Integrative Self-Regulation Approach*, 34 JOURNAL OF CONSUMER POLICY 197 (2011). (“Purchases may be unplanned but not impulsive,...”). The logic behind this distinction is that unplanned purchases may not be accompanied by a powerful urge or strong positive feelings usually associated with an impulse buy. Examples of unplanned purchases that do not typically involve impulse buying include habitual purchases and purchases that are simply too unimportant to plan or think about.

⁵⁶ Impulse buying is also distinct from “compulsive” buying. See Amos, Holmes, and Keneson (2014), p. 87. (“A lengthy stream of literature in psychiatry is dedicated to compulsive buying and defines it as excessive, repetitive uncontrollable preoccupations, urges, or behaviors pertaining to shopping that lead to subjective distress and impaired functioning research has empirically demonstrated the distinctness of the two constructs and that compulsive buying is a conspicuously different phenomenon.”).

1 deliberate consideration of alternatives or future implications.”⁵⁷ Related characterizations of
 2 impulse buying may be found in the literature including, for example, that “Impulse buying
 3 occurs when a consumer experiences a sudden, often powerful and persistent urge to buy
 4 something immediately... impulse buying is prone to occur with diminished regard for its
 5 consequences.”⁵⁸

6 31. A research based definition of impulse buying is that it is “an unplanned and sudden
 7 buying act, in response to subjective or external stimuli, accompanied by a powerful and
 8 persistent urge; after the purchase, the customer experiences emotional, cognitive and/or
 9 behaviour reactions, which may become the new trigger of repeated impulse buying; a reflection
 10 of impulsivity traits, sociocultural values and buying beliefs; both a process and an outcome.”⁵⁹
 11 According to its authors, this research based definition of impulse buying captures several
 12 distinguishing aspects of impulse buying culled from a systematic review of the research
 13 literature.⁶⁰ First, impulse buying involves a buying process.⁶¹ Second, as a process, impulse
 14 buying includes identifiable pre-purchase occurrences (i.e., antecedents), unique purchase actions,
 15 and discernible post-purchase outcomes that can occur very quickly.⁶² Third, the impulse buying
 16 process is subject to triggers in the form of subjective and external stimuli.⁶³

17
 18
 19 ⁵⁷ Piyush Sharma, Bharadhwaj Sivakumaranb, & Roger Marshall, *Impulse Buying and*
 20 *Variety Seeking: A Trait-correlates Perspective*, 63 JOURNAL OF BUSINESS RESEARCH 276, 277
 (2010). See also, Amos, Holmes, & Keneson (2014), p. 87 (“This definition has evolved from
 decades of research regarding impulse buying.”).

21 ⁵⁸ Dennis W. Rook, *The Buying Impulse*, 14 JOURNAL OF CONSUMER RESEARCH 189, 191
 22 (1987). (“Impulse buying occurs when a consumer experiences a sudden, often powerful and
 23 persistent urge to buy something immediately. The impulse to buy is hedonically complex and
 may stimulate emotional conflict. Also, impulse buying is prone to occur with diminished regard
 for its consequences.”)

24 ⁵⁹ Sarah Hong Xiao and Michael Nicholson, *A Multidisciplinary Cognitive Behavioural*
 25 *Framework of Impulse Buying: A Systematic Review of the Literature*, 15 INTERNATIONAL
 JOURNAL OF MANAGEMENT REVIEW 333, 335 (2012).

26 ⁶⁰ Xiao and Nicholson (2012), p. 335.

27 ⁶¹ Xiao and Nicholson (2012), p. 335.

28 ⁶² Xiao and Nicholson (2012), p. 335.

⁶³ Xiao and Nicholson (2012), p. 335.

B. Occurrence of Impulse Buying

32. Many goods and services are purchased on impulse. Academic research has shown that impulse buys account for anywhere from 40% to 80% of purchases depending on product category.⁶⁴ That impulse buying accounts for a sizable percentage of all purchases is also supported by industry research.⁶⁵ For example, in a 2012 study by Point-of-Purchase Advertising International, 76% of all supermarket purchase decisions were reported to be made in the store.⁶⁶ Moreover, according to the National Endowment for Financial Education, more than 80% of American adults admit to making impulse purchase in the past year for themselves, others, or their home.⁶⁷ Past research by Coca Cola has also shown that impulse buying accounts for more than 50% of all grocery purchases.⁶⁸ In addition, recent research reports that the Millennial generation is 52% more likely to make an impulse purchase than any other generation.⁶⁹

C. Impulse Purchases of Firearms

33. Firearms including handguns are known to be purchased at times on impulse. Academic research recognizes that firearms are purchased on impulse.⁷⁰ Members of the firearms industry acknowledge that firearms are purchased on impulse.⁷¹ At least one firearms trade

⁶⁴ Amos, Holmes and Keneson (2014), p. 86 (citing numerous studies).

⁶⁵ Amos, Holmes and Keneson (2014), p. 86.

⁶⁶ POPAI, 2012. The 2012 Shopper Engagement Study. Point-of-Purchase Advertising International. (<http://www.popai.com/docs/12SES-MemRep.pdf>). Also cited in Amos, Holmes and Keneson (2014), p. 86.

⁶⁷ National Endowment for Financial Education, 2010. *Spendster Contest Offers Redemption for Senders Willing to Confess* (<http://www.nefe.org/press-room/news/spendster-contest-offers-redemption.aspx>). Also cited in Amos, Holmes and Keneson (2014), p. 86.

⁶⁸ CNBC, *Coca-Cola: The Real Story Behind the Real Thing* (2009) (<http://video.cnbc.com/gallery/?video=1409843923>) cited in Amos, Holmes and Keneson (2014), p. 86.

⁶⁹ B. Tuttle, *Millennials are Biggest Suckers for Selfish Impulse Buys*, TIME (April 27, 2012) (<http://business.time.com/2012/04/27/millennials-are-biggest-suckers-for-selfish-impulse-buys/>) (“First and foremost, the study shows that, no matter the recession and a continued shaky economy, and not matter the age group we’re talking about, the impulse purchase is alive and well. ... the most common reason is that a sale or promotion presented itself in the store.”) also cited by Amos, Holmes and Keneson (2014), p. 86.

⁷⁰ Antonio Rodriguez Andres and Katherine Hempstead, *Gun Control and Suicide: The Impact of State Firearm Regulations in the United States, 1995-2004*, 101 HEALTH POLICY 95, 96 (2011) (Describing “impulsive firearm purchases”).

⁷¹ Michael Fifer, *Q4 2014 Sturm Ruger & Co., Inc. Earnings Call – Final*, STURM, RUGER & COMPANY (February 26, 2015) (President & CEO Michael Fifer responding to a question and (continued...))

organization has conducted research on the impulse purchase of firearms for range and retailer members,⁷² commissioned profiles related to questions surrounding the impulse purchase of firearms by certain consumers,⁷³ and strategized to help those who wish to market to those who would (and would not) purchase a firearm on impulse.⁷⁴ The reports of these studies and their results have been published in the retail trade organization's official publication for members of the trade.⁷⁵ Consumers themselves discuss purchasing firearms on impulse.⁷⁶

D. Form of the Impulse Buying Temptation

34. Impulse buying is distinguished from other forms of buying based on the fact that it is primarily driven by strong hedonic temptations of immediate satisfaction and improved mood with little or no regard for consequences.⁷⁷ Elaborating on this distinction, researchers have

(...continued)

describing the impulse purchase of their firearms: "One of the major reasons is that we try to build thousands of units of a new product before launching it. That's really important because so much of firearms purchases is an impulse buy. And when that brand new firearm shows up on the cover of a major magazine, people run to the stores to go hold it and play with it and then buy it. And if it's not there and it's six months or two years later before it shows up at their local retailer. By then they've lost interest or they're resentful that they had to wait, and they don't buy it.")

⁷² National Shooting Sports Foundation, *Changing Faces of the Shooting Sports, Meeting the Needs of an Increasingly Diverse Customer Base, Special Report for NSSF Range & Retailer Members 2015*, NATIONAL SHOOTING SPORTS FOUNDATION, 6 (2015), <http://nssfretailers.s3.amazonaws.com/DiversityReport.pdf> (summarizing findings from their study "Women's Responses: Women's first gun purchase is not typically an impulse buy.").

⁷³ Barbara Baird, *A League of Their Own*, SHOT BUSINESS, 4 (July 2015). Also cited in White (2015), p. 4 ("To help you better understand this emerging market, we commissioned contributing editor Barbara Baird to profile a trio of women's shooting groups.").

⁷⁴ Slaton L. White, *Open Arms: It's Time to Welcome New Shooters*, SHOT BUSINESS (July 2015) (comparing differences in the impulse purchase of firearms by men and woman and describing "And that nugget confirms that you'll need to adjust your selling techniques to match this new customer" and "...their sales triggers differ from men's, and you need to be keenly aware of these differences.").

⁷⁵ Slaton L. White, *Open Arms: It's Time to Welcome New Shooters*, SHOT BUSINESS, 4 (July 2015) (describing the "recent report by NSSF ['The Changing Face of the Shooting Sports'] that reports "findings related to impulse firearms purchases.").

⁷⁶ Firearm's blogs contain discussions of firearms purchased on impulse. See *Upland Journal* (August 9, 2007), <http://uplandjournal.ipbhost.com/index.php?topic/4399-impulse-purchase/> (e.g., "I'm not one for fancy shotguns really, but I did it this time. Talk about impulse buying. I saw it and just had to have it."). See *The Highroad.org* (October 24, 2014), <http://www.thehighroad.org/archive/index.php/t-764480.html> (e.g., "Pretty much every gun I buy is an impulse buy.").

⁷⁷ Impulse buying is also distinct from compulsive buying. Amos, Holmes, and Keneson (2014), p. 87. ("A lengthy stream of literature in psychiatry is dedicated to compulsive buying and defines it as excessive, repetitive uncontrollable preoccupations, urges, or behaviors

(continued...)

1 distinguished impulse buying using three criteria. First, the act is spontaneous and is usually
 2 accompanied by a positive emotional charge.⁷⁸ Second, the individual making the impulse buy
 3 shows a diminished regard for any costs or consequences.⁷⁹ Third, the act usually involves a
 4 hedonic temptation for immediate self-fulfillment through consumption.⁸⁰

5 35. The strong hedonic temptation that drives impulse buying is considered extremely
 6 powerful and difficult to resist. According to research in marketing, this temptation stems from
 7 both the emotional attraction to the object of desire and from the desire for immediate
 8 gratification. In often cited research interviews of consumers asked to describe the event of
 9 impulse buying, consumers report that the experience involves a spontaneous urge to buy, that is
 10 both intense and forceful, involves personal excitement and stimulation, engenders feelings of
 11 synchronicity, incorporates quasi-mystical properties, includes hedonic elements of good and bad,
 12 arouses emotional conflict and ambivalence, and is accompanied by a disregard for consequences.
 13 This consumer-based research provides a rich description from which to understand the nature of
 14 the temptation that likely accompanies impulse buying, including impulse buying of handguns.

15 36. According to research in marketing, this temptation stems from both the emotional
 16 attraction to the object of desire and from the desire for immediate gratification. In often cited
 17 research interviews of consumers who were asked to describe the event of impulse buying,
 18 consumers report that the experience involves a spontaneous urge to buy, that is both intense and
 19 forceful, involves personal excitement and stimulation, engenders feelings of synchronicity,
 20 incorporates quasi-mystical properties, includes hedonic elements of good and bad, arouses

21 _____
 (...continued)

22 pertaining to shopping that lead to subjective distress and impaired functioning research has
 23 empirically demonstrated the distinctness of the two constructs and that compulsive buying is a
 conspicuously different phenomenon.”).

24 ⁷⁸ Amos, Holmes and Keneson (2014), p. 87. Although the act of impulse buying is
 spontaneous, as described in this report, the temptation to engage in impulse buying involves a
 cognitive process with associated stages. Moreover, as Amos, Holmes and Keneson (2014), p. 87
 25 it is the case that the consumption impulse associated with impulse buying is a “powerful and
 26 persistent urge” and the “consumption impulse can still exist if the decision time lapse is
 extended.”

27 ⁷⁹ Amos, Holmes and Keneson (2014), p. 87.

28 ⁸⁰ Amos, Holmes and Keneson (2014), p. 87.

1 emotional conflict and ambivalence, and is accompanied by a disregard for consequences. This
 2 consumer-based research provides a rich description from which to understand the nature of the
 3 temptation that accompanies impulse buying, including impulse buying of handguns.

4 37. In the aforementioned research interviews of consumers asked to describe the event
 5 of impulse buying, consumers express that the impulse buying experience involves spontaneous
 6 urges to buy something. Consumers describe feelings of “all of a sudden” being hit with urges to
 7 buy something and with feelings of having to possess or to buy something instantly.⁸¹ The buying
 8 impulse reportedly makes consumers feel compelled to purchase something.⁸² Summarizing
 9 reports by consumers, researchers have concluded that, “The buying impulse is unexpected; it
 10 arises spontaneously and urges the consumer to ‘BUY NOW!’”⁸³

11 38. The intensity and force that accompanies impulse buying is also both powerful and
 12 compelling. Consumers report that the buying impulses occupy “center stage” quickly and
 13 become intensely preoccupying.⁸⁴ Consumers describe the force behind their buying impulses as
 14 being “like a hunger,” even “animal-like.”⁸⁵ When experiencing an impulse buying event,
 15 consumers also speak forcefully about their “needs” and “wants” together with a sudden
 16 determination to gratify them.⁸⁶ Some report feeling compelled, obsessed, and desperate.⁸⁷

17 39. Consumers also report that impulse buying is often accompanied by personal
 18 excitement and stimulation. Consumers vary in the degree to which they portray the buying
 19 impulse as a source of personal excitement with more describing it as being very stimulating.
 20 Descriptions offered by consumers include that the experience is “exciting,” “thrilling,” and
 21 “wild”⁸⁸ and that the experience can induce feelings of being out-of-control.⁸⁹ According to

22 ⁸¹ Rook (1987), p. 193.

23 ⁸² Rook (1987), p. 193.

24 ⁸³ Rook (1987), p. 193 (emphasis in original).

25 ⁸⁴ Rook (1987), p. 193.

26 ⁸⁵ Rook (1987), p. 194.

27 ⁸⁶ Rook (1987), p. 194.

28 ⁸⁷ Rook (1987), p. 194.

⁸⁸ Rook (1987), p. 194.

⁸⁹ Rook (1987), p. 194.

1 researchers, the variety and high levels of excitement attributed to impulse buying distinguish it
2 from more calm and rational consumer decision making.⁹⁰

3 40. Some consumers report a sense of synchronicity associated with impulse buying.
4 Individuals who describe such an experience reportedly express feelings that they were in the
5 right place at the right time, the beneficiaries of a unique and fortuitous convergence of events.⁹¹
6 The objects of the impulse purchase were interpreted as meant personally, or even preordained,
7 for them.⁹² According to the researchers, such feelings likely involve some displacement of blame
8 upon the object with an implicate abdication of personal responsibility and reflective of a
9 rationalized decision-process element that may be latent in larger numbers of consumers.⁹³

10 41. Quasi-mystical properties are also reported to be a part of the impulse buying
11 experience by some consumers.⁹⁴ Some consumers who report these properties say they felt
12 “hypnotized” or “mesmerized” by the experience and found themselves mindlessly moving
13 toward a cashier, as if in a dream.⁹⁵ Others reportedly animate the objects of their desires with
14 stories of products that are not inert, but are empowered with motility and a will.⁹⁶ According to
15 the researchers, such expressions probably involve some transference of guilt about buying, or
16 even about having the impulse, on to the product itself.⁹⁷

17 42. Impulse buying experiences are further reported to include intense feelings that
18 include hedonic elements of feeling good and bad. Many consumers report hedonic elements are
19 associated with their impulse buying experiences.⁹⁸ Consumers indicate that the impulse to buy
20 makes them feel “good,” “happy,” “satisfied,” “light,” “wonderful,” or “high.”⁹⁹ Consumers also

21 ⁹⁰ Rook (1987), p. 194

22 ⁹¹ Rook (1987), p. 194.

23 ⁹² Rook (1987), p. 194.

24 ⁹³ Rook (1987), p. 194.

25 ⁹⁴ Rook (1987), p. 194.

26 ⁹⁵ Rook (1987), p. 194.

27 ⁹⁶ Rook (1987), p. 194.

28 ⁹⁷ Rook (1987), p. 194.

⁹⁸ Rook (1987), p. 195.

⁹⁹ Rook (1987), p. 195.

1 indicate painful elements accompany the impulse to buy something including expressions of
 2 feeling strange or “blank.”¹⁰⁰ Others describe themselves as becoming “restless” and “nervous”
 3 with some recalling feeling “distressed,” “out-of-control,” or “helpless.”¹⁰¹

4 43. The impulse buying experience is also reported to arouse emotional conflict and
 5 ambivalence on the part of consumers. Consumers describe how the impulse to buy arouses both
 6 pleasure and guilt.¹⁰² Consumers report having difficulty getting control over their buying
 7 impulses with some indicating that only way to relieve the tension to give in and buy.¹⁰³
 8 According to the researchers, more than a few consumers reported feeling utterly helpless against
 9 the dictates of their impulses, with several confessing they simply couldn’t resist certain buying
 10 impulse and felt quite “out of control.”¹⁰⁴

11 44. The impulse buying experience is also reported by consumers to be accompanied by a
 12 disregard for consequences. According to the aforementioned researchers, the buying impulse’s
 13 urge toward immediate action discourages consideration of the behavior’s potential
 14 consequences. A powerful urge to buy may prove irresistible.¹⁰⁵ As described by the researchers,
 15 some consumers report having succumbed to their buying impulse despite an awareness of
 16 potentially negative consequences.¹⁰⁶

17 45. The aforementioned often-cited research that describes consumer interviews wherein
 18 consumers were asked to describe the event of impulse buying offers a rich description of the
 19 nature of the temptation that accompanies impulse buying of goods and services. Given firearms,
 20 including handguns, are known to be purchased on impulse, it is reasonable to conclude that,
 21 similar to these reports for other goods and services, the experience of buying a handgun on
 22 impulse involves a spontaneous urge to buy, that is both intense and forceful, involves personal

23 ¹⁰⁰ Rook (1987), p. 195.

24 ¹⁰¹ Rook (1987), p. 195.

25 ¹⁰² Rook (1987), p. 195.

26 ¹⁰³ Rook (1987), p. 195.

27 ¹⁰⁴ Rook (1987), p. 195.

28 ¹⁰⁵ Rook (1987), p. 195.

¹⁰⁶ Rook (1987), p. 195.

excitement and stimulation, engenders feelings of synchronicity, potentially incorporates quasi-mystical properties, includes hedonic elements of good and bad, arouses emotional conflict and ambivalence, and is accompanied by a disregard for consequences.

E. Cognitive Process of Impulse Buying

46. When a consumer experiences the impulse buying temptation, mental processes are automatically enabled to evaluate the presence of possible constraints to enactment of the impulse purchase.¹⁰⁷ If no constraining factors are identified during this period, the impulse buying temptation may be viewed by the consumer as harmonious with his or her goals, resources, and situation resulting in the enactment of an impulse purchase.¹⁰⁸ The presence of constraining factors paves the way for consumers to adopt resistance strategies that can cause the consumption impulse to dissipate.¹⁰⁹ Consumers who do not face constraints to their consumption impulse or that do not successfully implement resistance strategies fall prey to the temptation resulting from the excitement and stimulation of an impulse buy and tend to place an emphasis on emotions and feeling during this experience.¹¹⁰ Hence, when people make an impulse buy they are often said to be “yielding to temptation.”¹¹¹ As with the nature of the impulse buying temptation, it is reasonable to conclude that these processes and the constraining factors and resistance strategies are applicable to the impulse purchase of firearms, including handguns.

47. Different categories of constraining factors have been identified in the literature.¹¹² Three categories of constraints identified through research include: current impediments,

¹⁰⁷ Uptal M. Dholakia, *Temptation and Resistance: An Integrated Model of Consumption Impulse*, 17 PSYCHOLOGY & MARKETING 955, 962 (2000).

¹⁰⁸ Dholakia (2000), p. 962.

¹⁰⁹ Amos, Holmes, and Keneson (2014), p. 87. Dholakia (2000), p. 982. (Strategies of resistance involve self-regulation of mental states and processes by an individual that operate through different mechanisms. These strategies have been termed tactical mental control and can be thought of as volitional mechanisms used by the consumer to effortfully fight back the impulse buying temptation because the consumer uses some specific scheme to suppress his or her natural state of mind (the impulse), and promote the volitionally chosen state (resistance).).

¹¹⁰ Amos, Holmes, Keneson (2014), p. 87.

¹¹¹ Amos, Holmes, Keneson (2014), p. 87.

¹¹² Dholakia (2000), p. 962.

1 consideration of long-term consequences, and anticipatory emotions.¹¹³ Current impediments that
 2 may constrain an impulse purchase include inadequate time to make the purchase.¹¹⁴ Consumers
 3 may also not possess enough money to purchase the good.¹¹⁵ Consumers may also confront
 4 implicit but stringent behavioral rules against making such a purchase that have been relied on in
 5 the past.¹¹⁶ The contemplation of long-term deleterious consequences may also constrain the
 6 temptation to engage in impulse buying.¹¹⁷ For instance, an over-weight person may consider the
 7 future gain of weight from eating a particularly high-calorie, if toothsome, dessert as a
 8 constraining factor.¹¹⁸ Constraining factors may also include anticipatory emotions that work to
 9 constrain impulse buying.¹¹⁹ This involves affective states resulting from anticipation of future
 10 consequences. For example, the consumer may imagine the positive emotional experience from
 11 successfully resisting the urge, or the negative affect from enacting the impulse.¹²⁰

12 48. In the current matter, Section 26820 limits certain forms of retail signage and
 13 graphics in the sale or transfer of handguns. In this way, Section 26820 is an example of a
 14 constraint to the enactment of an impulse purchase (i.e., constraining factors). As previously
 15 described, research and knowledge has shown that visual forms of communication in the form of
 16 signage and graphics provide an important marketing function and significant sales role for
 17 inducing the sale of goods and services to consumers, including impulse buyers. Firearms
 18 including handguns are known to be purchased on impulse. Thus, limitations on the use of on-
 19 premise signage and graphics like those set forth in Section 26820 act as a constraint and
 20 impediment to the impulse purchase of a handgun that would otherwise be induced by such on-
 21 premise signage and graphics. Section 26820 has this effect on the impulse purchase of a handgun
 22

23 ¹¹³ Dholakia (2000), p. 982.

24 ¹¹⁴ Dholakia (2000), p. 962.

25 ¹¹⁵ Dholakia (2000), p. 962.

26 ¹¹⁶ Dholakia (2000), p. 962.

27 ¹¹⁷ Dholakia (2000), p. 962.

28 ¹¹⁸ Dholakia (2000), p. 962.

¹¹⁹ Dholakia (2000), p. 962.

¹²⁰ Dholakia (2000), p. 962.

1 by acting as a “current” constraint and direct impediment to the marketing function and sales role
 2 of proscribed on-premise signage and graphics such as the types of signage and graphics
 3 displayed by Tracy Rifle & Pistol LLC and posted by Ten Percent Firearms.

4 **III. ANTECEDENTS AND TRIGGERS TO IMPULSE BUYING AND IMPULSE PURCHASES**

5 49. Having described the nature, occurrence, form, and process of impulse buying
 6 applicable to goods and services, including firearms and handguns; in this section, I describe the
 7 nature of antecedents and triggers to impulse buying. These antecedents and triggers include the
 8 type of retail environments where on-premise signage and graphics, proscribed in Section 26820
 9 and employed by Plaintiffs Tracy Rifle & Pistol LLC and Ten Percent Firearms, may be found. I
 10 then discuss the findings of empirical and theoretical research that has studied the relationship of
 11 these antecedents and triggers to impulse buying. Together, like other dimensions of impulse
 12 buying for goods and services, it is reasonable to conclude that this empirical and theoretical
 13 information applies to the impulse buying of firearms, including handguns. Consequently, this
 14 information provides a useful basis for understanding the nature and triggers to impulse buying of
 15 firearms and handguns, and for understanding the effect of the types of on-premise signage and
 16 graphics proscribed by Section 26820 and employed by Plaintiffs Tracy Rifle & Pistol LLC and
 17 Ten Percent Firearms.

18 50. The temptation to engage in an impulse purchase often occurs due to sensory contact
 19 and these temptations and actions can be augmented by contextual factors associated with the
 20 situation or individual.¹²¹ These factors, or antecedents, as they are called, act as “triggers” that
 21 play direct and indirect roles in enacting impulse buying. Marketers implement impulse strategies
 22 through triggers in the form of marketing stimuli including on-premise signage and graphics. In
 23 turn, consumers experience these triggers as cues in the retail environment. The nature and role of
 24 marketing stimuli as antecedent triggers to impulse buying has been extensively examined by
 25 different researchers studying impulse buying. As these researchers describe:

26 _____
 27 ¹²¹ Rook (1987), p. 193 (“The sudden urge to buy is likely to be triggered by a visual
 28 confrontation with a product or by some promotional stimulus, but the buying impulse does not
 always depend on direct visual stimulation.”).

- 1 • “Impulse buying temptation often occurs due to sensory contact (e.g., proximity of
- 2 product or marketing stimuli) and can be augmented by situational (e.g., mood or
- 3 environmental factors) and individual factors (e.g., impulse buying trait)”¹²²
- 4 • “The sudden urge to buy is likely to be triggered by a visual confrontation with a
- 5 product or by some promotional stimulus, but the buying impulse does not always
- 6 depend on direct visual stimulation.”¹²³
- 7 • “The antecedent phase is linked to individual and contextual factors through triggers
- 8 that play direct and indirect roles in enacting impulse buying. Marketers implement
- 9 impulse strategies through direct or external triggers, such as impulse buying-salient
- 10 products and through price promotions. Consumers experience indirect or internal
- 11 triggers as cues in the retail environment that interact with external stimuli.”¹²⁴
- 12 • “The interaction between environmental stimuli and internal psychological factors
- 13 triggers an increase in impulse buying potential.”¹²⁵

14 51. It is precisely in the way described by these researchers that Section 26820 may be

15 reasonably described to act as a constraint and impediment to the impulse purchase of a handgun

16 that would otherwise be induced by on-premise signage and graphics. Acting as a “current”

17 constraint and direct impediment to the use of certain forms of signage and graphics, Section

18 26820 limits sensory contact with marketing stimuli that may trigger and augment the temptation

19 of a consumer to engage in the impulse purchase of a handgun. In the absence of such limitations,

20 consumers confronted by the on-premise signage and graphics precluded by Section 26820,

21 experience such promotional stimuli as cues in the retail environment that trigger and increase the

22 potential for their impulse purchase of the handgun. In other words, Section 26820 constrains the

23 marketing function and impedes the sales role of on-premise signs and graphics like those

24 displayed by Tracy Rifle & Pistol LLC and posted by Ten Percent Firearms that may otherwise

25 ¹²² Amos, Holmes and Keneson (2014). See also Dholakia (2000); Sharma et al. (2010).

26 ¹²³ Rook (1987), p. 193. See also Dholakia (2000); Sharma et al. (2010).

27 ¹²⁴ Xiao and Nicholson (2012), p. 343. See also Dholakia (2000); Sharma et al. (2010).

28 ¹²⁵ Xiao and Nicholson (2012), p. 345.

1 trigger and augment the temptation of a consumer to engage in the impulse purchase of a
2 handgun.

3 52. Given the role of marketing stimuli in triggering and augmenting the potential for
4 impulse buying, researchers in marketing have extensively examined the impact of marketing
5 stimuli on impulse buying together with other antecedents to an impulse purchase. To compile
6 this large volume of research¹²⁶ and understand its aggregate findings and implications,
7 researchers have conducted large-scale meta-analyses¹²⁷ of these empirical studies. The context of
8 impulse buying has been particularly identified as an area where meta-analyses can provide such
9 insights.¹²⁸ Meta-analyses of the impulse buying literature include analyses of prior empirical
10 studies on antecedents to impulse buying.¹²⁹ Meta-analyses of the impulse buying literature also
11 include reviews of the conceptual and theoretical research on antecedents to impulse buying.¹³⁰
12 Together with other knowledge, these analyses offer a comprehensive understanding of the
13 impact of marketing stimuli on impulse buying. Given inferences concerning the effect of
14 marketing stimuli in the form of signage and graphics on the potential impulse purchase of a
15 handgun are an important focus of questions in the current matter, these analyses offer useful
16 information that can be reasonably extended to inform such questions.

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20 ¹²⁶ Xiao and Nicholson (2012), p. 333 (“An unrestricted search of academic publications
21 using the keywords, ‘impulse buying,’ yields literally tens of thousands of articles.”). Amos,
Holmes, and Keneson (2014), p. 89 (“The context of impulse buying is a particular area where
more than 30 years of research exists.”).

22 ¹²⁷ Meta-analysis is a methodological approach employed in the field of academic
marketing for the integrating the findings from several individual studies of a research question.
23 See Michael J. Houston, J. Paul Peter, and Alan G. Sawyer, *The Role of Meta-Analysis in
Consumer Research*, in 10 ADVANCES IN CONSUMER RESEARCH, 497-502 (1983).

24 ¹²⁸ Amos, Holmes, and Keneson (2014), p. 89. (“The context of impulse buying is a
25 particular area where more than 30 years of research exists without any past efforts to
quantitatively summarize the findings within the literature stream. Hence, a meta-analysis of
26 impulse buying literature can provide a much needed summary of the literature and highlight any
disparate findings and gaps in the literature.”).

27 ¹²⁹ Amos, Holmes and Keneson (2014).

28 ¹³⁰ Xiao and Nicholson (2013).

A. Nature of Antecedents and triggers to Impulse Buying

53. Marketing based meta-analyses that organize and review the empirical research on the role and effect of antecedent conditions and triggers to impulse buying (including marketing stimuli) include recent analyses by Amos, Holmes, and Keneson.¹³¹ In their meta-analysis of 63 studies of impulse buying published between 1978 and 2012, they classify independent (i.e., antecedent) impulse buying variables employed in prior studies into three categories: dispositional, situational, and socio-demographics.¹³²

1. Dispositional Antecedent Factors and Triggers

54. Dispositional antecedents are “predispositions in which one person differs from another in a relatively permanent and consistent manner and that have an effect on buying behavior.”¹³³ These characteristics include individual tendencies, penchants, and inclinations that are considered chronic in nature and that tend to apply generally across situations. Dispositional factors found relevant to impulse buying comprise psychological constructs including the impulsivity buying trait, spontaneity, variety/novelty seeking propensity, susceptibility to influence, shopping enjoyment, need for cognition, esteem, openness, ability to regulate emotion, and others.¹³⁴

55. An important dispositional antecedent linked to impulse buying is the impulsivity buying trait – a relatively stable tendency that has been shown to vary in intensity among individuals. The impulsivity trait has been defined in marketing as the “tendency to respond quickly and without reflection, and characterized by rapid reaction times, absence of foresight,

¹³¹ Amos, Holmes and Keneson (2014)).

¹³² Similar categories are identified by Dholakia 2000 (identifying three antecedent factors including marketing stimuli (visual stimuli), situational factors (environmental, personal and social factors surrounding a particular consumption occasion) and the impulsivity trait.). See also Sharma et al (2010). According to Amos, Holmes and Keneson (2014)) socio-demographic antecedents include demographic and socioeconomic variables such as age, gender, income, and ethnicity. These variables are typically beyond the influence of paid marketing activities, but included in studies for other reasons. Socio-demographics have been shown to play a smaller role in the overall impulse buying picture. They are not further described in this report.

¹³³ Amos, Holmes and Keneson (2014)), p. 88.

¹³⁴ Sharma et al., (2010). See also Amos, Holmes and Keneson (2014), p. 88.

1 and a tendency to act without a careful plan.”¹³⁵ Researchers (including those in marketing) have
 2 also extensively studied the impulsivity trait and its relationship to impulsive buying.¹³⁶ This
 3 research has included development of psychometric scales for measuring impulse buying
 4 tendencies.¹³⁷

5 56. The findings of consumer studies suggest that individuals with a high impulsivity trait
 6 score are more likely to engage in impulsive buying.¹³⁸ They also suggest that buyers with high
 7 impulsivity experience are more reactive to spontaneous buying stimuli and they are more
 8 receptive to sudden and unexpected buying ideas.¹³⁹ Other psychological (i.e., dispositional)
 9 antecedents shown to have a substantial positive influence on impulse buying include thrill
 10 seeking/variety seeking propensity, shopping enjoyment propensity, instability, the tendency to
 11 make quick decisions, and susceptibility to influence.¹⁴⁰ Psychological traits which have been
 12 shown to inhibit impulse buying include self-monitoring, emotional intelligence, price
 13 consciousness, and self-control.¹⁴¹

14 57. Beyond consumer research in marketing, the concept and trait of impulsivity has been
 15 extensively studied in disciplines related to marketing.¹⁴² As reported by Xiao and Nicholson, this
 16 includes the biopsychology, cognitive, social and clinical psychology literatures, and a variety of
 17 interdisciplinary contexts. In these fields and contexts, impulse buying has been associated with
 18 impulsivity and related personality traits. This research is often incorporated and reported in
 19 marketing studies of impulse buying.

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 21 ¹³⁵ Dholakia (2000), p. 961.

22 ¹³⁶ Xiao and Nicholson (2012), p. 342. (“The impulsivity trait has been studied
 extensively in the biopsychology, cognitive, social and clinical psychology literature, and in a
 variety of interdisciplinary contexts.”).

23 ¹³⁷ Xiao and Nicholson 2012, 342 (“Impulse buying has been associated with impulsivity
 24 and related personality traits, generating a number of impulse buying tendency metrics since the
 1980s”).

25 ¹³⁸ Xiao and Nicholson (2012), p. 342.

26 ¹³⁹ Xiao and Nicholson (2012), p. 342.

27 ¹⁴⁰ Amos, Holmes and Keneson (2014), p. 94.

28 ¹⁴¹ Amos, Holmes and Keneson (2014), p. 94.

¹⁴² Xiao and Nicholson (2012), p. 342.

1 58. Consistent with consumer research, these studies from other fields have led to a
2 number of impulse buying tendency metrics. For example, people with higher “unreflective,”
3 “immediate,” “spontaneous,” and “kinetic” traits are more likely to make an impulsive purchase.
4 Psychology researchers have also identified different dimensions of buying impulsiveness
5 consisting of prudence (self-controlled, farsighted, responsible, restrained, rational, methodical, a
6 planner), hedonism (impulsive, extravagant, easily tempted, enjoys spending) and carelessness.
7 This research further shows that impulse behavior is influenced by the relative accessibility of the
8 costs and benefits associated with impulsiveness.

9 59. Research from psychology also reports evidence that the tendency to buy impulsively
10 is rooted in facets of personality. These studies report that the impulsive buying tendency has
11 multiple facets (i.e., cognitive and affective) and these facets are correlated with extraversion,
12 conscientiousness and autonomy. The cognitive facet of impulse buying is associated with a low
13 personal need for structure, a low need to evaluate, and a lack of conscientiousness. Impulsive
14 buys are more likely due to a lack of planning and of elaborate evaluation. The affective facet is
15 associated with a high action orientation and a lack of autonomy. Impulsive buyers who score
16 high on the action orientation trait tend to act immediately, without inhibitions, and they tend to
17 be influenced by others. Other studies have found that people with a lack of perseverance (e.g.,
18 deliberate, lack of control, absorption) and a lack of premeditation (e.g., disregard of the future)
19 are more likely to perform an impulse buying act.

20 60. The findings of research on dispositional antecedents to impulse buying in marketing
21 and in fields incorporated into marketing research are important in the current matter as they
22 describe the individual psychological tendencies, penchants, and inclinations of consumers
23 susceptible to engaging in an impulse purchase of goods and services including handguns. These
24 individual factors interact with situational and other contextual factors including marketing
25 stimuli in the retail environment and have been shown to trigger and increase the impulse buying
26 tendency.

2. Situational Antecedent Factors and Triggers

61. Situational antecedents are external events, stimuli or present states of being the consumer may find themselves in at the moment of impulsive urges.¹⁴³ For example, a situational factor may be a sensory cue in a retail environment (e.g., signage and graphics), an individual's current mood state, or the presence of others during a shopping situation.¹⁴⁴ Situational variables are usually not under the direct control of the consumer but have a direct impact on the likelihood of impulse buying behavior.¹⁴⁵ Common situational factors identified in the impulse buying literature include marketing stimuli, the retail environment, affective states, hedonic versus utilitarian purchase motives, time and financial constraints, and social factors.¹⁴⁶

62. Situational factors are particularly relevant to the current matter as they include marketing stimuli in the form of the types of signage and graphics found in the retail environment and proscribed in Section 26820. These situational factors interact with personal dispositional factors to trigger and increase the impulse buying tendency. As Dholakia describes “many consumers experience the consumption impulse on visual exposure to the product” and “product presentation aspects such as attractive displays, tempting graphics or copy, or associated sales promotions may play an important part in the impulse buying process.”¹⁴⁷

B. Empirical Research on Antecedents and Triggers to Impulse Buying

63. The categories of antecedents to impulse buying and the variables contained in them have been examined in empirical research for their impact on impulse buying and these antecedent categories and variables have been analyzed through meta-analyses. The findings of these studies provide an empirical basis for understanding the influence of marketing stimuli, including signage and graphics occurring in the retail environment and other antecedents, on the tendency to engage in impulse buying. They therefore offer important and reasonable basis for

¹⁴³ Amos, Holmes and Keneson (2014), p. 88.

¹⁴⁴ Amos, Holmes and Keneson (2014), p. 88.

¹⁴⁵ Amos, Holmes and Keneson (2014), p. 88.

¹⁴⁶ Amos, Holmes and Keneson (2014), p. 88. See also, Dholakia (2000). Sharma et al. (2010).

¹⁴⁷ Dholakia (2000), p. 960.

1 understanding the effects of the types of on-premise signs and graphics proscribed by Section
2 26820 and displayed and posted by Tracy Rifle & Pistol LLC and Ten Percent Firearms, in
3 increasing the propensity of a consumer to purchase a handgun on impulse. In the same way, the
4 findings also offer an important and reasonable basis for understanding the effects of prohibiting
5 such signage and graphics in the sale of handguns.

6 64. In their meta-analysis of 63 relevant empirical studies published from 1978 to 2012
7 that dealt with impulse buying; Amos, Holmes and Keneson found that, of the different
8 antecedent categories (i.e., dispositional, situational, and socio-demographic), the interaction of
9 dispositional variables (i.e., psychological constructs such as the impulse buying trait) and
10 situational variables (i.e., external events, marketing stimuli, etc.) exercised the most influence on
11 impulse buying. In individual fashion, dispositional variables and situational variables were found
12 to exercise the second and third most influence, respectively. As described by the researchers,
13 “The results for impulse buying indicate that the reported interactions between situational and
14 dispositional variables have the greatest explanatory value followed by dispositional and situation
15 factors, respectively.”¹⁴⁸

16 65. In regard to these findings, the researchers go on to conclude, “The culmination of
17 research using impulse buying as the dependent variable offers a clear picture of what researchers
18 have discovered” over time. For the current matter, these findings provide a reasonable basis for
19 concluding that among situational, dispositional and socio-economic factors; situational variables,
20 including the types of signs and graphics displayed and posted by Plaintiffs and addressed in
21 Section 26820, together with dispositional variables on the part of individuals, offer the greatest
22 explanation for the tendency of consumers to engage in an impulse purchase.

23 66. Amos, Holmes and Keneson further report that among 17 more specific categories of
24 variables included in prior research, the “impulse buying trait” (i.e., composed of impulse buying
25 trait measures) had the greatest effect while “positive social influence” (i.e., composed of
26 normative social influence encouraging buying behavior) held the second greatest effect on

27 ¹⁴⁸ Amos, Holmes and Keneson (2014), p. 93, 94.
28

1 impulse buying. The “retail environment” (i.e., composed of store characteristics such as product
2 assortment, store layout, and store size) held the third greatest effect on impulse buying.¹⁴⁹

3 67. In regard to the specific effects of the “impulse buying trait” on impulse buying (1st
4 among 17 categories), according to the researchers, “The meta-analysis confirms that the
5 dispositional variable impulse buying trait remains the most prominent antecedent of impulse
6 buying and validates a stream of literature which suggests that a sizable portion of impulse buying
7 behavior is driven by individual traits.”¹⁵⁰ The researchers further conclude that “Clearly,
8 research in the impulse buying field has unequivocally demonstrated that specific situations
9 coupled with chronic impulse buying trait [a dispositional factor] produce the most likely
10 instances of impulse buying.”¹⁵¹ According to the researchers, “retail managers undoubtedly can
11 benefit from this summary by understanding if they can influence the situation surrounding a
12 purchase, they can have the greatest impact on those consumers who are predisposed to impulse
13 buying.”¹⁵² Extended to the current matter, these findings offer a reasonable basis to conclude that
14 if retail managers of handguns can use signage and graphics like that proscribed in Section 26820
15 to influence the situation surrounding the purchase of a handgun, they can have the greatest
16 impact on purchasers of handguns who are predisposed to buy on impulse.

17 68. In regard to the specific effects of “positive social influence” on impulse buying (2nd
18 among 17 categories), the researchers observe that the research findings “support the notion that
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20 ¹⁴⁹ Amos, Holmes and Keneson (2014), p. 92. Other categories of variables in prior
21 research demonstrating significant effects on impulse buying include “motivation” (4th) (i.e.,
22 measures of involvement, internal drive states, and importance of purchase to individual);
23 “negative affect” (5th) (i.e., measures of negative affect, stress, depression, skepticism, and
24 situational negative moods, fatigue); “hedonic products” (6th) (i.e., hedonic versus utilitarian
25 products); psychographics (7th) (i.e., measures of personality traits and lifestyle factors); positive
26 affect (8th) (i.e., measures of positive affect, pleasure, excitement, and positive attitudes); time
27 pressure (9th) (i.e., situational measures of time pressure and dispositional measures of
28 impatience); “external cues” (10th) (i.e., environmental cues such as scents, sounds, and
promotional stimuli); and “product characteristics” (11th) (i.e., product attributes such as price,
product features, and perceptions of quality).

¹⁵⁰ Amos, Holmes and Keneson (2014), p. 94.

¹⁵¹ Amos, Holmes and Keneson (2014), p. 93, 94.

¹⁵² Amos, Holmes and Keneson (2014), p. 95.

positive social influence enhances the impulse buying trait...”¹⁵³ Consequently, “this meta-analysis indicates that retailers may benefit from potential marketing strategies to augment impulse buying trait.”¹⁵⁴ In particular, “retailers may design promotions and in-store displays which convey that it is socially acceptable to make an impulse buy....”¹⁵⁵ As explained by the researchers, “communicating to consumers that it is socially acceptable to splurge or by creating a social environment where consumers can reap the benefits of social reward may enhance impulse buying.”¹⁵⁶ As previously described, these types of communications involve so-called “lifestyle” images and are found in the sale of sporting goods.¹⁵⁷

69. In regard to the specific effects of the “retail environment” on impulse buying (3rd among 17 categories), according to the researchers, the results “suggest that factors such as sensory contact with product stimuli, ease of browsing, and retail esthetics can augment impulse buying.”¹⁵⁸ In particular, the authors conclude from their analysis of decades of prior research on impulse buying that the “Use of appealing visuals, including signage instructing customers to touch, has been shown to substantially increase impulse buying behavior.”¹⁵⁹ These findings are particularly important to the current matter and to the questions addressed in this report as they relate to the nature of signage and graphics identified in Section 26820 and the role of such signage and graphics in inducing impulse purchases. Section 26820 states that “No handgun or imitation handgun, or placard advertising the sale or other transfer thereof, shall displayed in any part of the premises where it can readily be seen from the outside.”¹⁶⁰ The Section therefore relates to the “Use of appealing visuals, including signage instructing customers to touch”

¹⁵³ Amos, Holmes and Keneson (2014), p. 95.

¹⁵⁴ Amos, Holmes and Keneson (2014), p. 95.

¹⁵⁵ Amos, Holmes and Keneson (2014), p. 95.

¹⁵⁶ Amos, Holmes and Keneson (2014), p. 95.

¹⁵⁷ Dunne and Lusch (1999), p. 488.

¹⁵⁸ Amos, Holmes and Keneson (2014), p. 95.

¹⁵⁹ Amos, Holmes and Keneson (2014), p. 95.

¹⁶⁰ California Penal Code, Section 28620 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=26001-27000&file=26800-26915>.

1 described by the researchers.¹⁶¹ Drawing on these findings, it is reasonable to conclude that
2 sensory contact with on-premise signage and graphics of this nature in the sale of handguns --
3 including visually appealing on-premise signage and graphics proscribed in Section 26820 -- will
4 have the effect of substantially increasing the impulse buying behavior of handguns. These
5 findings and these conclusions are supported and bolstered by decades of research.

6 70. Characterizing their research as “an amalgamation of the impulse buying literature
7 generated over the last few decades,”¹⁶² the analysis by Amos, Holmes and Keneson offers a
8 comprehensive picture of extant empirical research on impulse buying. Consequently, their
9 results and conclusions are especially relevant to the questions examined in this report. Most
10 importantly, these findings and conclusions support that, based on the analyses of decades of
11 empirical research, it is reasonable to conclude that marketing stimuli occurring in the retail
12 environment and involving visually appealing types of on-premise signs and graphics, serve to
13 trigger and augment the impulse purchase of goods and services by those that might be prone to
14 make such purchases. These findings and conclusions also support that, based on the analyses of
15 decades of empirical research, that it is reasonable to conclude that limitations placed on the use
16 of marketing stimuli in the retail environment and involving visually appealing on-premise signs
17 and graphics of the type proscribed by Section 26820, reduce the impulse purchase of a handguns
18 by consumers predisposed to purchase them.

19 **C. Theoretical Research on Antecedents and Triggers to Impulse Buying**

20 71. The categories of antecedents to impulse buying and the specific variables contained
21 in the categories contained in prior research and analyzed by Amos, Holmes and Keneson have
22 also been examined in theoretical research for their impact on impulse buying. A recent review of
23 this research supports, through study of the research perspectives and theories relied upon, the
24 findings and conclusions of prior empirical research on impulse buying. This research is
25 important in the current matter as the results of the research bolsters, in explanatory ways, the

26 ¹⁶¹ Amos, Holmes and Keneson (2014), p. 95.

27 ¹⁶² Amos, Holmes and Keneson (2014), p. 93.

1 reasonability of inferences drawn from the findings of prior empirical studies of impulse buying
 2 that have addressed the effects of the retail environment on the tendency to engage in impulse
 3 buying. The research thereby adds further support to the findings of prior empirical research, and
 4 in theoretical ways, adds to the basis for opinions expressed in this report.

5 72. In their “meta-analysis review” of the theoretical literature on impulse buying, Xiao
 6 and Nicholson¹⁶³ organize and describe 183 papers spanning the “past 60 years of research.”¹⁶⁴
 7 Focusing on the research perspectives, theories, and variables employed to study impulse buying
 8 and consolidating a large body of knowledge, the authors conduct a descriptive analysis of
 9 research on impulse buying. A particular contribution of the author’s synthesis of the theoretical
 10 literature addressing antecedents to impulse buying is the identification and explanation of “clear
 11 triggers” in prior theoretical research that “address the question of when and where impulse
 12 buying is more likely to occur.”¹⁶⁵

13 73. According to the researchers, “almost every theoretical perspective has looked at the
 14 role of environmental stimuli and emotional factors in impulse buying.”¹⁶⁶ This research includes
 15 a “plethora of setting-level cues ranging from store type and atmospherics, product presentation
 16 (attractive displays, tempting graphics or advertising copy), product line and type (e.g. food,
 17 music, new product), price (e.g. attribution, low price), space elasticity (e.g. shelf space),
 18 exposure to advertisements, sale promotion, availability of technological service equipment
 19 (ATMs, credit cards, shopping channels), to factors such as the sales ability of staff.”¹⁶⁷ As
 20 described by the researchers, these environmental stimuli and cues include the types of on-
 21 premise signs and graphics that are the subject of Section 26820 and that are the focus of the
 22 current matter involving Tracey Rifle & Pistol LLC and Ten Percent Firearms.

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 24
 25 ¹⁶³ Xiao and Nicholson (2012), p. Abstract.

26 ¹⁶⁴ Xiao and Nicholson (2012), p. Abstract.

27 ¹⁶⁵ Xiao and Nicholson (2012), p. 349.

28 ¹⁶⁶ Xiao and Nicholson (2012), p. 344.

¹⁶⁷ Xiao and Nicholson (2012), p. 344.

74. Characterizing their research as “conducting the first major systematic review of the literature”¹⁶⁸ and to “synthesize various research perspectives into a comprehensive multidisciplinary framework of impulse buying”¹⁶⁹ the researchers conclude from their analysis of the role and effect of the aforementioned cues in prior research that “... retail environments represent and contain external impulse buying trigger mechanisms.”¹⁷⁰ The researchers go on to explain that by understanding the retail environment and phases of impulse buying, “marketers can develop more effective marketing strategies”¹⁷¹ for influencing impulse buying of their goods and services. In this regard, the researchers describe that “modifying the interaction between internal and external triggers slightly may result in much higher levels of impulsive consumption at an aggregate level.”¹⁷² Further, the researchers observe that, “... these factors [physical and web-site retail environments] are used by marketers to control the presentation of stimuli to consumers.”¹⁷³ Consequently, impulse buying is one of several highly effective marketing tactics that can be used to increase a company’s market share and revenue.”¹⁷⁴

75. It is in the aforementioned ways that the analysis by Ziao and Nicholson of past theoretical research supports and bolsters prior empirical research on impulse buying. In similar fashion, the results of this research offers additional basis for the opinions expressed in this report concerning the role and effect of on-premise signage and graphics -- including the type proscribed in Section 26820 and employed by Plaintiffs Tracey Rifle & Pistol LLC and Ten Percent Firearms -- in influencing impulse buying of handguns.

¹⁶⁸ Xiao and Nicholson (2012), p. 351.

¹⁶⁹ Xiao and Nicholson (2012), abstract.

¹⁷⁰ Xiao and Nicholson (2012), p. 344.

¹⁷¹ Xiao and Nicholson (2012), p. 351.

¹⁷² Xiao and Nicholson (2012), p. 349.

¹⁷³ Xiao and Nicholson (2012), p. 344.

¹⁷⁴ Xiao and Nicholson (2012), p. 348.

CONCLUSION

76. Based on the foregoing knowledge and research I find that it is reasonable to conclude that the display of a handgun or imitation handgun or placard advertising the sale or other transfer thereof, in any part of the premises of a California licensed handgun seller, that can be readily seen from the outside, contributes in a positive way to the impulsive purchase of handguns and that it is reasonable to conclude that precluding such materials contributes in a negative way to the impulsive purchase of handguns.

Dated: July 26, 2016



GREGORY T. GUNDLACH, PH.D., J.D.
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EXHIBIT 1. CURRENT CURRICULUM VITAE

RESUME

GREGORY T. GUNDLACH, PH.D., J.D.

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BIOGRAPHY

Gregory T. Gundlach. A faculty member of the Coggin College of Business, Gregory T. Gundlach is the Coggin Distinguished Professor of Marketing in the Department of Marketing and Logistics at the University of North Florida. He also serves as a Director and Senior Fellow at the American Antitrust Institute, an independent nonprofit Washington D.C. based education, research and advocacy organization focusing on the effects of business practices on competition and their implications for public policy. Before coming to the University of North Florida, Professor Gundlach was the John Berry, Sr. Professor of Business at the University of Notre Dame where he was a faculty member since 1987. Professor Gundlach received his Bachelor's Degree in 1979, his Master of Business Administration in 1981, his Doctor of Jurisprudence (law) in 1985, and his Doctor of Philosophy in Marketing in 1987. All four degrees are from the University of Tennessee, Knoxville.

Professor Gundlach's research interests focus on the intersection of marketing and public policy. His research investigates both vertical (e.g., supply chain/distribution/retailing/consumer) and horizontal (e.g., competition/cooperation) business relationships and marketing practices with particular emphasis on how such associations are managed, their performance, and the nature of business and public policy implications that may result. His research has appeared in numerous academic publications including the *Journal of Marketing Research*, *Journal of Marketing*, *Marketing Science*, *Journal of the Academy of Marketing Science*, *Journal of Public Policy & Marketing*, *Journal of Retailing*, *Journal of Business Research*, *Journal of Business Logistics*, *Journal of Business Venturing*, *Antitrust Bulletin*, *European Competition Law & Practice*, *New York University Law Review* and the *University of Pittsburgh Law Review*, among others. Professor Gundlach has been recognized as among the *Top 50 Scholars in Marketing* based on average annual citations in the "top three" journals¹ and is among the most prolific contributors to the *Journal of Public Policy & Marketing* over its 20 year history.²

Among his recent *disciplinary* activities in the field of marketing, Professor Gundlach has examined the nature and performance implications of differing forms of governance in exchange relationships. He has also examined marketing perspectives on supply chain management co-

¹ Helm, Amanda E., David Hunt and Mark B. Houston (2003), "Citation Frequency of Research Published in the Top Three Marketing Journals: Ranking of The Impact of Articles, Scholars and Institutions," American Marketing Association, Chicago, IL.

² Sprott, David E., and Anthony D. Miyazaki (2002), "Two Decades of Contributions to Marketing and Public Policy: An Analysis of Research Published in *Journal of Public Policy & Marketing*," *Journal of Public Policy & Marketing*, 21 (1), 105-125.

1 editing (with Tom Mentzer) a Special Issue of the *Journal of the Academy of Marketing Science*
 2 on the topic. In addition, Professor Gundlach has examined the implications of American
 3 Marketing Association's new definition of marketing including hosting a series of special
 4 sessions at major conferences, editing a Special Section of the *Journal of Public Policy & Marketing* and contributing other published contributions on the new definition and its
 5 implications for marketing and public policy.

6 Among his recent *interdisciplinary* activities involving marketing and public policy, he is
 7 working with a number of scholars to examine the Supreme Court decision in *Leegin Creative*
 8 *Leather Products v. PSKS* which overturned an almost century old competition policy precedent
 9 against the use of vertical price fixing agreements (i.e., resale price maintenance). Since 2002
 10 and in his capacity as Senior Fellow with the *American Antitrust Institute* (AAI) Professor
 11 Gundlach has co-chaired AAI's annual international interdisciplinary symposium and roundtable
 12 on the implications of business and marketing theory and practices for competition policy and
 13 antitrust. Overviews and select articles from each of the events have appeared in special issues of
 14 the *Antitrust Bulletin* and select publications including the *Journal of Public Policy & Marketing*.
 15 Together these articles include nearly 3000 pages of contribution to antitrust thought and practice.

- 16 • 2002: Marketing Competitive Conduct & Antitrust Policy
- 17 • 2003: Antitrust and Category Captains
- 18 • 2004: Combining Horizontal and Vertical Analysis in Antitrust
- 19 • 2005: Complexity, Networks & the Modernization of Antitrust
- 20 • 2006: The Future of Aftermarkets in Systems Competition
- 21 • 2007: Buyer Power and Antitrust
- 22 • 2008: RPM and Antitrust
- 23 • 2009: Systems Competition and Antitrust
- 24 • 2010: Prediction and Antitrust
- 25 • 2011: Strategic Pricing and Challenges for Antitrust Enforcement
- 26 • 2012: Multi-channel Distribution and Antitrust
- 27 • 2013: Antitrust as an Interdisciplinary Field
- 28 • 2014: Inefficiency of Efficiency in Antitrust
- 2015: Entrepreneurship and Antitrust
- 2016: Non-price Effects of Mergers

19 Professor Gundlach's published books examine the interplay between marketing and society. His
 20 forthcoming book recent (with student researcher Riley Krotz) *Resale Price Maintenance After*
 21 *Leegin: the Curious Case of Contact Lenses* (2016) addresses antitrust questions surrounding the
 22 use of resale price maintenance by members of the contact lens industry following the Supreme
 23 Court's decision in *Leegin Creative Leather Products v. PSKS*. His book (with William Wilkie
 24 and Lauren Block and other members of the field) *Explorations of Marketing in Society*
 25 (Thomson Southwestern/AMA 2007) provides original content and readings for those who wish
 26 to explore marketing in society including its contributions to public policy. His book with Paul
 27 Bloom, the *Handbook of Marketing and Society* (Sage 2001) addresses the impact of marketing
 28 practices on society including public policy.

24 In addition to his current position and roles, Professor Gundlach has served as Vice President of
 25 Marketing for the American Marketing Association's Academic Council. He also is past
 26 Associate (Developmental) Editor for the *Journal of Public Policy & Marketing* where he
 27 oversaw a 600% increase over the prior 20 years in the number of articles published on
 28 competition policy and antitrust. He is a member of the Advisory Board for the *Antitrust Bulletin*
 and currently, or has been, a member of the Editorial Boards of the *Journal of Marketing*, *Journal*
of Retailing, *Journal of Public Policy & Marketing*, *Journal of the Academy of Marketing*
Science, *Journal of Macro-marketing*, and the *Antitrust Bulletin*..

Professor Gundlach has provided counsel and other expertise on marketing and public policy related issues to a variety of governmental agencies, trade associations and companies. Clients and institutions he has provided counsel or other expertise to include Starbucks, AT&T, Miller Brewing, Brown & Williamson, Conwood Inc., Dazbog Coffee, NAACP, Lorillard, RJ Reynolds, Caliber Learning Systems, Kinko's, Hills Pet Products, the Federal Trade Commission, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Senate, the U.S. General Accounting Office, U.S. Department of Agriculture, California State Senate, the cities of Boston, Los Angeles, San Francisco and New York, among others. As part of this work, Professor Gundlach has formally testified before the U.S. Senate Small Business Committee, the Federal Trade Commission, and the California State Senate on the nature and competitive effects of marketing practices.

As a basis for informing his scholarship, consultative engagements by Professor Gundlach focus on novel public policy questions involving marketing. In this respect, Professor Gundlach has provided counsel and forensic research and testimony in disputes involving companies such as Starbucks, Kraft, AT&T, Wal-Mart, Blockbuster, Netflix, United States Tobacco, members of the firearms industry and others. Two of these cases have been heard by the Supreme Court. Most recently this included *Leegin Creative Leather Products v. PSKS*. The case involved the analysis of vertical price fixing arrangements between suppliers and retailers. Decided by the Supreme Court in 2007, the case has been identified as one of the most important and potentially impactful marketing-related cases before the Court in over a decade. Professor Gundlach also provided counsel and forensic research and testimony for Conwood Co. in their suit against rival United States Tobacco Co. (*U.S. Tobacco v. Conwood*). Ultimately decided by the Supreme Court, the case resulted in a \$1.05 billion jury award – reportedly at that date the largest antitrust jury verdict in U.S. history. The case involved novel questions surrounding the use of slotting allowances and fees and category management, two areas of research by Professor Gundlach. In his consultative role, Professor Gundlach has also and continues to work to assist advocacy organizations in their efforts to increase firearm safety and curb the diversion and unlawful trafficking of firearms through the study of legal and illegal channels of distribution and competition in the sale of firearms. In this role, Professor Gundlach provided forensic research and counsel in the first lawsuit to find that the marketing and distribution practices of handgun manufacturers and distributors created a nuisance and thereby harmed the public (*NAACP v. AcuSport et al*).

PROFESSIONAL OBJECTIVES

To conduct impactful research and engage in dedicated instruction at a university possessing a strong commitment to scholarly achievement. To serve as an academic resource to leaders in business and public policy. To provide conscientious service to the disciplines of marketing and law.

Primary research interests: Managerial and public policy issues in interorganizational exchange and competition, marketing channel and distribution management, vertical trade practices, and retail management and practices.

Primary teaching interests: Strategic marketing management. Relationship marketing. Principles of marketing. Public policy and marketing

EDUCATION

Ph.D.	University of Tennessee, College of Business Administration, Knoxville, Tennessee, December, 1987
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Major: Marketing
Minor: Public Policy (Law)

J.D. University of Tennessee, College of Law,
Knoxville, Tennessee, 1985

M.B.A. University of Tennessee, College of Business Administration,
Knoxville, Tennessee, 1981
Concentration: Marketing

B.S. University of Tennessee, College of Business Administration,
Knoxville, Tennessee, 1979
Major: General Business

POSITIONS

2007-present Coggin Distinguished Professor of Marketing, Coggin School of Business,
University of North Florida, Jacksonville, FL

2003-present Professor of Marketing, Coggin School of Business, University of North
Florida, Jacksonville, FL

2012-present Director, American Antitrust Institute, Washington, D.C.

2001-present Senior Research Fellow, American Antitrust Institute, Washington, D.C.

2006-2007 Chairperson (Interim) Department of Marketing & Logistics, Coggin
School of Business, University of North Florida, Jacksonville, FL

2003-2006 Visiting Eminent Scholar of Wholesaling, Coggin School of Business,
University of North Florida, Jacksonville, FL

2001-2004 John W. Berry, Sr., Professor of Business, Department of Marketing,
Mendoza College of Business, University of Notre Dame, Notre Dame,
Indiana

2000-2001 Professor, Department of Marketing, University of Notre Dame,
Notre Dame, Indiana

1994-2000 Associate Professor, Department of Marketing, University of Notre Dame,
Notre Dame, Indiana

1997 Visiting Professor, Notre Dame Australia International Program,
University of Notre Dame Australia, Fremantle, Western Australia

1988-1994 Assistant Professor, Department of Marketing, University of Notre Dame,
Notre Dame, Indiana

1987 - 1988 Instructor, Department of Marketing, University of Notre Dame, Notre
Dame, Indiana.

1 1981- Teaching Assistant, Department of Marketing, University of Tennessee,
2 1987 Knoxville.
3 1985 Researcher, Stouffer and Caudwell P.C., Knoxville, TN
4 1984 Researcher, Federal Trade Commission, Office of Policy Planning,
Washington, D.C.
5 1984 Researcher, Henkel, Hackett, Edge and Fleming P.C., Atlanta, GA.
6 1983 Research Assistant, Department of Marketing, University of Tennessee,
7 Professor David J. Barnaby.
8 1981 Research Assistant, Department of Management, University of Tennessee,
Professor John Thiel.
9 1980- Marketing Intern, Levi Strauss and Co., San Francisco, California.
10 1981
11 1979- Researcher, Technical Assistance Center, U.S. Government, Knoxville,
1980 Tennessee.

13 RESEARCH

14 Books, Edited Volumes, Special Sections and Proceedings

15 Gregory T. Gundlach and Riley Krotz (2016), *Resale Price Maintenance After Leegin: The Curious Case of Contact Lens*, Createspace (research monograph).

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of Marketing Science, 38 (1).

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on Buyer Power," Special Issue of the Antitrust Bulletin, 53 (2).

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6 Responsibility of Marketing in Society," Special Section of the Journal of Public Policy &
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23 Publications in Journals (printed publication date)

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25 Law:
26 Introduction and Overview, 60 Antitrust Bulletin 91-102.

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28 Field: Introduction and Overview of the Symposium," 59 Antitrust Bulletin 687-693.

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8 Research and Public Policy: The Case of Slotting Fees," Journal of Public Policy &
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14 Perspective," University of Pittsburgh Law Review, 62 (3), 527-533.

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Gundlach, Gregory T. and Ernest R. Cadotte (1994), "Exchange Interdependence and Interfirm Interaction: Research in a Simulated Channel Setting," Journal of Marketing Research, 31 (Fall), 516-532.

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Gundlach, Gregory T. and Ravi S. Achrol (1993), "Governance in Exchange: Contract Law and Its Alternatives," Journal of Public Policy & Marketing, 12 (November), 141-155.

Gundlach, Gregory T. and Paul N. Bloom (1993), "The Essential Facility Doctrine: Legal Limits and Antitrust Considerations," Journal of Public Policy & Marketing, 12 (November), 156-169.

Gundlach, Gregory T. and Jakki J. Mohr (1992), "Collaborative Relationships: Legal Limits and Antitrust Considerations," Journal of Public Policy & Marketing, 11 (November), 101-114.

Gundlach, Gregory T., Ann R. Root and Patrick E. Murphy (1991), "Corporate Political Action: The Erosion of the Political Speech Doctrine," Journal of Business Research, 24 (June), 331-346.

Gundlach, Gregory T. (1990), "Predatory Practices in Competitive Interaction: Legal Limits and Antitrust Considerations," Journal of Public Policy & Marketing, 9, 129-153.

Publications in Books

Gundlach, Gregory T. and Joan M. Phillips (2015), "Brands and Brand Management: Insights from Marketing for Antitrust," in Brands, Competition Law and Intellectual Property, Deven R. Desai, Ioannis Lianos and Spencer Weber Waller Editors, Cambridge

University Press, July, 113-127.

Gundlach, Gregory T. (2015), "Resale Price Maintenance after *Leegin*: Marketing Literatures for Future Research." In Handbook of Research on Distribution Channels, Charles Engene and Rajiv Dant editors, Elgar Publishing, forthcoming.

Gundlach, Gregory T. (2010), "The Larger Context of Marketing: *Tribute and Commentary on the Contributions of Professor Shelby Hunt to a System's Perspective of Marketing and Antitrust Public Policy*," Marketing Legends, Sage Publishing.

Gundlach, Gregory T. (Contributor) (2008), "Buyer Power," The Next Antitrust Agenda: The American Antitrust Institute's Transition Report on Competition Policy to the 44th President of the United States, Vandeplass Publishing.

Gundlach, Gregory T., Lauren Block and William L. Wilkie (2006), "Preface and Introduction," Explorations of Marketing in Society, Mason, OH: Thompson.

Gundlach, Gregory T. "Whither "Marketing"? Commentary on the American Marketing Association's New Definition of Marketing" (2006), in Jagdish N. Sheth and Rajendra S. Sisodia Does Marketing Need Reform? Fresh Perspectives on the Future, Armonk, NY: M. E. Sharpe, pp. 105-108.

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8 Conference Publications

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11 Responsibility of Marketing in Society, 2005 AMA Marketing and Public Policy
12 Conference, Washington D.C

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Washington, D.C.

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Gundlach, Gregory T. and Ravi S. Achrol (1991), "A Network Conceptualization of Market Channel Dependence," in Terry Childers and Scott MacKenzie (eds.) 1991 AMA Winter Marketing Educators' Conference, Chicago, IL: American Marketing Association, 1-12.

Gundlach, Gregory T., Ann R. Root and Patrick E. Murphy (1991), "A Framework for Analyzing the Marketing Implications of Mergers and Acquisitions," in Terry Childers and Scott MacKenzie (eds.) 1991 AMA Winter Marketing Educators' Conference, Chicago, IL: American Marketing Association, 189-190.

Gundlach, Gregory T. and William L. Wilkie (1991), "The Marketing Literature in Consumer Policy: 1970-1989," in Robert N. Mayer (ed.), 1991 Association for Consumer Interest: Enhancing Consumer Choice, ACCI, 551-560.

Gundlach, Gregory T. and William L. Wilkie (1990), "An Overview of Public Policy Research in Marketing," in William Bearden et al. (eds.) 1990 AMA Summer Marketing Educators' Conference, Chicago, IL: American Marketing Association, 388.

Cadotte, Ernest R., Alan B. Flashner and Gregory T. Gundlach (1990), "A Strategic Marketing Simulation: An Application," in Barry Berman et al. (eds.) 1990 AMA Microcomputers in Marketing Education Conference, Chicago, IL: American Marketing Association, 239.

Gundlach, Gregory T. (1990) "Predation: Legal Limits and Antitrust Considerations," in David Lichtenthal et al. (eds.) 1990 AMA Winter Marketing Educators' Conference, Chicago, IL: American Marketing Association, 35.

Gundlach, Gregory T. and Patrick E. Murphy (1990) "Ethical and Legal Foundations of Exchange," in David Lichtenthal et al. (eds.) 1990 AMA Winter Marketing Educators' Conference, Chicago, IL: American Marketing Association, 34.

Unpublished Studies

Gregory T. Gundlach, Kenneth C. Manning and Joseph P. Cannon, *Will Leegin Lead to an Increase in Resale Price Maintenance? An Examination of Published Reports and Opinions* (2009) available from the author.

Conference and Meeting Presentations

Gregory T. Gundlach (2015), "Introduction and Overview: Non-Price Effects of Mergers," American Antitrust Institute Invitational Symposium, Washington DC.

1 Gregory T. Gundlach (2015), "Overview and Introduction: Entrepreneurship and
2 Antitrust," American Antitrust Institute Invitational Symposium, Washington DC.

3 Gregory T. Gundlach (2015), "Resale Price Maintenance," Marketing and Public Policy
4 Conference, Washington DC.

5 Gregory T. Gundlach (2014), "Overview and Introduction: Efficiency in Antitrust,"
6 American Antitrust Institute Invitational Symposium, Washington DC.

7 Gregory T. Gundlach (2013), "Overview and Introduction: Antitrust as a
8 Multidisciplinary Field," American Antitrust Institute Invitational Symposium,
9 Washington DC.

10 Ravi S. Achrol & Gregory T. Gundlach (2013), "Marketing Networks and Antitrust,"
11 American Antitrust Institute Invitational Symposium, Washington DC.

12 Gregory T. Gundlach (2012), "Multichannel Distribution and Antitrust" American
13 Antitrust Institute. Annual Invitational Symposium.

14 Gundlach, Gregory T. (2012), "Multi-Channel Shopping, Marketing and Competition:
15 Emerging Implications for Marketing and Public Policy" 2012 AMA Winter Educators'
16 Conference.

17 Gundlach, Gregory T (2011), Call to Research: Resale Price Maintenance After the
18 Supreme Court's Decision in Leegin, 2011 AMA Marketing and Public Policy
19 Conference, Doctoral Consortium.

20 Gundlach, Gregory T. (2011), Looking Back, Looking Forward: The Pros and Cons of
21 Using Simulations for Interorganizational Marketing Research, 2011 AMA Winter
22 Educators' Conference.

23 Gundlach, Gregory T. (2010), Multi-channel Research: Insights for Resale Price
24 Maintenance, 2010 AMA Summer Educators Conference.

25 Cannon, Joseph, Gregory T. Gundlach and Kenneth Manning (2010), Resale Price
26 Maintenance: Schools of Thoughts and the Views of Practicing Managers, 2010 ISBM
27 Conference.

28 Gundlach, Gregory T. (2009), Resale Price Maintenance After Leegin: Updates, Insights
and Research Directions, 2009 Marketing & Public Policy Conference

Gundlach, Gregory T. (2009), The AMA's Redefinition of Marketing: Why the
Redefinition and What It Means for the Future, 2009 AMA Winter Educator's
Conference.

Gundlach, Gregory T. (2008), "Redefining Marketing: From Shareholder to
Stakeholder," Stakeholder Marketing Conference, Boston University and Aspen Institute.

Gundlach, Gregory T. (2008), "The Next Antitrust Agenda: Verticality Regains
Relevance - Comments on AAI's Transition Report to the Next Administration, Price and
Nonprice Intrabrand Competition Restraints," 2008 American Antitrust Institute Annual
Conference, Washington D.C.

1 Gundlach, Gregory T. (2008), "Resale Price Maintenance: The Supreme Court's Decision
2 in Leegin and Its Implications for Marketing Scholarship and Practice, 2008 AMA
Marketing & Public Policy Conference, Philadelphia PA.

3 Gundlach, Gregory T. (2007), "Forensic Research in Marketing," 2007 AMA Summer
4 Educators' Conference, Washington, D.C.

5 Gundlach, Gregory T. (2007), "Introduction and overview," The American Antitrust
Institute's Symposium on Buyer Power, Washington D.C.

6 Gundlach, Gregory T. (2007), "Aftermarkets," The Future of Monopoly and
7 Monopolization, American Antitrust Institute 8th Annual Conference, Washington D.C.

8 Gundlach, Gregory T. (2007), Countermarketing and Demarketing Against the Diversion
9 of Firearms: Research in the Firearm Industry, 2007 MacroMarketing/ISMD Conference,
Washington D.C.

10 Meeting Gundlach, Gregory T. (2006), "The Importance and Future of Industrial
Distribution Research, Symposium on Supply Chain Management and Industrial
11 Distribution," Society for Marketing Advances, Nashville, TN.

12 Gundlach, Gregory T. (2006), "Strategic Considerations for Understanding the Antitrust
Implications of Systems Competition," Systems Competition Workshop, American
13 Antitrust Institute, Northeastern University, Boston, February 9-10, 2006

14 Gundlach, Gregory T. (2006), "Aftermarkets, Systems and Antitrust, American Antitrust
Institute's Symposium on the Future of Aftermarkets in Systems Competition,
15 Washington DC.

16 Gundlach, Gregory T. (2006) "Exploring the Related Fields of Supply Chain
Management, Marketing Channels, Logistics and Purchasing (and marketing):
17 Observations and Questions for the Future," Academy of Marketing Science Conference.

18 Gundlach, Gregory T. (2006), "Product Diversion: Forensic Research in the Firearm
Industry," American Marketing Association Marketing & Public Policy Conference

19 Gundlach, Gregory T. (2006) "Explorations of Marketing in Society: A New Initiative
and Resource," American Marketing Association Marketing & Public Policy Conference
20

21 Gundlach, Gregory T. (2005), "Complexity Science and Antitrust?," The American
Antitrust Institute Invitational Roundtable on the Science of Complexity and Antitrust,
22 Washington DC.

23 Gundlach, Gregory T. "Whither "Marketing"? Commentary on the American Marketing
Association's New Definition of Marketing." Sixth Annual Conference in International
24 Business Research, University of North Florida, February 9-10, 2005.

25 Gundlach, Gregory T. (2005), "Marketing and Society: Marketing and Public Policy
Research," Policy Research in Today's Marketing Environment: Lessons from the
26 Experts, 2005 AMA Marketing and Public Policy Conference, Washington D.C.

27 Gundlach, Gregory T. (2004), Society for Marketing Advances Doctoral Consortium,
"Scholarship and Publishing," Southern Marketing Association, Tampa, Florida
28

1 Gundlach, Gregory T. (2003), Meet the Editors of AMA Journals, 2003, AMA Summer
2 Educators Conference, Chicago, IL.

3 Gundlach, Gregory T. and Kevin Bradford (2003), Safeguarding against the Diversion of
4 Unsafe Products: Experience from Firearm Industry”, Integrating Social Responsibility
5 with Marketing Strategy, Boston University, Boston, MA

6 Gundlach, Gregory T. (2003), “Slotting Allowances and Fees”, in Award Winning and
7 Highly Cited Articles, 2003 AMA Summer Educator Conference, Chicago, IL.

8 Gundlach, Gregory (2003), “Exploring the 4 Eras of Marketing Thought: Implications
9 and Issues for Scholarship in Our Field,” Midwest Marketing Camp, Columbus, OH.

10 Gundlach, Gregory T. and Joan M. Phillips (2003), “Marketing’s Potential Contributions
11 to Antitrust: Goals and Process,” Midwest Marketing Camp, Ohio State University,
12 Columbus, OH.

13 Gundlach, Gregory T. and Debra M. Desrochers (2003), “Toward Understanding the
14 Competitive and Antitrust Implications of Category Captainty within Category
15 Management,” Midwest Marketing Camp, Ohio State University, Columbus, OH.

16 Gundlach, Gregory T. and Kevin Bradford (2003), “Countermarketing Against
17 Diversion,” Midwest Marketing Camp, Columbus, OH.

18 Gundlach, Gregory T. (2003), “Implications of the 4 Eras of Marketing: Scholarship,”
19 2003 AMA Summer Marketing Educators’ Conference, Chicago, IL

20 Gilliland, David F., Daniel C. Bello and Gregory T. Gundlach (2003), “Performance
21 Implications of Governance Processes in Distribution Channels: Moderating Effects of
22 Exchange Characteristics,” 2003 AMA Winter Educators’ Conference, Orlando, FL.

23 Gundlach, Gregory (2003), “Social Marketing and Competition,” Innovation in Social
24 Marketing Conference, Newport Beach, CA.

25 Gundlach, Gregory T. (2002), “Experiences with Marketplace and Computer
26 Simulations,” 2002 American Marketing Association Summer Educators’ Conference,
27 San Diego, CA

28 Gundlach, Gregory T. and Joan Phillips (2002), “Marketing in Antitrust: Contributions
and Challenges,” 2002 Midwest Marketing Camp, Champaign Urbana, IL

Gundlach, Gregory T. and Kevin Bradford (2002), “Distribution Safeguards Against the
Diversion of Firearms: An Analysis and Inter-Industry Comparison,” 2002 Midwest
Marketing Camp, Champaign Urbana, IL

Gundlach, Gregory T., Debra Desrocher and William L. Wilkie (2002), “Slotting
Allowances and Fees: Practice, Influences and Trends,” 2002 Midwest Marketing Camp,
Champaign Urbana, IL

Gundlach, Gregory T. (2002), “Publishing Public Policy Research: Journals and Their
Editors,” 2002 Marketing and Public Policy Conference, Atlanta GA.

Gundlach, Gregory T. (2002), “Marketing and Public Policy Research,” 2002 Marketing
and Public Policy Conference, Atlanta GA.

1 “Marketing in Antitrust: Contributions and Challenges,” Workshop and Conference on
2 Marketing Competitive Conduct and Antitrust Policy (2002), University of Notre Dame,
Notre Dame, IN.

3 Gundlach, Gregory T. (2000), “Choice as the Focus of Antitrust,” An Agenda for
4 Antitrust in the 21st Century, Annual Conference of the American Antitrust Institute,
American Antitrust Institute, Washington, D.C.

5 “How Antitrust Could Benefit from Marketing Thought,” (2000), Midwest Marketing
6 Camp, University of Wisconsin, Madison, WI.

7 Gundlach, Gregory T. and Paul N. Bloom (2000) “Slotting Allowances and Fees: Current
8 Policy Perspectives and Emerging Research Developments,” 2000 Marketing and Public
9 Policy Conference, American Marketing Association.

10 “Emerging Views, Conflicts and Challenges on Slotting Allowances: A National Study,”
11 1999 AMA Winter Marketing Educators’ Conference, St. Petersburg, FL, February 20-23.

12 “Slotting Fees: Perspectives and Evidence,” 1998 AMA Summer Marketing Educators’
13 Conference, Boston, MA, August 15-18.

14 “The Use of Simulations in Marketing Education,” 1998 AMA Summer Marketing
15 Educators’ Conference, Boston, MA, August 15-18.

16 “Governance and Inter-Firm Learning,” 1998 AMA Marketing Educators’ Conference,
17 Austin, TX, February 21-24.

18 “Emerging Perspectives on Research in Marketing and Public Policy,” 1998 Public Policy
19 and Marketing Conference, Washington, D.C., June 5-6.

20 “The Use and Value of Research in Public Policy and Marketing: Evidence, Issues, and
21 Opportunities,” 1998 AMA Marketing Educators’ Conference, Austin, TX, February 21-
22 24.

23 “Relationship Marketing and Learning,” 1998 AMA Marketing Educators’ Conference,
24 Austin, TX, February 21-24.

25 “Slotting Fees: Empirical Findings,” 1997 Independent Baker’s Association Annual
26 Meeting, June 10, Washington D.C.

27 “An Exploratory Investigation of the Nature, Practice and Effects of Slotting Practices,”
28 1997 Meeting of the Slotting Allowance Coalition, April 22, Washington, D.C.

“Issues of Trust in Customer Supplier Partnering,” with Joseph P. Cannon and Das
Narayandas (1997), NAMA’s 33rd Annual Conference, Ft. Lauderdale, FL, April 27-30.

“The Role of Slotting Fees in the Evolution of Channel Relationships,” with Paul N.
Bloom and Joseph P. Cannon (1997), Marketing Science Institute, Too Much or Too
Little? Managing Product Assortment from Production to Point of Purchase, March 13-
14, Scottsdale, AZ.

“Relationship Marketing: Future Directions,” 1997 AMA Winter Educators’ Conference,
Relationship Marketing Special Interest Group, St. Petersburg, FL.

1 “The Strategic Use of Governance (Control) Mechanisms in Management Channel
2 Relationships: Issues and Opportunities,” 1996 AMA Summer Educators’ Conference,
Channels and Distribution Management Special Interest Group, San Diego, CA.

3 “‘Trust But Verify’: Trust and Information Strategies in Supplier Relationships,” with
4 Joseph P. Cannon, 1996 Relationship Marketing Conference, Atlanta, GA.

5 “Slotting Allowances: Past and Future,” 1996 Public Policy & Marketing Conference,
May 17-18, Washington, D.C.

6 “Research Opportunities in Public Policy,” 1994 AMA Summer Marketing Educators’
7 Conference, August 6-9, San Francisco, CA.

8 “Governance in Exchange: Public Policy Implications of Research in Marketing,” 1993
Marketing and Public Policy Conference, June 4-6, East Lansing, MI.

9 Gundlach, Gregory T., John T. Mentzer and Ravi S. Achrol (1993), “The Structure of
10 Pledged Commitments in Exchange,” in Rajan Varadarajan and Bernard Jaworski (eds.),
1993 AMA Summer Marketing Educators’ Conference, Chicago, IL: American
11 Marketing Association.

12 “The Effect of Market Environment on Franchising Goals and Franchisor Services,”
13 authored by Ravi S. Achrol and Michael J. Etzel, 1993 AMA Winter Marketing
Educators’ Conference, February 22-23, Newport Beach, CA.

14 “On the Use of Simulations in Marketing Education: Experiences From the Field,” 1992
AMA Summer Marketing Educators’ Conference, August 8-11, Chicago, IL.

15 “Exchange Risk: Bridging the Political Economy and Transaction Cost Frameworks in
16 Market Channel Research,” with Ravi S. Achrol and Tom Mentzer, Customer
Relationship Management: Theory and Practice 1992, April 9-11, Atlanta, GA.

17 “Market Channel Power Conditions and Interfirm Strategies of Communication,” with
18 Ernest R. Cadotte, 1992 AMA Winter Marketing Educators’ Conference, February 15-18,
San Antonio, TX.

19 “Enhancing the Effectiveness of Franchise Systems: Franchise Goals and Franchisor
20 Services,” authored by Ravi S. Achrol and Michael J. Etzel, 1992 Society of Franchising
Conference, February 1-2, Palm Springs, CA.

21 “Issues in Relational Exchange Research,” Relational Exchange Research in Marketing,
22 1991 Academy of Marketing Science Conference, May 29-June 1, Miami, FL.

23 “Issues in the Measurement of Dependence,” Behavioral Channels Research - Part II,
1990 AMA Winter Marketing Educators’ Conference, February 24-27, Scottsdale, AZ.

24 “A Network Conceptualization of Dependence,” The Environment of Marketing
25 Channels: Its Impact on Franchise Distribution Systems, Society of Franchising 1990,
International Franchise Association, February 22-24, Scottsdale, AZ.

26 “Interdependence in Market Channel Relationships: Implications for Research,”
27 Behavioral Channels Research - Part I, 1989 AMA Winter Marketing Educators’
Conference, February 12-15, St. Petersburg, FL.

Invited Presentations and Panel Participation

Gundlach, Gregory T. (2009), "Competition Policy and Antitrust," Stepping Forward in the Marketing & Society Field, Consortium, 2009 Marketing & Public Policy Conference

Gundlach, Gregory T. (2009), FTC Workshop on Resale Price Maintenance. Federal Trade Commission, Washington, D.C.

"Scholarship and Publishing," Doctoral Consortium, 2004 Southern Marketing Association, Tampa, Florida

"Developing the Customer Service Relationship Through Relationship Marketing," National Paper Trade Association 2004 Annual Management Conference, Orlando, FL

Demarketing and Countermarketing: Experiences from the Firearm Industry, 2004 Scholar in Residence, University of Tennessee.

Marketing Perspectives on Antitrust, 2004 Scholar in Residence, University of Tennessee.

"Competition in Domestic Markets," Organization for Competitive Markets, 2003 Food and Agricultural Conference, Kansas City, KS.

Countermarketing Against Prohibited Customers: Experiences from the Firearms Industry (2003), Partners in Progress, Colorado State University.

Scholarship and Publishing (2003), Partners in Progress, Colorado State University.

"Managerial Views of Slotting Allowances and Fees and Regulatory Update," (2000), Presentation to the Long Company, Chicago, IL.

"Managerial Views of Slotting Allowances and Fees," (2000), presentation to the International Bakers' Association, June 13, Washington, DC.

"Federal Trade Commission Workshop on Slotting Allowances," (2000), Roundtable participant, Federal Trade Commission, May 31-June 1, Washington, D.C.

"Federal Trade Commission Workshop on Slotting Allowances," (2000), panel participation, Federal Trade Commission, May 31, Washington, D.C.

"Slotting Allowances and Fees in the Alcohol Beverage Industry," (2000), presentation to the National Alcohol Beverage Control Association Annual Symposium on Alcohol Beverage Law, March 8-9, 2000, Alexandria, VA.

"Slotting Allowances and Fees: Implications and Policy in the Candy Industry," (1999), presentation to the Candy Manufacturers Association, November 12, Chicago, IL.

"Slotting Allowances and Fees: Practical Description and Theoretical Underpinnings," (1999), seminar to the Food and Rural Economics Division, Economic Research Service, USDA, October 20, Washington D.C.

"Publishing in Business Journals" (1999), Annual Meeting, Academy of Legal Studies in Business Conference, August 4, St. Louis.

"Relationship Marketing" (1998), Annual Meeting, National Structured Settlements Trade Association, May 1, Miami, FL.

1 “Research Interests in Marketing” (1997), College of Business Administration, Lecture,
2 University of Western Australia, October 29, Perth, AU.

3 “Relationship Marketing” (1995), Panel Participant, Michiana Chapter AMA, November
4 16, South Bend, IN.

5 “Weir Trucking,” 1995 Emerging Business Forum, Panel Participant, University of Notre
6 Dame, September 27, Notre Dame, IN.

7 “Ethics and Distribution/Relationship Marketing,” 1995 American Marketing Association
8 Faculty Consortium on Ethics and Social Responsibility, Hofstra University, June 23-26,
9 New York, NY.

10 “Marketing and Public Policy,” 1995 American Marketing Association Doctoral
11 Symposium on Public Policy, May 21, Atlanta, GA.

12 “Using Dynamic Simulations,” (1992) Brownbags for Excellence in Teaching, Kevin
13 Misiewicz (Chair), University of Notre Dame, October 30, Notre Dame, IN.

14 “Simulation in Business Education,” (1992), Faculty Visit/Forum, Ecole de Hautes Etudes
15 Commerciales, Catholic University of Lille, France, Joseph P. Guiltinan (Chair),
16 University of Notre Dame, September 14-15, Notre Dame, IN.

17 “The Use of Simulation for Exchange Research,” (1992), Doctoral Lecture, Bob Dwyer
18 (Chair), University of Cincinnati, April 30-May 1, Cincinnati, OH.

19 Media Appearances and Popular Press Quotation (partial list as of 2000 – stopped tracking after)

20 Wall Street Journal, Pereira, Joseph “Price-Fixing Makes Comeback After Supreme Court
21 Ruling,” August 18, 2008, p. A1,

22 Dayton Daily News (2000), “Shelf Fees Raise Prices on Produce,” September 17, p.8A

23 Dow Jones Newswires (2000), “Senate, Regulators Eye Slotting Fees Grocers Charge,”
24 Jerry Guidera, September 13.

25 Forbes (2000), “Chewed Up, Spat Out,” May 29, pp. 72-75

26 Kiplinger Letter (1999), “Slotting Fees.”

27 Notre Dame Magazine (1999), “Paid Admission to the Shelf,” Fall.

28 Dow Jones Business News (1999), “U.S. Mulls Charges Against Spice Maker Over
Alleged Slotting Deals,” October 27.

CNN Interactive (1999), “Senate Panel Examining Grocery Shelf Fees,” September 14.

Associated Press (1999), “Business Owners Criticize Slotting Fees,” Darlene Superville,
Washington AP.

Associated Press (1999), “Senate Panel Examining Grocery Industry,” Darlene Superville,
Washington AP.

Advertising Age (1999), "Senators Berate Industry Abuse of Slotting Fees: Testimony: Shelf-Space Payments Hurt Small Businesses, Consumers," Ira Teinowitz, September 20, p3.

Houston Chronicle (1999), "Grocery Practices May Harm Stores," Jim Barlow, September 26, Jim Barlow column.

Columbus Dispatch (1999), "Stores Demanding Pay to Display Products on Shelves, Panel Told," Roger K. Lowe, p1H.

San Diego Union-Tribune (1999), "Are Slotting Fees' Fair? Senate Panel Investigates; Practice Involves Paying Grocers for Shelf-Space," Associate Press, p. C-1.

St. Louis Dispatch (1999), "Congress Looks at the Selling of Shelf-Space," Nahal Toosi, p. C1.

Selling Power (1998), "Divide and Conquer," 18(8), p. 101.

CBS Evening National News (1997), "Report on Slotting Allowances," August 16.

Selling Power (1997), "Fast Flexible," 17(7), p. 27.

Funded Research Projects and Proposals

"Resale Price Maintenance and Internet Retailing," (2009) Funded by the American Antitrust Institute.

"Trust in Longer-term Exchange Relationships," (1996) with Joseph Cannon and Das Naranyandas, funded by the National Account Management Association.

"The Role of Slotting Fees in the Evolution of Channel Relationships," (1996) with Paul Bloom and Joseph Cannon, funded by the Marketing Science Institute.

Research Grants

Mendoza College of Business and College of Business, University of Notre Dame, 1997-2003.

National Account Management Association, 1996.

Center for Research in Business, Ford Motor Company, 1996.

Marketing Science Institute, 1996.

Center for Research in Business, Ford Motor Company, 1990 - 1995.

Jesse Jones Database Fund, 1989.

Center for Research in Business, Ford Motor Company, 1988 - 1989.

1 LEADERSHIP AND RESPONSIBILITIES

2 Association Leadership

3 Director, American Antitrust Institute, 2012-present

4 Vice President of Marketing, Executive Committee, Academic Council, American
5 Marketing Association, 2000-2002.

6 Director, At large, Marketing and Society, AMA Special Interest Group, 2000-2003.

7 Past Chair, Marketing and Society, AMA Special Interest Group, 1998.

8 Chair, Marketing and Society, AMA Special Interest Group, 1997.

9 Chair Elect, Marketing and Society, AMA Special Interest Group, 1996.

10 Fellowships

11 Senior Research Fellow, American Antitrust Institute, 2005-present

12 Advisory Board

13 Advisory Board, Antitrust Bulletin, 2005 to present.

14 Board member, American Antitrust Institute, 2000-present.

15 Advisory Board, 1998 AMA Doctoral Special Interest Group.

16 Editorships

17 Editor, Gundlach, Gregory T., Lauren G. Block and William L. Wilkie (2007),
18 Explorations of Marketing in Society, Mason, OH: Thomson (in collaboration with the
American Marketing Association).

19 Editor, Bloom, Paul N. and Gregory T. Gundlach (2001), Handbook of Marketing and
20 Society, Los Angeles, CA: SAGE

21 Editor (with Patrick E. Murphy) (2000), Significant Marketing Contributions, AMA
Summer Educators' Conference Proceedings, Chicago, IL: AMA.

22 Editor (with William L. Wilkie, and Patrick E. Murphy), (1999), Marketing and Public
23 Policy Conference Proceedings, Chicago, IL: AMA

24 Associate Editor (2001-2005), Journal of Public Policy & Marketing,.

25 Legal Developments Editor (1998-2001), Journal of Public Policy & Marketing.

26 Book Review Editor (1995-1998), Journal of Public Policy & Marketing.

27 Guest Editor (with Diana Moss & Albert Foer) (2013-14), "Antitrust as a
28 Multidisciplinary Field," Special Issue of the Antitrust Bulletin, forthcoming.

1 Guest Editor (with Albert Foer) (2012-13), "Antitrust Challenges of Multichannel
2 Distribution and Shopper Marketing," Special Issue of the Antitrust Bulletin, 58 (1).

3 Guest Editor (with Diana Moss and Albert Foer (2011), "Systems Competition and
4 Challenges to Antitrust Thinking," Special Issue of the Antitrust Bulletin, Antitrust
5 Bulletin 56 (1).

6 Guest Editor (2010), "Antitrust Analysis of Resale Price Maintenance After *Leegin* (part
7 *II*)," Special Issue of the Antitrust Bulletin, 55 (2).

8 Guest Editor (2010), "Antitrust Analysis of Resale Price Maintenance After *Leegin* (part
9 *I*)," Special Issue of the Antitrust Bulletin, 55 (1).

10 Guest Editor (with John Mentzer) (2010), "Exploring the Relationship Between Marketing
11 and Supply Chain Management," Special Issue of the Journal of the Academy of
12 Marketing Science, 38 (1).

13 Guest Editor (with Albert Foer) (2008), Antitrust Bulletin, "American Antitrust Institute's
14 Symposium on Buyer Power," 53 (2).

15 Guest Editor (with Albert Foer) (2007), Antitrust Bulletin, Special Issue on "The Future of
16 Aftermarkets in Systems Competition," 52 (1).

17 Guest Editor , Gundlach, Gregory T. and John T. Mentzer (2007), "Special Issue on
18 Marketing and Supply Chain Management," Journal of the Academy of Marketing
19 Science, forthcoming

20 Guest Editor (2007), "Special Section on The American Marketing Association's New
21 Definition of Marketing: Perspectives on its Implications for Scholarship and the Role
22 and Responsibility of Marketing in Society," Journal of Public Policy & Marketing, 26
23 (3).

24 Guest Editor (with Albert Foer) (2006), Antitrust Bulletin, Special Issue on "Complexity,
25 Networks and the Modernization of Antitrust," 51 (spring)

26 Guest Editor (with Albert Foer) (2004), Antitrust Bulletin, Special Issue on "Combining
27 Horizontal and Vertical Analysis in Antitrust: The American Antitrust Institute's
28 Roundtable on the Implications of the Work of Robert L. Steiner," XLIX (4), Winter.

Guest Editor, (2002), Journal of Public Policy & Marketing, Special Section on "Bringing
Marketing Insight to Bear on Antitrust Policy and Competitive Conduct," 21 (2), Chicago,
IL: AMA .

Guest Editor, (2001) Journal of Public Policy & Marketing, Special Issue on "Competition
Policy and Antitrust," 20 (1), Chicago, IL: AMA.

Editorial Board

Journal of Marketing, 1997-2005. 2008-2010.

Journal of Public Policy & Marketing, 1992-2005, 2006-present

Journal of Retailing, 1994-present.

Journal of the Academy of Marketing Science, 1996-present.

Journal of Macromarketing, 2003-present.

Journal of Business Research 2000.

Advances in Business Marketing and Purchasing, 1992.

Book Review, Journal of Public Policy & Marketing, 1992-1995.

Journal Reviewer

Sloan Management Review

American Management Review

Journal of Marketing Research

International Journal of Research in Marketing

International Business Review

Journal of Marketing

Journal of Marketing/Marketing Science Institute “Special Issue” (1998)

Journal of the Academy of Marketing Science

Journal of Marketing Channels

Journal of Business Research

Journal of Personal Selling and Sales Management

Journal of Teaching in International Business

Conference Chair and Co-Chair

2014 American Antitrust Institute’s Symposium: Efficiency and Antitrust, with Albert Foer and Diana Moss, American Antitrust Institute, National Press Club, Washington D.C.

2013 Responsible Procurement, Buyer Power & Firearm Violence. Invitational Symposium hosted by UNF Coggin College of Business and the Educational Fund to Stop Gun Violence, November 22, 2013.

2013 Responsible Procurement, Buyer Power & Firearm Violence. Invitational Symposium hosted by UNF Coggin College of Business and the Educational Fund to Stop Gun Violence, November 22, 2013.

2013 American Antitrust Institute’s Symposium: Antitrust as an Interdisciplinary Field, with Albert Foer and Diana Moss, American Antitrust Institute, National Press Club, Washington D.C.

1 2012 American Antitrust Institute's Symposium: Strategic Pricing: Challenges for
2 Antitrust Enforcement, with Albert Foer and Diana Moss, American Antitrust Institute,
National Press Club, Washington D.C.

3 2011 American Antitrust Institute's Symposium: Antitrust Challenges of Multichannel
4 Distribution in the Age of the Internet, with Albert Foer and Diana Moss, American
Antitrust Institute, National Press Club, Washington D.C.

5 2010 American Antitrust Institute's Symposium on Prediction in Antitrust, with Albert
6 Foer and Diana Moss, American Antitrust Institute, National Press Club, Washington
D.C.

7 2009 American Antitrust Institute's Symposium on Systems Competition, with Albert
8 Foer and Diana Moss, American Antitrust Institute, National Press Club, Washington
D.C.

9 2007 American Antitrust Institute's Symposium on Buyer Power, with Albert Foer,
10 American Antitrust Institute, National Press Club, Washington D. C.

11 Interdisciplinary Roundtable on Firearms Diversion and Trafficking, (2006), with Stephen
12 Teret and Josh Horwitz, John Hopkins School of Public Health, Baltimore, MD.
13 2006 American Antitrust Institute's Symposium on Aftermarkets, Systems and Antitrust
14 (2006), with Albert Foer, American Antitrust Institute, National Press Club, Washington,
D.C.

15 2005 American Antitrust Institute's Invitational Roundtable on Complexity, Networks and
16 the Modernization of Antitrust (2005), with Albert Foer, American Antitrust Institute,
National Press Club, Washington, D.C.

17 2004 American Antitrust Institute's Roundtable on Combining Horizontal and Vertical
18 Analysis in Antitrust: Implications of the Work of Robert L. Steiner, with Albert Foer,
19 American Antitrust Institute and the Journal of Public Policy & Marketing, National Press
Club, Washington, D.C.

20 2003 American Antitrust Institute's Roundtable on Antitrust and Category Captains
21 (2003), with Albert Foer, American Antitrust Institute, National Press Club, Washington,
D.C.

22 2002 American Antitrust Institute's Workshop and Conference on Marketing Competitive
23 Conduct and Antitrust Policy (2002), American Antitrust Institute and Journal of Public
Policy & Marketing, University of Notre Dame, Notre Dame, IN.

24 2000 AMA Summer Marketing Educators' Conference, with Patrick E. Murphy, Chicago,
IL.

25 1999 Marketing and Public Policy Conference, with William L. Wilkie and Patrick E.
Murphy, Notre Dame, IN.

26 Conference Committee Chair

27 Marketing and Public Policy Committee, 2001-2003

28 Conference Committee

Marketing and Public Policy Conference, 1999-2005.

Conference Program Committee

2011 Marketing and Public Policy Conference

2010 Marketing and Public Policy Conference

2009 Marketing and Public Policy Conference,

2008 Marketing and Public Policy Conference,

2007 Marketing and Public Policy Conference,

2006 Marketing and Public Policy Conference, Washington, D.C.

2005 Marketing and Public Policy Conference, Washington, D.C.

2004 Marketing and Public Policy Conference, Salt Lake City, UT.

2003 Marketing and Public Policy Conference, Washington, D.C.

1998 Marketing and Public Policy Conference, Washington, D.C.

1997 Marketing and Public Policy Conference, Boston, MA.

1996 Marketing and Public Policy Conference, Washington, D.C.

1995 Marketing and Public Policy Conference, Atlanta, GA.

1994 Marketing and Public Policy Conference, Washington D.C.

Conference Track Chair

2011 AMA Summer Educators Conference, Interorganizational Issues, San Francisco, CA.

2007 AMA Summer Educators' Conference, Career Session Track (Plenary), Washington, DC.

2007 AMA Winter Marketing Educators' Conference, Special Session, San Diego, CA

2004 AMA Winter Marketing Educators' Conference, "Marketing and Society," Scottsdale, AZ.

2000 Relationship Marketing Conference, "Channel Partnering, Supply-Chain Management and Business Networks," June, Atlanta.

1999 AMA Winter Marketing Educators' Conference, "Ethical and Societal Issues in Customer Relationships," St. Petersburg, FL.

1997 AMA Summer Marketing Educators' Conference, "Marketing Channel Relationships," Chicago, IL.

1 1997 AMA Winter Marketing Educators' Conference, "Marketing and Society," St.
2 Petersburg, FL.

3 1996 Relationship Marketing Conference, "Channel Relationships," Atlanta, GA.

4 1995 Academy of Marketing Science Conference, "Macromarketing and Public Policy,"
Orlando, FL.

5 1994 AMA Summer Marketing Educators' Conference, "Public Policy," with William L.
6 Wilkie, August 6-9, San Francisco, CA.

7 Conference Special Session Organizer

8 "Business Perspective on Efficiency," 2014 American Antitrust Institute's Symposium:
9 Antitrust and Efficiency, with Albert Foer and Diana Moss, American Antitrust Institute,
National Press Club, Washington D.C.

10 "Marketing and Antitrust," 2013 American Antitrust Institute's Symposium: Antitrust as
11 an Interdisciplinary Field, with Albert Foer and Diana Moss, American Antitrust Institute,
National Press Club, Washington D.C.

12 "Forensic Research in Marketing," 2011 AMS Annual Conference, Coral Gables, FL.

13 "Multi-channel Research: Insights for Resale Price Maintenance," 2010 AMA Summer
14 Educators Conference.

15 "Resale Price Maintenance after *Leegin*: Update, Insight and Directions for Research ,
2009 AMA Marketing & Public Policy Conference, Washington DC.

16 "Resale Price Maintenance: The Supreme Court's Decision in *Leegin* and Its Implications
17 for Marketing Scholarship and Practice, 2008 AMA Marketing & Public Policy
Conference, Philadelphia PA.

18 "The American Marketing Association's New Definition of Marketing: Perspectives on
19 its Implications for Scholarship and the Role and Responsibility of Marketing in Society,"
2007 AMA Summer Educators' Conference (Plenary Session), Washington D.C.

20 "Forensic Research in Marketing," 2007 AMA Summer Educators' Conference,
Washington D.C.

21 "Forensic Practice in Marketing," 2007 AMA Summer Educators' Conference,
22 Washington D.C.

23 "The American Marketing Association's New Definition of Marketing: Perspectives on
24 its Implications for Scholarship and the Role and Responsibility of Marketing in Society,"
2006 AMA Winter Educators' Conference, St. Petersburg, FL.

25 "Explorations of Marketing in Society: Perspectives and a New Educational Resource,
26 2006 AMA Winter Educators' Conference, St. Petersburg, FL.

27 "The American Marketing Association's New Definition of Marketing: Perspectives on its
28 Implications for Scholarship and the Role and Responsibility of Marketing in Society,
2005 AMA Marketing and Public Policy Conference, Washington D.C

1 “Toward an Understanding of the Competitive and Antitrust Implications of Category
2 Captains in Category Management,” 2003 AMA Marketing and Public Policy Conference,
Washington, D.C.

3 “Slotting Allowances and Fees: Current Policy Perspectives and Research Directions,”
4 2000 Public Policy & Marketing Conference, Washington, D.C.

5 “Slotting Allowances: Past and Future,” 1996 Public Policy & Marketing Conference,
Washington, D.C.

6 “Relationship Marketing: Academic Perspectives,” Plenary Session, 1995 Academy of
7 Marketing Science Conference, Orlando, FL.

8 “Governance in Exchange: Public Policy Implications of Research in Marketing,” 1993
9 AMA Marketing and Public Policy Conference, East Lansing, MI.

10 “On the Use of Simulations in Marketing Education: Experiences From the Field,” 1992
11 AMA Summer Marketing Educators’ Conference, Chicago, IL.

12 “Relational Exchange Research in Marketing,” 1991 Academy of Marketing Science
13 Conference, Miami, FL.

14 Conference Session Chair

15 “Business Perspective on Efficiency,” 2014 American Antitrust Institute’s Symposium:
16 Antitrust and Efficiency, with Albert Foer and Diana Moss, American Antitrust Institute,
National Press Club, Washington D.C.

17 “Marketing and Antitrust,” 2013 American Antitrust Institute’s Symposium: Antitrust as
18 an Interdisciplinary Field, with Albert Foer and Diana Moss, American Antitrust Institute,
National Press Club, Washington D.C.

19 “Forensic Research in Marketing,” 2011 AMS Annual Conference, Coral Gables, FL.

20 “Multi-channel Research: Insights for Resale Price Maintenance,” 2010 AMA Summer
21 Educators Conference, Boston MA.

22 “Consumers Consuming Less,” 2010 AMA Marketing & Public Policy Conference,
23 Denver, CO.

24 “Resale Price Maintenance after *Leegin*: Update, Insight and Directions for Research ,
25 2009 AMA Marketing & Public Policy Conference, Washington DC.

26 “Resale Price Maintenance: The Supreme Court’s Decision in *Leegin* and Its
27 Implications for Marketing Scholarship and Practice, 2008 AMA Marketing & Public
28 Policy Conference, Philadelphia PA.

“Legal Issues: Descriptive and Proscriptive Perspectives,” 2008 Winter Marketing
Educators’ Conference: Marketing the Organization and Its Products and Services,
Austin, Texas, February 15-18, 2008.

“Emerging Policy Issues,” 2007 Marketing and Public Policy Conference, Washington
D.C.

“Aftermarkets,” 2006 American Antitrust Institute’s Conference: “The Intellectual

1 Property (IP) Grab: The Struggle Between Intellectual Property Rights and Antitrust,”
2 Washington DC.

3 “The American Marketing Association’s New Definition of Marketing: Perspectives on
4 its Implications for Scholarship and the Role and Responsibility of Marketing in Society,”
5 2006 AMA Winter Educators’ Conference, St. Petersburg, FL.

6 Explorations of Marketing in Society: Perspectives and a New Educational Resource,
7 2006 AMA Winter Educators’ Conference, St. Petersburg, FL.

8 “Perspectives on the Application of Complexity Science to Competition and Business
9 Strategy,” 2005 American Antitrust Institute’s Invitational Roundtable on Complexity,
10 Networks and the Modernization of Antitrust , Washington, D.C.

11 “Perspectives on the Application of Complexity Science to Business Management and
12 Marketing Strategy,” 2005 American Antitrust Institute’s Invitational Roundtable on
13 Complexity, Networks and the Modernization of Antitrust, Washington, D.C.

14 “Translations: Implications of Complexity Science for Competition Policy and Antitrust,”
15 2005 American Antitrust Institute’s Invitational Roundtable on Complexity, Networks and
16 the Modernization of Antitrust, Washington, D.C.

17 Sessions, 2004 American Antitrust Institute’s Roundtable on Combining Horizontal and
18 Vertical Analysis in Antitrust: Implications of the Work of Robert L. Steiner,
19 Washington, D.C.

20 “Category Management and Captains,” 2003 American Antitrust Institute’s Roundtable
21 on Antitrust and Category Captains, Washington, D.C.

22 “Antitrust Developments,” 2003 American Antitrust Institute’s Roundtable on Antitrust
23 and Category Captains, Washington, D.C.

24 “Antitrust Guidelines and Roundtable Discussion,” 2003 American Antitrust Institute’s
25 Roundtable on Antitrust and Category Captains, Washington, D.C.

26 “Marketing Strategy,” 2004 AMA Marketing and Public Policy Conference, Salt Lake
27 City, Utah.

28 “Legal Issues in Marketing: Mergers, Intellectual Marketing and Privacy,” 2004 AMA
Winter Marketing Educators’ Conference, Scottsdale, AZ.

“Moderating and Mediating Effects in Interorganizational Research,” 2003 AMA Winter
Marketing Educators’ Conference, Orlando, FL.

“Identifying Opportunities for Research in Marketing on Other Business Disciplines on
Antitrust/Charting a Course for Future Research in Marketing and Other Business
Disciplines on Antitrust,” Workshop and Conference on Marketing Competitive Conduct
and Antitrust Policy (2002), University of Notre Dame, Notre Dame, IN.

“Stakeholder Views on the Role of Marketing and Other Business Disciplines in
Antitrust,” Workshop and Conference on Marketing Competitive Conduct and Antitrust
Policy (2002), University of Notre Dame, Notre Dame, IN.

1 “Perspectives on Antitrust From Law, Economics, Marketing and Strategic Management,”
2 Workshop and Conference on Marketing Competitive Conduct and Antitrust Policy
(2002), University of Notre Dame, Notre Dame, IN.

3 “A Primer on Antitrust,” Workshop and Conference on Marketing Competitive Conduct
4 and Antitrust Policy (2002), University of Notre Dame, Notre Dame, IN.

5 “Strategies for Managing Effective Channel Relationships,” 2001 AMA Winter
6 Educators’ Conference, Scottsdale, AZ.

7 “Legal and Regulatory Issues in Marketing,” 2001 AMA Winter Educators’ Conference,
8 Scottsdale, AZ.

9 “Internet Marketing: Promoting Possibilities and Preventing Pitfalls,” 1999 AMA
10 Summer Educators’ Conference, San Francisco.

11 “Channel Conflict: Contemporary and Broadened Perspectives,” 1999 AMA Summer
12 Educators’ Conference, San Francisco.

13 “Project Updates on Two Significant Issues in Marketing and Society,” 1999 AMA
14 Winter Educators’ Conference, St. Petersburg, FL.

15 “The Use of Simulation in Marketing Education,” 1998 AMA Summer Educators’
16 Conference, Boston, MA.

17 “Governance of Market Channel Relationships,” 1997 AMA Special Conference on
18 Relationship Marketing, Dublin, Ireland.

19 “Slotting Allowances: Past and Future,” 1996 Public Policy & Marketing Conference,
20 Washington, D.C.

21 “The Effects of Friendship, Market Orientation and Selling Strategies on Relational
22 Performance,” 1996 AMA Summer Educator’s Conference, San Diego, CA.

23 “Relationship Marketing: Academic Perspectives,” 1995 Academy of Marketing Science,
24 Orlando, FL.

25 “On the Use of Simulations in Marketing Education: Experiences From the Field,” 1992
26 AMA Summer Marketing Educators’ Conference, Chicago, IL.

27 “Economic Analysis of Franchising Strategy,” 1992 Society of Franchising, Palm Springs,
28 CA.

“Relational Exchange Research in Marketing,” 1991 Academy of Marketing Science
Conference, Miami, FL.

“Using Computers in Marketing Curriculum I,” 1991 AMA Microcomputers in Marketing
Education Conference, New Orleans, LA.

“Current Franchising Research Findings, Needs and Prospects,” 1991 AMA Winter
Marketing Educators’ Conference, Orlando, FL.

“Market Channels Management,” 1991 Academy of Marketing Science Conference,
Miami, FL.

Conference Session Discussant and Session Discussion Leader

Gundlach, Gregory T. (2011), Looking Back, Looking Forward: The Pros and Cons of Using Simulations for Interorganizational Marketing Research, 2011 AMA Winter Educators' Conference.

Aftermarkets, 2006 American Antitrust Institute's Conference: "The Intellectual Property (IP) Grab: The Struggle Between Intellectual Property Rights and Antitrust," June 21, 2006 in Washington DC.

Issues in Regulatory Policy and Practice, 2006 AMA Marketing & Public Policy Conference

Perspectives on Competition and Social Welfare, 2006 AMA Winter Educators' Conference, St. Petersburg, FL.

Legal, Regulatory, and Societal Implications of Marketing Initiatives and Practices, 2005 AMA Summer Educators Conference, San Francisco, CA

Roundtable Discussion, 2005 American Antitrust Institute's Invitational Roundtable on Complexity, Networks and the Modernization of Antitrust, Washington, D.C.

Trust, Loyalty, and Interfirm Governance, 2005 Academy of Marketing Science, Tampa, FL.

Roundtable Discussion, 2004 American Antitrust Institute's Roundtable on Combining Horizontal and Vertical Analysis in Antitrust: Implications of the Work of Robert L. Steiner, Washington, D.C.

Roundtable Discussion, 2003 American Antitrust Institute's Roundtable on Antitrust and Category Captains, Washington, D.C.

Using the Consumer Information Processing Paradigm in Public Policy Research, 2002 Marketing and Public Policy Conference.

"The Language of Law and the Language of Business," 2001 Midwest Antitrust Colloquium, Chicago, IL.

"Strategies for Managing Effective Channel Relationships," 2001 AMA Marketing Educators' Conference, Scottsdale, AZ.

"Economics of Retailer's Price Setting," 2000 Conference on the American Consumer and the Changing Structure of the Food System, Economic Research Services, U.S. Department of Agriculture, Washington DC.

"Building and Testing Relationships Between Sellers and Buyers," 1998 AMA Summer Educators' Conference, Boston, MA.

"Relationship Governance in Industrial Markets," 1997 AMA Special Conference, Dublin, Ireland.

"Antitrust Issues," 1996 Marketing and Public Policy Conference, Washington, D.C.

1 “Strategic Alliances,” 1995 AMA Summer Marketing Educators’ Conference,
2 Washington, D.C.

3 “Coalitions and Alliances,” 1995 Marketing and Public Policy Conference, Atlanta, GA.

4 “Legal Liability and Marketing,” 1995 AMA Winter Marketing Educators’ Conference,
5 La Jolla, CA.

6 “Long-term Buyer-Supplier Relationships,” 1994 Relationship Marketing Conference,
7 Atlanta, GA.

8 “Marketing Channel Relationships,” 1994 Academy of Marketing Science Conference,
9 Nashville, TN.

10 “Social Implications From Business Practices,” 1994 AMA Winter Marketing Educators’
11 Conference, St. Petersburg, FL.

12 “New Frameworks for Understanding Franchising,” 1993 Society of Franchising, San
13 Francisco, CA.

14 “Session” 1992 Academy of Marketing Science Conference, San Diego, CA.

15 “Economic Analysis of Franchising Strategy,” 1992 Society of Franchising Conference,
16 Palm Springs, CA.

17 “Trust and Cooperative Behavior in Channels,” 1991 AMA Summer Educators’
18 Conference, San Diego, CA.

19 “Using Computers in Marketing Curriculum I,” 1991 AMA Microcomputers in Marketing
20 Education Conference, New Orleans, LA.

21 “Student Papers,” 1991 Decision Science Institute (Western), Lihue, Kauai, HI.

22 Conference Reviewer

23 2015 AMA Marketing and Public Policy Conference

24 2015 Academy of Marketing Science Annual Conference

25 2015 AMA Summer Marketing Educators’ Conference

26 2015 AMA Winter Marketing Educators’ Conference

27 2014 AMA Marketing and Public Policy Conference

28 2014 Academy of Marketing Science Annual Conference

2014 AMA Summer Marketing Educators’ Conference

2014 AMA Winter Marketing Educators’ Conference

2013 AMA Marketing and Public Policy Conference

2013 Academy of Marketing Science Annual Conference

1 2013 AMA Summer Marketing Educators' Conference
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4 2012 Academy of Marketing Science Annual Conference
5 2012 AMA Summer Marketing Educators' Conference
6 2012 AMA Winter Marketing Educators' Conference
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8 2011 Academy of Marketing Science Annual Conference
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16 2009 AMA Marketing and Public Policy Conference
17 2009 Academy of Marketing Science Annual Conference
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21 2008 Academy of Marketing Science Annual Conference
22 2008 AMA Summer Marketing Educators' Conference
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24 2007 AMA Winter Marketing Educators' Conference
25 2007 Academy of Marketing Science Annual Conference
26 2007 AMA Summer Marketing Educators' Conference
27 2007 AMA Marketing and Public Policy Conference
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2006 AMA Marketing and Public Policy Conference

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2006 AMA Marketing and Public Policy Conference

2005 Academy of Marketing Science Annual Conference

2005 AMA Summer Marketing Educators' Conference

2005 AMA Marketing and Public Policy Conference

2005 AMA Winter Marketing Educators' Conference

2004 Academy of Marketing Science Annual Conference

2004 AMA Summer Marketing Educators' Conference

2004 AMA Marketing and Public Policy Conference

2004 AMA Winter Marketing Educators' Conference

2003 AMA Summer Marketing Educators' Conference

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2002 Marketing and Public Policy Conference

2002 Academy of Marketing Science Annual Conference

2002 AMA Winter Marketing Educators' Conference

2001 AMA Summer Educators' Conference

2001 Academy of Marketing Science Annual Conference

2001 Marketing and Public Policy Conference

2001 AMA Winter Marketing Educators' Conference

2000 AMA Summer Marketing Educators' Conference, Chicago, IL.

2000 AMA Winter Marketing Educators' Conference, San Antonio, TX.

2000 Academy of Marketing Science Annual Conference and Faculty Consortium,
Montreal, Canada.

2000 Marketing and Public Policy Conference, Washington, D.C.

1 1999 Academy of Marketing Science Annual Conference and Faculty Consortium, Coral
2 Gables, FL.

3 1999 John A. Howard AMA Doctoral Dissertation Competition.

4 1999 AMA Summer Educators' Conference, San Francisco, CA.

5 1998 AMA Winter Marketing Educators' Conference, Austin, TX.

6 1997 Macromarketing Conference, Norway.

7 1997 AMA Summer Marketing Educators Conference, Chicago IL.

8 1997 Southern Marketing Association Conference.

9 1997 Society of Franchising Conference, Honolulu, HI.

10 1997 Relationship Marketing Conference, Dublin, Ireland.

11 1997 Marketing and Public Policy Conference, Boston, MA.

12 1996 Marketing and Public Policy Conference, Washington, D.C.

13 1996 Academy of Marketing Science Conference, Phoenix, AZ.

14 1996 AMA Winter Marketing Educators' Conference, Hilton Head Island, SC.

15 1995 AMA Research Conference on Ethics and Social Responsibility in Marketing, Long
16 Island, NY.

17 1995 Marketing and Public Policy Conference, Atlanta, GA.

18 1995 AMA Summer Marketing Educators' Conference, Washington, D.C.

19 1995 AMA Winter Marketing Educators' Conference, La Jolla, CA.

20 1994 AMA Summer Marketing Educators' Conference, San Francisco, CA.

21 1994 AMA Winter Marketing Educators' Conference, St. Petersburg, FL.

22 1994 Marketing and Public Policy Conference, Washington, D.C.

23 1994 Society of Franchising Conference, Las Vegas, NV

24 1994 Relationship Marketing Conference, Atlanta, GA.

25 1993 Southern Marketing Association Conference, Atlanta, GA.

26 1993 AMA Summer Marketing Educators' Conference, Boston, MA.

27 1993 Marketing and Public Policy Conference, East Lansing, MI.

28 1993 Society of Franchising Conference, San Francisco, CA.

1993 AMA Winter Marketing Educators' Conference, Newport Beach, CA.

1 1992 Southern Marketing Association Conference, Atlanta, GA.

2 1992 Academy of Marketing Science Conference, San Diego, CA.

3 1992 Society of Franchising Conference, Palm Springs, CA.

4 1992 AMA International Collegiate Conference, New Orleans, LA.

5 1992 Marketing and Public Policy Conference, Washington D.C.

6 1992 Academy of Marketing Science, Dissertation competition.

7 1991 AMA Summer Marketing Educators' Conference, San Diego, CA.

8 1991 Southern Marketing Association Conference, Orlando, FL.

9 1991 AMA Microcomputers in Marketing Education Conference, New Orleans, LA.

10 1991 Academy of Marketing Science Conference, Miami, FL.

11 "Marketing and Public Policy: Issues for the 1990's," 1990 American Marketing
12 Association Workshop, Washington D.C.

13 Textbook/Software Reviewer

14 (1998) Services Marketing, McGraw Hill.

15 (1995) Franchising: Contemporary Issues and Research, Haworth Press, Inc.

16 (1994) Marketing Mistakes, John Wiley & Sons, Inc.

17 (1993) Strategic Market Management, John Wiley & Sons, Inc.

18 (1991) The Market Place, Irwin, Homewood, IL.

19 Miscellaneous Service

20 Contributor, (1991) Great Ideas for Teaching Marketing, South-Western Publishing Co.

21 Project Advisor, (1990) The Sports Management Institute, The Universities of Southern
22 California, Notre Dame and North Carolina.

23 PROFESSIONAL CONSULTATIONS

24 Legislative and Regulatory Agency Testimony

25 Gundlach, Gregory T. (2009), Resale Price Maintenance After Leegin: Topics and
26 Questions for Research, FTC Hearings on Resale Price Maintenance: Empirical Evidence
27 on the Effects of Resale Price Maintenance, Oral and Written Testimony before the
28 Federal Trade Commission, May 20, 2009.

1 Gundlach, Gregory T. (2005), "Competitive Implications of Slotting Allowances and
2 Fees: Implications for Senate Bill 582: Retailers Disclosures," Oral and written
3 testimony before Hearing of the California State Senate Standing Committee on Business,
4 Professions and Economic Development, April 25, 2005.

5 Gundlach, Gregory T. (2005), "Slotting Fees – Fees Charged by Grocery Retailers for
6 Shelf Space: Are They Stifling Competition? Oral and written testimony before Hearing
7 of the California State Senate Standing Committee on Business, Professions and
8 Economic Development, February 9, 2005.

9 Gundlach, Gregory T. (2000), "Slotting Allowances and Fees: Research Status, Emerging
10 Insights and Future Directions." Oral and written testimony before the United States
11 Senate, Committee on Small Business, Hearing on "Slotting Fees: Are Family Farmers
12 Battling to Stay on the Farm and in the Grocery Store."

13 Gundlach, Gregory T. (2000), "Managerial Views of Slotting Allowances and Fees,"
14 Federal Trade Commission. Workshop on Slotting Allowance and Fees.

15 Gundlach, Gregory T. (1999), "Slotting: Fair for Small Business & Consumers?" Oral and
16 written testimony before the United States Senate, Committee on Small Business.
17 Hearing on "Slotting: Fair for Small Business & Consumers?"

18 Gundlach, Gregory T. (1994), "The Nature and Probable Effect of Slotting Allowance
19 Practices in the Retail Sale of Alcohol Beverages," written comment to proposed
20 rulemaking, Federal Alcohol Administration Act on Tied-House, Exclusive Outlets,
21 Commercial Bribery, and Consignment Sale, Bureau of Alcohol, Tobacco and Firearms,
22 Department of Treasury,
23 U.S. Government.

24 Legislative and Regulatory Agency Testimony (other roles)

25 Co-developed testimony for Tod Cohen, Vice President and Deputy General Counsel,
26 Government Relations, EBay for Hearing before the United States Senate, Committee on
27 the Judiciary, Subcommittee on Antitrust, competition Policy and Consumer Rights, "The
28 Discount Pricing Consumer Protection Act: Do We Need to Restore the Ban on Vertical
Price Fixing?," May 19, 2009.

Co-developed testimony for Tod Cohen, Vice President and Deputy General Counsel,
Government Relations, EBay for Hearing before 111th Congress, Subcommittee on Courts
and Competition Policy of the House Committee on the Judiciary, "Bye Bye Bargains?
Retail Price Fixing, the Leegin Decision, and its Impact on Consumer Prices," April 28,
2009.

29 Litigation/arbitration Consultation

30 Dazbog Coffee Franchising LLC v. Genessee A. Finnegan and Javagen, LLC, before the
31 American Arbitration Association, Case Number: 77 114 00003 14, Arbitrator: Sandra I.
32 Rothenberg (expert report and testimony).

33 Mr. Harold R. Bruno, III
34 Robinson Waters & O'Dorisio, P.C.
35 1099 18th Street, Suite 2600
36 Denver, CO 80202

37 Brenda Hicks v. Walgreen Co., Circuit Court of the 17th Judicial Circuit, Broward County,

1 Florida (expert report).

2 Mr. Christopher I. Pezon, Esquire
3 Steinger, Iscoe, Greene & McAfee, P.A.
4 2400 East Commercial Blvd.
Suite 900
Fort Lauderdale, Florida 33308

5 Amanda M. Mann; Mann's Roofing and Waterproofing, LLC Fraud Investigation
6 (December 19, 2012) (expert report).

7 Mr. Mark Barnett, Esquire
8 Fallgatter, Farmand & Catlin, P.A.
200 East Forsyth St.
Jacksonville, FL 32202

9 Kraft Foods Global, Inc. v. Starbucks. Arbitration Before JAMS, Arbitration No.
10 1340008345 (expert report, depositions and testimony).

11 Mr. Aaron Panner, Esquire
12 Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC
1615 M Street, N.W., Suite 400
Washington DC 20036

13 In Re: Online DVD Rental Antitrust Litigation. Master File No. 4:09-md-2029 PJH,
14 MDL No. 2029, U.S. District Court, Northern District of California, Oakland Division
(expert reports and depositions)

15 Mr. Robert Abrams, Esquire
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19 1950 University Avenue, 4th Floor
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23 Jonathan M. Jagher, Esq.
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24 Philadelphia, PA 19103

25 Mr. Matthew W. Ruan
26 Berman DeValerio
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27 San Francisco, CA 94111

28 Leegin Creative Leather Products, Inc. v. PSKS, Inc. DBA Kay's Klostet...Kay's Shoes,
No. 06-480, U.S. Supreme Court, Morris, Laing, Evans, Brock & Kennedy, Wichita, KS.

1 Ken Petersen, Robert Coykendall and Will Wohlford (expert report).*

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12 Mr. Will Wohlford, Esquire
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16 316.262.6226

17 SDMS vs. Siemens Medical Solutions Case No. CV2005-051908, Superior Court of
18 Arizona, Maricopa County, Gammage & Burnham, Phoenix, AZ., James Craft
19 (declaration).*

20 Mr. James A. Craft, Esquire
21 Gammage & Burnham LLP
22 Two North Central, 18th Floor
23 Phoenix, Arizona 85004
24 602.256.0566

25 Nancy Spahr and Barbara Treadway v. Leegin Creative Leather Products, Inc., Case no.
26 2:07-cv-187, United States District Court, Eastern District of Tennessee at Greenville,
27 Ball & Scott, Knoxville, TN., Gordon Ball, (expert report).*

28 Mr. Gordon Ball, Esquire
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550 Main Avenue, Suite 750
Knoxville, TN 37902
866.429.6706

Layman v. Pioneer Hi-Bred International, Inc., Case No. 2004-399-II, Circuit Court for
Sevier County, Tennessee. Ball & Scott, Knoxville, TN., Gordon Ball (expert report).*

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550 Main Avenue, Suite 750
Knoxville, TN 37902
866.429.6706

Gerald T. Raines v. Pharmacia Corporation, Circuit Court for Cocke County, Tennessee at
Newport, Ball & Scott, Knoxville, TN., Gordon Ball (expert report).*

Mr. Gordon Ball, Esquire
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1 550 Main Avenue, Suite 750
2 Knoxville, TN 37902
866.429.6706

3 Hall v. Leegin Creative Leather Products, Inc., Case No. 04CV 1668, Eighteenth Judicial
4 District, District Court, Sedgwick County, Kansas Civil Department Morris, Laing, Evans,
Brock & Kennedy, Robert W. Coykendall, Ken Peterson, Will Wohlford and Nix Paterson
5 & Roach, Neil Smith (expert report and deposition).

6 Robert W. Coykendall, Esquire
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8 Mr. Ken M. Peterson, Esquire
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11 Mr. Will Wohlford, Esquire
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14 Mr. D. Neil Smith, Esquire
15 Nix Patterson & Roach, LLP
205 Linda Drive
16 Daingerfield, TX 75638
903.645.5389

17 PMH Research Associates, LLC and Circulosure, LLC v. Life Extension Foundation
18 Buyers club, Inc., Case No. 32 147 Y 00638 04, American Arbitration Association,
Wiggin and Nourie, P.A., Richard B. McNamara (expert report).*

19 Mr. Richard B. McNamara, Esquire
20 670 N. Commerical Street, Suite 305
P.O. Box 808
21 Manchester, NH 03105-0808
603.623.2211

22 NAACP v. Accusport et al, U.S. District Court, Eastern District of New York, Richards,
23 Watson & Gershon, Sayre Weaver, Coalition to Stop Gun Violence/Educational Fund to
24 Stop Gun Violence Joshua Horowitz, and Elisa Barnes (expert report, deposition and trial
testimony).*

25 Ms. Sayre Weaver, Esquire
26 Richards, Watson & Gershon
1 Civic Center Circle,
27 P. O. Box 1059
Brea, California
28 714.990.0901

1 Mr. Joshua Horowitz, Esquire
2 Coalition to Stop Gun Violence/Educational Fund to Stop Gun Violence
3 1424 L Street NW, Suite 2-1
4 Washington, DC 20005
5 202.408.0061

6 Ms. Elisa Barnes, Esquire
7 305 N. Broadway
8 New York, NY 10013
9 212.693.2330

10 El Aguila Food Products, Inc. et al. v. Gruma Corporation, et al. (Civil Action No. G-01-
11 434), U.S. District Court, Southern District of Texas, Galveston District (2002), ,
12 Eastham, Watson, Dale & Forney, Houston, Texas (Thomas Stanley) (expert report,
13 deposition and trial testimony).*

14 Mr. Thomas M. Stanley, Esquire
15 Eastham, Watson, Dale & Forney, LLP
16 The Niels Esperson Building
17 808 Travis - Twentieth Floor
18 Houston, TX 77002-5679
19 713.225.0905

20 People et al. v. Arcadia Machine & Tool (and other defendants), San Francisco and Los
21 Angeles Superior Courts (2002), Brady Center Against Gun Violence, Brian Siebel and
22 Daniel Vice, Lieff, Cabraser, Heimann & Bernstein, Robert Nelson (disclosure,
23 declaration and deposition).*

24 Mr. Brian J. Siebel, Esquire
25 Brady Center Against Gun Violence
26 Legal Action Project
27 1250 Eye Street, NW, Suite 802, Washington, DC 20005
28 202.289.7319

Mr. Daniel R. Vice, Esquire
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Mr. Robert Nelson, Esquire
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275 Battery Street, 30th Floor
San Francisco, CA 94111-9333
415.956.1008

U.S. v. Philip Morris Inc. et al., (Civil Action No. 99-CV-02496), U.S. District Court,
District of Columbia (2002), Kirkland and Ellis, Ken Bass (expert report and deposition).*

Mr. Kenneth Bass, Esquire
Kirkland and Ellis
655 15th Street N. W.
Washington, DC 20005-5793
202.879.5014

1 American Phytotherapy Research Laboratory and Basic Research, LLC v. National
2 Physique Concepts, Inc. dba Performance Biomedical Laboratory, (and other defendants),
U.S. District Court, District of Utah (2001), Pate, Pierce & Baird, Salt Lake City, UT
(declarations).*

3 Mr. A. John Pate, Esquire
4 Pate, Pierce & Baird
175 South Main Street, Suite 1250
5 Salt Lake City, UT 84111
6 801.530.0330

7 City of Boston v. Smith & Wesson et al. (Civil Action No. 99-2590C), Superior Court
Department of the Trial Court, Commonwealth of Massachusetts (2001), disclosure and
8 declaration, Brady Center Against Gun Violence, Washington DC, Brian Siebel and
Daniel Vice and Lieff, Cabraser, Heimann & Bernstein, San Francisco, CA., Robert
9 Nelson (disclosure and declaration)*

10 Mr. Brian J. Siebel, Esquire
Brady Center Against Gun Violence
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13 Mr. Daniel R. Vice, Esquire
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17 San Francisco, CA 94111-9333
18 415.956.1008

19 R.J. Reynolds v. Phillip Morris (Civil Action No. 1:99CV00232), U.S. District Court,
Middle District of North Carolina, (2000-2001), Cravath, Swaine and Moore, New York,
20 NY. Ron Rolfe (expert report and depositions)*

21 Mr. Ronald S. Rolfe, Esquire
Cravath, Swaine and Moore
Worldwide Plaza, 825 Eighth Ave
22 New York, NY 10019-7475
23 212.474.1714

24 Brown and Williamson Tobacco Corp. and BWT Direct v. George E. Patalli, et al. (Civil
Action No. 7750 (LAP)) U.S. District Court for the Southern District of New York (2000-
2001) expert report and depositions, Covington and Burling, Washington D.C. Laurence
25 Silverman (expert report and deposition)*

26 Mr. Laurence A. Silverman, Esquire
Covington & Burling
27 1330 Avenue of the Americas
New York, NY 10019
28 212.841.1092

1 Conwood Company, L.P., Conwood Sales Company, L.P. v. United States Tobacco
2 Company, United States Tobacco Sales and Marketing Company Inc., United States
3 Tobacco Manufacturing Company Inc. and UST, Inc. (Civil Action No. 5:98 CV-108R)
4 United States District Court for the Western District of Kentucky at Paducah (1999-2000),
expert reports, depositions and trial testimony, Kellogg, Huber, Hansen, Todd & Evans,
Washington, D.C. Michael Guzman and Mark Hansen (expert reports, depositions and
trial testimony) *

5 Mr. Michael J. Guzman, Esquire
6 Kellogg, Huber, Hansen, Todd, Evans & Figel
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7 1615 M. Street, N.W.
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8 202.326.7910

9 Mr. Steven F. Benz, Esquire
10 Kellogg, Huber, Hansen, Todd, Evans & Figel
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11 1615 M. Street, N.W.
Suite 400
12 202.326.7929

13 Mr. Mark C. Hansen, Esquire
Kellogg, Huber, Hansen, Todd, Evans & Figel
Sumner Square
14 1615 M. Street, N.W.
Suite 400
15 202.326.7904

16 Caliber Learning Systems v. Macmillan Publishing (1999), Bose McKinney & Evans
17 L.L.P. Indianapolis, IN. Robert Clemens (expert report and deposition testimony).*

18 Mr. Robert Clemens, Esquire
Bose, McKinney & Evans LLP
2700 First Indiana Plaza
19 135 North Pennsylvania Street
Indianapolis, IN 46204
20 317.684.5163

21 Subhash Patel, dba C. Kay's Hallmark Shop, and Hira's Pharmacy v. Hallmark Marketing
22 (Case No. 95-534625-CZ), (1995), Ray, Shecter, Mirer and Vocht, Detroit, MI., Lynn
Shecter (deposition testimony).*

23 Ms. Lynn Shecter
Roy, Shecter, Mirer & Vocht P.C.
24 1400 Woodward Ave., Suite 205
Bloomfield Hills, MI 48304-3972
25 248.540.7660

26 * indicates testimony under protective order or non disclosure agreement

27 Legislative and Regulatory Agency Consultation (nontestifying)
28

1 U.S. Senate, Committee on Small Business (1999-2002). Counsel to the Committee's
2 Task Force investigating the effects of slotting fees and category management on small
business.

3 U.S. Federal Trade Commission (2000-2001). Counsel to the FTC's Task Force
4 investigating the effects of slotting fees and category management on competition.

5 U.S. Department of Agriculture (2000-2001). Counsel to the Economic Research Service
6 Task Force studying the nature of slotting fee practices in the perishable products
industry.

7 U.S. General Accounting Office (2001). Counsel to investigatory group studying slotting
fees.

8 U.S. Senate, Judiciary Committee, Subcommittee on Antitrust (2000). Counsel to staff
9 investigation of the competitive effects of slotting fees.

10 Litigation Consultation (nontestifying role)

11 AT&T Mobility v. The Phone Card Warehouse. Case No.: 6:08-CV-1909-ORL-
12 18GJKU.S. District Court, Middle District of Florida, Orlando Division.

13 Mr. Aaron Panner, Esquire
14 Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC
1615 M Street, N.W., Suite 400
Washington DC 20036

15 Insignia Systems, Inc. and State of Minnesota, by its Attorney General Lori Swanson v.
16 News America Marketing In-Store, Inc. and Albertson's, Inc., Case no 0:04cv-04213
(JRT-AJB), United States District Court, District of Minnesota, Kelley Drye & Warren
LLP, Richard Donovan.

17 Mr. Richard Donovan, Esquire
18 Kelley Drye & Warren
101 Park Avenue
19 New York, NY 10178
20 212.808.7756

21 Leegin Creative Leather Products, Inc. v. PSKS, Inc. DBA Kay's Klostet...Kay's Shoes,
22 No. 06-480, U.S. Supreme Court, Morris, Laing, Evans, Brock & Kennedy, Robert W.
Coykendall.

23 Mr. Robert W. Coykendall
24 Morris, Laing, Evans, Brock & Kennedy
300 North Mead, Suite 200
25 Wichita, Kansas 67202-2722
316.262.6226

26 Iletto v. Glock, Kiesel, Boucher & Larson LLP, Beverly Hills, CA, Raymond P. Boucher.

27 Mr. Raymond P. Boucher, Esquire
28 8648 Wilshire Boulevard
Beverly Hills, CA 90211-2910
310.854.4444

Johnson, et al. v. Bushmaster Firearms, Inc, et al. Luvera Law Firm, Seattle WA, Andrew Hoyal.

Mr. Andrew Hoyal
Colombia Center
701 5th Ave Suite 6700
Seattle, WA 98104
206.467.6090

In re: FTC Weight Loss Advertising Workshop, Stephin Nagin

Mr. Stephin Nagin
Nagin, Gallop, & Figueredo.
18001 Old Cutler Road, Ste. 556
Miami, FL 33157-6416
305.854.5353

In re: Carnival Cruise Line, Princess P&O and Royal Caribbean, (2002) Patton Boggs, Washington, DC. Garret Rasmussen.

Mr. Garret Rasmussen, Esquire
2550 M Street, NW
Washington, DC 20037
202.457.6055

In re: General Mills and Pillsbury, (2001) Federal Trade Commission, Washington DC.

Mr. M. Sean Royall
Federal Trade Commission
Washington, DC
202.326.3663

Mr. William R. Vigdor
Federal Trade Commission
Washington, DC
202.326.3663

In re: Nestle, Inc. and Ralston Purina, (2001) Patton Boggs, Washington, DC. Garret Rasmussen.

Mr. Garret Rasmussen, Esquire
2550 M Street, NW
Washington, DC 20037
202.457.6055

FTC v. H.J. Heinz Company et al. (2000) (Civil Action No. 1:00CU01688) U.S. District Court, District of Columbia, Federal Trade Commission.

Other Consultations

Ebay, Inc.

Briggs & Stratton

Hill's Pet Products, Inc., Kansas City, Kansas

Kinko's, Inc., Knoxville, Tennessee

TEACHING

Courses Taught

Principles of Marketing (all levels)

Relationship Marketing (all levels)

Strategic Marketing Management (all levels)

Public Policy and Marketing (competition policy) (undergraduates)

Business Consulting (graduate)

Guest Lecturer and Faculty

2011 AMA Marketing and Public Policy Doctoral Consortium, Faculty

2006 SMA Doctoral Consortium, Faculty

2005 AMA Doctoral Student Special Interest Group, Faculty

2004 Society for Marketing Advances Doctoral Consortium, Southern Marketing Association, Tampa, Florida.

University of Tennessee, Doctoral Program, 2004.

2003 AMA Doctoral Consortium, Faculty.

University of Notre Dame Executive MBA program - Strategic Marketing (2002).

University of Notre Dame Executive Programs - Strategic Marketing Management Program (Bayer, Inc.) (1997-present).

Sinto Program for Understanding American Business and Society Programs for Japanese Managers, Notre Dame (1998-2000).

The Notre Dame Council on International Business Development - Exchange School Summer Program (1995-2000).

University of Notre Dame Executive Programs - Strategic Marketing Management Program (Allied Signal, Inc.) (1995).

University of Cincinnati, Doctoral Lecture, 1992.

University of Notre Dame Executive Programs - Strategic Marketing Management Program (International Food Manufacturers Association, Quaker Oats Co.) (1991-1994) .

University of Notre Dame Executive Programs - Marketing Territory Managers Program (International Food Manufacturers Association) (1991-1994) .

SERVICES

University and College

Presidential Professor Committee (Selection committee 2014)

Assistant Vice President for Research (search committee 2012-13)

Organizer, Sharing Scholarship Series (2002 – 2013)

Strategic planning committee 2010-2013

Department Curriculum Committee (2008-2013)

Department of Marketing and Logistics Retreat Facilitator 2008, 2009

Bylaws Committee (2008-2011)

Graduate Curriculum Committee (2008-2011)

MBA Advisory Committee (2008-)

Departmental Chair, (2006-2007)

Ex Officio member, Marketing Search Committee (2005-2007)

College Committee on Research (2001-2003).

College Committee on Information Technology (2001-2003).

University Committee on the Washington Program (2001-2003).

College Council (2000-2003).

Director, Notre Dame Australia International Program (1997).

Faculty Senate (1994-1997) University of Notre Dame, Notre Dame, Indiana.

College Steering Committee on Diversity (1995-1997).

College Steering Committee on Information Technology (1992-1997).

College Committee on New Building Dedication (1994)

College Advisory Committee on New Building (1994)

Departmental Committee on Appointments and Promotions (1994-2003).

Assistant Volunteer Track and Field Coach (1987-present)

HONORS

Publication Recognition and Awards

2012 Finalist for Journal of Public Policy & Marketing, Thomas C. Kinnear Article Award, Gundlach, Gregory T., William L. Wilkie and Kevin D. Bradford (2010), Countermarketing and Demarketing Against Product Diversion: Forensic Research in the Gun Industry,” Journal of Public Policy & Marketing, 29 (1), 103-122.

Recognized as “Top 50 Scholars in Marketing,” Helm, Amanda E., David Hunt and Mark B. Houston (2003), “Citation Frequency of Research Published in the Top Three Marketing Journals: Ranking of The Impact of Articles, Scholars and Institutions,” American Marketing Association, Chicago, IL.

Recognized as “Most Prolific Contributors to the Journal of Public Policy & Marketing over its 20 Year History,” Sprott, David E., and Anthony D. Miyazaki (2002), “Two Decades of Contributions to Marketing and Public Policy: An Analysis of Research Published in *Journal of Public Policy & Marketing*,” *Journal of Public Policy & Marketing*, 21 (1), 105-125.

2002 Finalist for Journal of Public Policy & Marketing, Thomas C. Kinnear Article Award, Gundlach, Gregory T. and Paul N. Bloom, “Slotting Allowances and the Retail Sale of Alcohol Beverages,” Journal of Public Policy & Marketing.

1997 Citation of Excellence, Highest Quality Rating, ANBAR Electronic Intelligence. Gultinan, Joseph P. and Gregory T. Gundlach (1996), “Aggressive and Predatory Pricing: A Framework for Analysis,” Journal of Marketing, 60 (3), 87-102.

1997 Finalist for Fifth Annual 1993-1995 Journal of Public Policy & Marketing “Best” article award. Gundlach, Gregory T. and Ravi S. Achrol (1993), “Governance in Exchange: Contract Law and Its Alternatives,” Journal of Public Policy & Marketing, 12 (November), 141-155.

1996 Finalist for Fourth Annual 1992-1994 Journal of Public Policy & Marketing “Best” article award. Gundlach, Gregory T. (1994), “Exchange Governance: The Role of Legal and Nonlegal Approaches,” Journal of Public Policy & Marketing, 13 (November), 246-258.

1995 Finalist for Third Annual 1991-1993 Journal of Public Policy & Marketing “Best” article award. Gundlach, Gregory T. and Ravi S. Achrol (1993), “Governance in Exchange: Contract Law and Its Alternatives,” Journal of Public Policy & Marketing, 12 (November), 141-155.

Other Awards

2001 Kaneb Teaching Award, University of Notre Dame

- 1 1986 AMA Doctoral Consortium Fellow, Department of Marketing,
2 University of Tennessee.
- 3 1986 Walter Melville Bonham Dissertation Fellow, College of Business
4 Administration, University of Tennessee.
- 5 1986 AMA Teaching Recognition Award, Tennessee Chapter.
- 6 1983 - College of Business Fellow, College of Business Administration, University of
7 1986 Tennessee.
- 8 1982 H. Lockett Scholarship, College of Law, University of Tennessee.
- 9 1981 L. Henley Award for Outstanding Scholarship and Athletic Achievement,
10 University of Tennessee.

11 AFFILIATIONS

12 American Marketing Association

13 American Antitrust Institute

14 Academy of Marketing Science

15 REFERENCES

16 Furnished upon request.

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18

19

20

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28

EXHIBIT 2. MATERIALS CONSIDERED

Materials from counsel

1. *Tracy Rifle & Pistol LLC v. Harris* 2016 WL 715989 (United States Court of Appeals, 9th Circuit) (February 23, 2016).
2. *Tracy Rifle & Pistol LLC v. Harris* (E.D. Cal. Case No. 2:14-cv-02626-TLN-DAD, 118 F. Supp. 3d 1182 (July 16, 2015).
3. Declaration of Wesley Morris in Support of Motion for Preliminary Injunction, *Tracy Rifle & Pistol LLC v. Harris* (E.D. Cal. Case No. 2:14-cv-02626-TLN-KJN (TEMP)) (November 17, 2014) (Exhibit 1).
4. Declaration of Michael Baryla in Support of Motion for Preliminary Injunction, *Tracy Rifle & Pistol LLC v. Harris* (E.D. Cal. Case No. 2:14-cv-02626-TLN-KJN (TEMP)) (November 17, 2014) (Exhibit 1).

Other materials

5. American Marketing Association
<https://www.ama.org/resources/Pages/Dictionary.aspx?dLetter=M>.
6. Clinton Amos, Gary R. Holmes, & William C. Keneson, *A meta-analysis of consumer impulse buying*, 21 JOURNAL OF RETAILING AND CONSUMER SERVICES 86-97 (2014).
7. Barbara Baird, *A League of Their Own*, SHOT BUSINESS, 4 (2015).
8. Sharon E. Beatty & M. Elizabeth Ferrell, *Impulsive Buying: Modeling Its Precursors*, 74 JOURNAL OF RETAILING 169–191 (1998).
9. Berry Berman & Joel R. Evans, RETAIL MANAGEMENT: A STRATEGIC APPROACH (2007).
10. Board of Directors, American Marketing Association (2007),
<https://www.ama.org/AboutAMA/Pages/Definition-of-Marketing.aspx>.
11. BusinessDictionary.com at
<http://www.businessdictionary.com/definition/merchandising.html>.
12. California Penal Code, Section 28620 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=26001-27000&file=26800-26915>.
13. *City of Boston v. Smith & Wesson et al.* (Civil Action No. 99-2590C)(2001).
14. CNBC, Coca-cola: The Real Story Behind the Real Thing (2009)
(<http://video.cnn.com/gallery/?video=1409843923>).
15. Darrin Conroy, WHAT’S YOUR SIGNAGE? (2004).
16. Holly E. Bastow-Shoop, Dale F. Zetocha, & Gregory Passewitz, VISUAL MERCHANDISING: A GUIDE FOR SMALL RETAILERS (1991).
17. Khurram L. Bhatti & Seemab Latif, *The Impact of Visual Merchandising on Consumer Impulse Buying Behavior*, 2 EURASIAN JOURNAL OF BUSINESS AND MANAGEMENT 24-35 (2014).
18. Kevin D. Bradford, Gregory T. Gundlach and William L. Wilkie, *Countermarketing in the Courts: The Case of Marketing Channels and Firearms Diversion*, 24 JOURNAL OF PUBLIC POLICY 284 (2005).

19. Hyo Jung Chang, Ruoh-Nan Yan, & Molly Eckman, *Moderating effects of situational characteristics on impulse buying*, 42 INTERNATIONAL JOURNAL OF RETAIL & DISTRIBUTION MANAGEMENT 298 – 314 (2014).
20. Tom Duncan, INTEGRATED MARKETING COMMUNICATIONS: USING ADVERTISING AND PROMOTION TO BUILD BRANDS (2002).
21. Uptal Dholakia, *Temptation and resistance: an integrated model of consumption impulse*, 17 PSYCHOLOGY & MARKETING 955–982 (2000).
22. Patrick M. Dunne & Robert F. Lusch, RETAILING (1999).
23. Patrick M. Dunne & Robert F. Lusch, RETAILING (2007).
24. Seth R. Ellis, Robert Johnson, and Robin Murphy, THE ECONOMIC VALUE OF ON-PREMISE SIGNS (1997).
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(<http://www.encyclopedia.com/doc/1O999-placard.html>).
26. Michael Fifer, *Q4 2014 Sturm Ruger & Co., Inc. Earnings Call – Final*, STURM, RUGER & COMPANY (February 26, 2015).
27. Rasa Gudonaviciene & Sonata Alijosiene, *Visual Merchandising Impact on Impulse Buying Behaviour*, 213 SOCIAL AND BEHAVIORAL SCIENCES 635-640 (2015).
28. Gregory T. Gundlach, *Product Diversion: Forensic Research in the Firearm Industry*, AMERICAN MARKETING ASSOCIATION MARKETING & PUBLIC POLICY CONFERENCE (2006).
29. Gregory T. Gundlach, *Interdisciplinary Roundtable on Firearms Diversion and Trafficking*, JOHN HOPKINS SCHOOL OF PUBLIC HEALTH (Baltimore, MD 2006) (unpublished presentation).
30. Gregory T. Gundlach, *Invitational Symposium on Responsible Procurement, Buyer Power & Firearm Violence*, UNIVERSITY OF NORTH FLORIDA AND EDUCATIONAL FUND TO STOP GUN VIOLENCE, (Jacksonville, FL, 2013) (unpublished presentation).
31. Gregory T. Gundlach, *Countermarketing Against Prohibited Customers: Experiences from the Firearms Industry*, PARTNERS IN PROGRESS, COLORADO STATE UNIVERSITY (Fort Collins, CO, 2003) (unpublished presentation).
32. Gregory T. Gundlach, Gregory T., *Countermarketing and Demarketing Against the Diversion of Firearms: Research in the Firearm Industry*, MACRO-MARKETING/ISMD CONFERENCE, Washington D.C. 2007).
33. Gregory T. Gundlach Kevin Bradford, *Countermarketing Against Diversion*, MIDWEST MARKETING CAMP (Columbus, OH, 2003) (unpublished presentation).
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35. Gregory T. Gundlach, and Kevin Bradford, *Safeguarding against the Diversion of Unsafe Products: Experience from Firearm Industry*, INTEGRATING SOCIAL RESPONSIBILITY WITH MARKETING STRATEGY (Boston, MA, 2003) (unpublished presentation).
36. Gregory T. Gundlach, Kevin D. Bradford, and William L. Wilkie, *Countermarketing and Demarketing Against Product Diversion: Forensic Research in the Firearms Industry*, 29 JOURNAL OF PUBLIC POLICY & MARKETING 103, 129 (2010).
37. Stephen J. Hoch and George F. Loewenstein, *Time-Inconsistent Preferences and Consumer Self-Control*, 17 JOURNAL OF CONSUMER RESEARCH 492-507 (1991).

38. Michael J. Houston, J. Paul Peter, & Alan G. Sawyer, *The Role of Meta-Analysis in Consumer Research*, 10 ADVANCES IN CONSUMER RESEARCH 497-502 (1983).
39. *Ileto v. Glock et al. (China North)*, (Case No. CV 01-9762 ABC (RNBx)) (2006).
40. Jacqueline J. Kacen, James D. Hess, & Doug Walker, *Spontaneous selection: The influence of product and retailing factors on consumer impulse purchases*, 19 JOURNAL OF RETAILING AND CONSUMER SERVICES 578-588 (2012).
41. Phillip Kotler, MARKETING MANAGEMENT (2000).
42. Philip Kotler & Gary Armstrong, PRINCIPLES OF MARKETING (2001).
43. Michael Levy & Barton Weitz, RETAILING MANAGEMENT (2007).
44. Neha P. Mehta & Pawan K. Chugan, *The Impact of Visual Merchandising on Impulse Buying Behavior of Consumer: A Case from Central Mall of Ahmedabad India*, 1 UNIVERSAL JOURNAL OF MANAGEMENT 76-82 (2013).
45. *NAACP v. Accusport et al.*, (99 CV 3999 (JBW)) (2003).
46. National Endowment for Financial Education, 2010. *Spendster Contest Offers Redemption for Senders Willing to Confess* (<http://www.nefe.org/press-room/news/spendster-contest-offers-redemption.aspx>).
47. National Shooting Sports Foundation, *Changing Faces of the Shooting Sports, Meeting the Needs of an Increasingly Diverse Customer Base, Special Report for NSSF Range & Retailer Members 2015*, NATIONAL SHOOTING SPORTS FOUNDATION, 6 (2015) <http://nssfretailers.s3.amazonaws.com/DiversityReport.pdf>.
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52. Suresh Ramanathan & Geeta Menon, *Time-Varying Effects of Chronic Hedonic Goals on Impulsive Behavior*, 43 JOURNAL OF MARKETING RESEARCH 628-641 (2006).
53. Antonio Rodriguez Andres and Katherine Hempstead, *Gun Control and Suicide: The Impact of State Firearm Regulations in the United States, 1995-2004*, 101 HEALTH POLICY 95-103 (2011).
54. Dennis W. Rook, *The Buying Impulse*, 14 JOURNAL OF CONSUMER RESEARCH 189-197 (1987).
55. Dennis W. Rook and Stephen J. Hoch, *Consuming Impulses*, 12 ADVANCES IN CONSUMER RESEARCH 23-27 (1985).
56. Piyush Sharmaa, Bharadhwaj Sivakumaranb, & Roger Marshall, *Impulse buying and variety seeking: A trait-correlates perspective*, 63 JOURNAL OF BUSINESS RESEARCH 276-283 (2010).
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58. Terrence A. Shimp, ADVERTISING PROMOTION AND OTHER ASPECTS OF INTEGRATED MARKETING COMMUNICATIONS (2007).

- 1 59. Terrence A. Shimp & Craig J. Andrews, ADVERTISING PROMOTION AND OTHER ASPECTS
2 OF INTEGRATED MARKETING COMMUNICATIONS (2013).
- 3 60. Terrence A. Shimp and J. Craig Andrews, INTEGRATED MARKETING COMMUNICATIONS
4 (2013).
- 5 61. Slaton L. White, *Open Arms: It's Time to Welcome New Shooters*, SHOT BUSINESS (2015).
- 6 62. *The Highroad.org* (October 24, 2014), <http://www.thehighroad.org/archive/index.php/t-764480.html>.
- 7 63. B. Tuttle, *Millennials are Biggest Suckers for Selfish Impulse Buys*, TIME (April 27, 2012)
8 (<http://business.time.com/2012/04/27/millennials-are-biggest-suckers-for-selfish-impulse-buys/>)
- 9 64. University of Cincinnati, THE ECONOMIC VALUE OF ON-PREMISE SIGNAGE (2012).
- 10 65. *Upland Journal* (August 9, 2007),
11 <http://uplandjournal.ipbhost.com/index.php?/topic/4399-impulse-purchase/>.
- 12 66. Bas Verplanken & Ayana Sato, *The Psychology of Impulse Buying: An Integrative Self-Regulation Approach*, 34 JOURNAL OF CONSUMER POLICY 197-210 (2011).
- 13 67. Sarah Hong Xiao & Michael Nicholson, *A Multidisciplinary Cognitive Behavioural Framework of Impulse Buying: A Systematic Review of the Literature*, 15 INTERNATIONAL JOURNAL OF MANAGEMENT REVIEWS 333-356 (2012).
- 14 68. Lianxi Zhou & Amy Wong, *Consumer Impulse Buying and In-Store Stimuli in Chinese Supermarkets*, 16 JOURNAL OF INTERNATIONAL CONSUMER MARKETING 37-53 (2004).

EXHIBIT 3. PAST PUBLICATIONS (10 YEARS)

Books, Edited Volumes, Special Sections and Proceedings

Gregory T. Gundlach and Riley Krotz (2016), “Resale Price Maintenance After Leegin: The Curious Case of Contact Lens,” Createspace (research monograph).

Gregory T. Gundlach and Diana M. Moss (2015), “The Role of Efficiencies in Antitrust Law: Introduction and Overview,” Special Issue (2-part) of the *Antitrust Bulletin*, 60 (2), 91-102.

Gregory T. Gundlach (2015), “Tribute to American Antitrust Institute President Albert Foer” Special Issue of the *Antitrust Bulletin*, 60 (2).

Gregory T. Gundlach, Diana Moss & Albert Foer (2014), “Antitrust as a Multidisciplinary Field,” Special Issue of the *Antitrust Bulletin*, 59 (4).

Gregory T. Gundlach and Albert Foer (2013), “Antitrust Challenges of Multichannel Distribution and Shopper Marketing,” Special Issue of the *Antitrust Bulletin*, 58 (1).

Moss, Diana, Gregory T. Gundlach and Albert Foer (2011), “Systems Competition and Challenges to Antitrust Thinking,” Special Issue of the *Antitrust Bulletin*, 56 (1).

Gundlach, Gregory T. (2010), “Antitrust Analysis of Resale Price Maintenance After *Leegin* (part II),” Special Issue of the *Antitrust Bulletin*, 55 (2).

Gundlach, Gregory T. (2010), “Antitrust Analysis of Resale Price Maintenance After *Leegin* (part I),” Special Issue of the *Antitrust Bulletin*, 55 (1).

Mentzer, John and Gregory T. Gundlach (2010), “Exploring the Relationship Between Marketing and Supply Chain Management,” Special Issue of the *Journal of the Academy of Marketing Science*, 38 (1).

Gundlach, Gregory T. and Albert Foer (2008), “*American Antitrust Institute’s Symposium on Buyer Power*,” Special Issue of the *Antitrust Bulletin*, 53 (2).

Gundlach, Gregory T. (2007), “The American Marketing Association’s New Definition of Marketing: Perspectives on its Implications for Scholarship and the Role and Responsibility of Marketing in Society,” Special Section of the *Journal of Public Policy & Marketing*, 26 (3).

Gundlach, Gregory T. and Albert Foer (2007), “The Future of Aftermarkets in Systems Competition,” Special Issue of the *Antitrust Bulletin*, 52 (1).

Gundlach, Gregory T., Lauren G. Block and William L. Wilkie (2007), *Explorations of Marketing in Society*, Mason, OH: Thomson (in collaboration with the American Marketing Association).

Gundlach, Gregory T. and Albert Foer (2006) "Complexity, Networks and the Modernization of Antitrust: The American Antitrust Institute's Invitational Roundtable," Special Issue of the Antitrust Bulletin, 51 (1), Spring.

Publications in Journals (printed publication date)

Gregory T. Gundlach and Diana M. Moss (2015), "The Role of Efficiencies in Antitrust Law: Introduction and Overview, 60 Antitrust Bulletin 91-102.

Gregory T. Gundlach, Diana Moss & Albert Foer (2014), "Antitrust as a Multidisciplinary Field: Introduction and Overview of the Symposium," 59 Antitrust Bulletin 687-693.

Ravi S. Achrol & Gregory T. Gundlach (2014), "Network Organization and Systems Competition: A Marketing Analysis," 59 Antitrust Bulletin 743-768.

Gregory T. Gundlach (2014), "'What's Past is Prologue:' Reflections on an Experience at the Federal Trade Commission, 33 Journal of Public Policy & Marketing 220-224.

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EXHIBIT 4. WORK AS AN EXPERT WITNESS (PAST 4 YEARS)

Litigation/arbitration Consultation and Role

Dazbog Coffee Franchising LLC v. Genessee A. Finnegan and Javagen, LLC, before the American Arbitration Association, Case Number: 77 114 00003 14, Arbitrator: Sandra I. Rothenberg (expert report and testimony).*

Brenda Hicks v. Walgreen Co., Circuit Court of the 17th Judicial Circuit, Broward County, Florida (expert report).*

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In Re: Online DVD Rental Antitrust Litigation. Master File No. 4:09-md-2029 PJH, MDL No. 2029, U.S. District Court, Northern District of California, Oakland Division (expert reports and depositions)

Leegin Creative Leather Products, Inc. v. PSKS, Inc. DBA Kay's Closet...Kay's Shoes, No. 06-480, U.S. Supreme Court, Morris, Laing, Evans, Brock & Kennedy, Wichita, KS. Ken Petersen, Robert Coykendall and Will Wohlford (expert report).*

SDMS vs. Siemens Medical Solutions Case No. CV2005-051908, Superior Court of Arizona, Maricopa County, Gammage & Burnham, Phoenix, AZ., James Craft (declaration).*

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Litigation Consultation (nontestifying role)

AT&T Mobility v. The Phone Card Warehouse. Case No.: 6:08-CV-1909-ORL-18GJKU.S. District Court, Middle District of Florida, Orlando Division, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, Aaron Panner.

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LLP, Richard Donovan.

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7 Johnson, et al. v. Bushmaster Firearms, Inc, et al. Luvera Law Firm, Seattle WA, Andrew
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