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BERETTA U.S.A. CORP.

6
7 See Signature Page for Additional Counsel
and Parties Joining in Motion

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 CITY AND COUNTY OF SAN FRANCISCO

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA, by and through San Francisco)
City Attorney Louise H. Renne, Berkeley)
12 City Attorney Manuela Albuquerque,)
Sacramento City Attorney Samuel L. Jackson,)
13 and San Mateo County Counsel Thomas F.)
Casey, III; JOE SERNA, JR., Mayor of)
14 Sacramento, the CITY OF BERKELEY; and)
the COUNTY OF ALAMEDA, on behalf of)
15 the general public,)

16 Plaintiffs,)

17 v.)

18 ARCADIA MACHINE & TOOL, INC.)
BRYCO ARMS, INC., DAVIS)
19 INDUSTRIES, INC., EXCEL INDUSTRIES,)
INC., LORCIN ENGINEERING CO., INC.,)
20 CHINA NORTH INDUSTRIES, PHOENIX)
ARMS, SUNDANCE INDUSTRIES, INC.,)
21 BERETTA U.S.A. CORP., PIETRO)
BERETTA SP. A., BROWNING ARMS)
22 CO., CARL WALTHER GmbH, CHARTER)
ARMS CO., COLT'S MANUFACTURING)
23 CO., INC., FORJAS TAURUS, S.A.,)
TAURUS INTERNATIONAL)
24 MANUFACTURING, INC., GLOCK, INC.,)
GLOCK GmbH, H&R 1871 INC.,)
25 HECKLER & KOCH, INC., KEL-TEC CNC)
INDUSTRIES, INC., MKS SUPPLY INC.,)
26 NAVEGAR, INC., NORTH AMERICAN)
ARMS, INC., SIGARMS, INC., SMITH)
27 AND WESSON CORP., S.W. DANIELS,)
INC., STURM RUGER & COMPANY,)
28 INC., AMERICAN SHOOTING SPORTS)
FOUNDATION, INC., SPORTING ARMS)

CASE NO. 303753

NOTICE OF SUBMISSION OF PETITION
FOR COORDINATION

COMPLAINT FILED: May 25, 1999

REQUESTED COORDINATION WITH
LOS ANGELES SUPERIOR COURT
CASE NO. 210894 and LOS ANGELES
SUPERIOR COURT CASE NO. 214794

1 AND AMMUNITION MANUFACTURERS')
INSTITUTE, INC., B.L. JENNINGS, INC.,)
2 ELLETT BROTHERS INC.,)
INTERNATIONAL ARMAMENT CORP.,)
3 RSR WHOLESALE GUNS, INC.,)
SOUTHERN OHIO GUN DISTRIBUTORS,)
4 TRADERS SPORTS, INC., and DOES 1-)
200,)
5 Defendants.)

7 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

8 Notice is hereby given that on October 15, 1999, defendants BERETTA U.S.A. CORP., SMITH
9 WESSON CORP., STURM RUGER & COMPANY and HECKLER & KOCH, INC., in the
10 above-entitled action submitted a Petition for Coordination of the above-entitled action with the
11 actions indicated on Exhibit A, attached hereto and made part of this Notice by incorporation, of
12 which you are either a party or attorney for record for a party.

13 The name of petitioners' attorneys of record and addresses are:

14 **For BERETTA U.S.A. CORP.:**

15 Robert C. Gebhardt
16 Craig A. Livingston
David R. Ongaro
17 SCHNADER HARRISON SEGAL & LEWIS
601 California Street, 12th Floor
18 San Francisco, CA 94108

19 **For SMITH & WESSON CORP., and
STURM RUGER & COMPANY:**

20 Rex Heeseman
21 Christopher J. Healey
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
22 600 West Broadway Street, Suite 2600
San Diego, CA 92101

23 **For HECKLER & KOCH, INC.:**

24 Charles L. Coleman, III
HOLLAND & KNIGHT LLP
25 44 Montgomery Street
San Francisco, CA 94104-4801

26 The action in which you are a party or the attorney for a party sought to be included in such
27 coordination is the above-captioned case. Petitioners seek to coordinate this matter with the
28 following cases:

- 1 1. *People of the State of California, ex rel., County of Los Angeles, et al. v. Arcadia*
2 *Machine & Tool, Inc., et al.*, Los Angeles Superior Court Case No. BC 214794 and
3 2. *People of the State of California by and through JAMES K. HAHN v. Arcadia*
4 *Machine & Tool, et al.*, Los Angeles Superior Court Case No. BC 210894.

5 Please be advised that the Petition of Coordination and supporting documents may be
6 requested in writing within five days after service of this Notice. Upon written receipt of this
7 request, petitioners will furnish requesting parties copies of said Petition and all supporting
8 documents.

9 Please be further advised that if you oppose the Petition for Coordination, you must serve
10 and submit a Notice of Opposition thereto, not later than 45 days after the service upon you of this
11 Notice pursuant to California Rules of Court, Rule 1523.

12 The Petition for Coordination has been filed with the Chairman of the Judicial Council of
13 the State of California and your Notice of Opposition must be filed within and conform to the
14 provisions of California Rules of Court, Rule 1525.

15 DATED: October 15, 1999. SCHNADER HARRISON SEGAL & LEWIS LLP

16
17 By: 

18 DAVID R. ONGARO
19 Attorneys for Defendant
 BERETTA U.S.A. CORP.

20 DATED: October 15, 1999 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

21
22 By: 

23 CHRISTOPHER J. HEALEY
24 Attorneys for Defendants
25 SMITH & WESSON, CORP. and
 STURM RUGER & CO.
 (Authorized to Sign for CHRISTOPHER J. HEALEY)

26 //

27 //

28 //

1 DATED: October 15, 1999

HOLLAND & KNIGHT LLP

2
3
4 By: Charles Coleman III / [Signature]
5 CHARLES L. COLEMAN, III
6 Attorneys for Defendants
7 HECKLER & KOCH, INC.
8 (Authorized to Sign for CHARLES L.
9 COLEMAN, III
10
11
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28

EXHIBIT A

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Chief Trial Attorney
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Chief of Special Litigation
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16 DENNIS A. HENIGAN
JONATHAN E. LOWY
BRIAN J. SIEBEL
17 Center to Prevent Handgun Violence

18 FULL ADDRESSES AND ADDITIONAL
19 COUNSEL LISTED AFTER SIGNATURE PAGE

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 CITY AND COUNTY OF SAN FRANCISCO

22 THE PEOPLE OF THE STATE OF CALIFORNIA, by
and through San Francisco City Attorney Louise H.
23 Renne, Berkeley City Attorney Manuela Albuquerque,
Sacramento City Attorney Samuel L. Jackson,
24 San Mateo County Counsel Thomas F. Casey, III,
Oakland City Attorney Jayne W. Williams, and East
25 Palo Alto City Attorney Michael S. Lawson;
JOE SERNA, JR., Mayor of Sacramento, the CITY OF
26 BERKELEY, the CITY OF OAKLAND, the CITY OF
EAST PALO ALTO, and the COUNTY OF
27 ALAMEDA, on behalf of the general public,

28 Plaintiffs,

ENDORSED
FILED
San Francisco County Superior Court

JUL 16 1999

ALAN CARLSON, Clerk
BY: STEVEN DOUGLAS
Deputy Clerk

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Sacramento City Attorney

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MICHAEL S. LAWSON, State Bar #48172
Thompson, Lawson LLP
East Palo Alto City Attorney

Of Counsel: DAVID KAIRYS, Esq.

Case No. 303753

FIRST AMENDED
COMPLAINT FOR
MAINTAINING A
PUBLIC NUISANCE AND
FOR UNFAIR, UNLAWFUL
AND DECEPTIVE TRADE
PRACTICES IN
VIOLATION OF BUSINESS
AND PROFESSIONS CODE
§§ 17200 AND 17500

1 v.

2 ARCADIA MACHINE & TOOL, INC., BRYCO
3 ARMS, INC., DAVIS INDUSTRIES, INC., EXCEL
4 INDUSTRIES, INC., LORCIN ENGINEERING CO.,
5 INC., CHINA NORTH INDUSTRIES, PHOENIX
6 ARMS, SUNDANCE INDUSTRIES, INC., BERETTA
7 U.S.A. CORP., PIETRO BERETTA Sp. A.,
8 BROWNING ARMS CO., CARL WALTHER GmbH,
9 CHARTER ARMS, INC., COLT'S
10 MANUFACTURING CO., INC., FORJAS TAURUS,
11 S.A., TAURUS INTERNATIONAL
12 MANUFACTURING, INC., GLOCK, INC., GLOCK
13 GmbH, H&R 1871 INC., HECKLER & KOCH, INC.,
14 KEL-TEC CNC INDUSTRIES, INC., MKS SUPPLY
15 INC., NAVEGAR, INC., NORTH AMERICAN ARMS,
16 INC., SIGARMS, INC., SMITH AND WESSON
17 CORP., S.W. DANIELS, INC., STURM RUGER &
18 COMPANY, INC., AMERICAN SHOOTING SPORTS
19 COUNCIL, INC., NATIONAL SHOOTING SPORTS
20 FOUNDATION, INC., SPORTING ARMS AND
21 AMMUNITION MANUFACTURERS' INSTITUTE,
22 INC., B.L. JENNINGS, INC., ELLETT BROTHERS
23 INC., INTERNATIONAL ARMAMENT CORP., RSR
24 WHOLESALE GUNS, INC., SOUTHERN OHIO GUN
25 DISTRIBUTORS, TRADERS SPORTS, INC.,
26 and DOES 1-200,

27 Defendants.

28 The People of the State of California, et al., allege as follows:

29 NATURE OF THE ACTION

30 1. This action is brought on behalf of the People of the State of California against
31 major manufacturers and distributors of handguns, and their trade associations. These
32 Defendants knowingly and recklessly market, distribute, promote, design and sell handguns –
33 a dangerous product that is the primary tool used to commit violent crime – in a manner that
34 facilitates the use of handguns in crime, that fails to incorporate reasonable safety features, that
35 deceives the public about the dangers of possessing a firearm, and that circumvents federal, state
36 and local laws. Defendants' conduct constitutes a pattern of unlawful, unfair and deceptive
37 business acts and practices, and has created a public nuisance. Defendants have unjustifiably
38 enriched themselves through these practices, and have shifted the burden of the true costs of

ORIGINAL FILED

JUL 16 1999

LOS ANGELES
SUPERIOR COURT

1 JAMES K. HAHN, City Attorney (SBN 66073)
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10 THE PEOPLE OF THE STATE OF CALIFORNIA

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 CITY AND COUNTY OF LOS ANGELES

14 THE PEOPLE OF THE STATE OF CALIFORNIA,
15 by and through JAMES K. HAHN, City Attorney
16 of the City of Los Angeles, LEGRAND H. CLEGG II,
17 City Attorney of the City of Compton, CHARLES E.
18 DICKERSON III, City Attorney of the City of Inglewood,
19 and MICHAEL JENKINS, City Attorney of the City of
20 West Hollywood; and THE GENERAL PUBLIC by and
21 through LEGRAND H. CLEGG II, City Attorney of the
22 City of Compton. ROOSEVELT DORN, Mayor of the
23 City of Inglewood and JOHN HEILMAN, Mayor of the
24 City of West Hollywood,

25 Plaintiffs,

26 vs.

27 ARCADIA MACHINE & TOOL, BRYCO ARMS, INC.,
28 DAVIS INDUSTRIES, INC., LORCIN ENGINEERING
CO., INC., PHOENIX ARMS, SUNDANCE
INDUSTRIES, INC., EXCEL INDUSTRIES, INC.
A/K/A ACCU-TEK, BERETTA U.S.A. CORP., PIETRO
BERETTA Sp. A., BROWNING ARMS CO., CARL
WALTHER GmbH, CHARTER ARMS, INC., COLT'S
MANUFACTURING CO., INC., FORJAS TAURUS, S.A.,
GLOCK, INC., GLOCK GmbH, H&R 1871, INC.,
HECKLER & KOCH, INC., MKS SUPPLY, INC. D/B/A
HI-POINT FIREARMS, KEL-TEC CNC INDUSTRIES,
INC., CHINA NORTH INDUSTRIES A/K/A NORINCO,
NAVEGAR, INC. D/B/A INTRATEC U.S.A., INC.,
NORTH AMERICAN ARMS, INC., SIGARMS, INC.,
SMITH & WESSON CORP., STURM, RUGER &
COMPANY, INC., S.W. DANIEL, INC., A/K/A COBRAY
FIREARMS, INC., TAURUS INTERNATIONAL
MANUFACTURING, INC., AMERICAN SHOOTING
SPORTS COUNCIL, INC., NATIONAL SHOOTING

Case No. BC 210894

FIRST AMENDED COMPLAINT
FOR MAINTAINING A
PUBLIC NUISANCE AND
FOR UNFAIR, UNLAWFUL
AND FRAUDULENT BUSINESS
PRACTICES IN VIOLATION
OF BUSINESS AND
PROFESSIONS CODE § 17200

1 SPORTS FOUNDATION, INC., SPORTING ARMS AND)
2 AMMUNITION MANUFACTURERS' INSTITUTE, INC.,)
3 B.L. JENNINGS, ELLETT BROTHERS.)
4 INTERNATIONAL ARMAMENT CORP. D/B/A)
5 INTERARMS INDUSTRIES, INC., RSR WHOLESALE)
6 GUNS, INC., SOUTHERN OHIO GUN DISTRIBUTORS,)
7 B&B GROUP, INC., ANDREWS SPORTING GOODS;)
8 INC., NATIONAL GUNS SALES, INC., S.G.)
9 DISTRIBUTING, INC., HAWTHORNE DISTRIBUTORS,)
10 INC.. and DOES 1-300,)

Defendants

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THE PEOPLE OF THE STATE OF CALIFORNIA

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Telephone: (215) 204-8959

9
10 The People of the State of California and the General Public, for a cause of action against
11 Defendants, and each of them, allege as follows, upon information and belief:

12
13 INTRODUCTION

14 1. This action is brought on behalf of the People of the State of California and the
15 General Public against handgun manufacturers, distributors, retailers and trade associations that adversely
16 impact California. These Defendants design, manufacture, market, distribute, advertise, promote, supply
17 and sell handguns in a manner that facilitates the easy availability of handguns to juveniles and criminals
18 for their use in crime and the operation of handguns by children, with the resulting yearly toll of injury
19 and loss of life in the California communities of Los Angeles, Compton, Inglewood, and West
20 Hollywood and throughout the State of California.

21 2. Defendants' pattern of unfair, unlawful and fraudulent business acts and practices,
22 results in Defendants being unjustly enriched.

23 3. Defendants, and each of them, have engaged in conduct that is injurious to health
24 and has resulted in the creation and maintenance of a public nuisance in Southern California, specifically
25 in Los Angeles, Compton, Inglewood and West Hollywood, by interfering with the comfortable
26 enjoyment of life in these communities.

27 4. Defendants, and each of them, design, market, distribute, advertise, promote, supply
28 and sell handguns -- a dangerous instrument that is the primary tool for violent crime -- in a manner that

"NO FEE DUE"

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10 FULL ADDRESSES AND ADDITIONAL
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12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 PEOPLE OF THE STATE OF CALIFORNIA, et
rel. the County of Los Angeles, COUNTY OF LOS
16 ANGELES, on behalf of itself and the general
public, and GLORIA MOLINA, ZEV
17 YAROSLAVSKY and YVONNE BRATHWAITE
BURKE, SUPERVISORS OF LOS ANGELES
18 COUNTY, on behalf of the general public,

19 Plaintiff,

20 v.

21 ARCADIA MACHINE & TOOL, BRYCO ARMS,
INC., DAVIS INDUSTRIES, INC., LORCIN
22 ENGINEERING CO., INC., PHOENIX ARMS,
SUNDANCE INDUSTRIES, INC., EXCEL
23 INDUSTRIES, INC., ACCU-TEK FIREARMS,
BERETTA U.S.A. CORP., PIETRO BERETTA
24 S.p.A., BROWNING ARMS CO., CARL
WALTHER GmbH, CHARTER ARMS, INC.,
25 COLTS MANUFACTURING CO., INC., FORIAS
TAURUS, S.A., GLOCK, INC., GLOCK GmbH,
26 H&R 1871, INC., HECKLER & KOCH, INC., MKS
SUPPLY, INC., HI-POINT FIREARMS, KEL-TEC
27 CNC INDUSTRIES, INC., CHINA NORTH
INDUSTRIES A/K/A NORINCO, NAVEGAR,
28 INC. D/B/A INTRATEC U.S.A., INC., NORTH
AMERICAN ARMS, INC., SIGARMS, INC.

[caption continued]

FILED
LOS ANGELES SUPERIOR COURT

AUG 08 1999

JOHN A. CLARKE, CLERK
BY CL. COLEMAN, DEPUTY

NO FEE

Case assigned
to JUDGE Kuhl

Case No. RC214794

COMPLAINT FOR:

1. PUBLIC NUISANCE
2. VIOLATIONS OF BUSINESS AND PROFESSIONS CODE § 17260
3. VIOLATIONS OF BUSINESS AND PROFESSIONS CODE § 17500

---CLERK FILING UNIT---
UP 11 N 02 08/08/99 17:21
11 04682 ADD
REC'D ACT A

COMPLAINT

1 SMITH & WESSON CORP., STURM, RUGER &
2 COMPANY, INC., S.W. DANIEL, INC., A/K/A
3 COBRAY FIREARMS, INC., TAURUS
4 INTERNATIONAL MANUFACTURING, INC.,
5 AMERICAN SHOOTING SPORTS COUNCIL,
6 INC., NATIONAL SHOOTING SPORTS
7 FOUNDATION, INC., SPORTING ARMS AND
8 AMMUNITION MANUFACTURERS'
9 INSTITUTE, INC., B.L. JENNINGS, ELLETT
10 BROTHERS, INTERNATIONAL ARMAMENT
11 CORP, D/B/A INTERARMS INDUSTRIES, INC.,
12 RSR WHOLESALE GUNS, INC., SOUTHERN
13 OHIO GUN DISTRIBUTORS, B&B GROUP, INC.,
14 B&B GUNS, ANDREWS SPORTING GOODS,
15 INC., NATIONAL GUNS SALES, INC., S.G.
16 DISTRIBUTING, INC., HAWTHORNE
17 DISTRIBUTORS, INC., and DOES 1-300.

18 Defendants.

19 The People of the State of California, et al. the County of Los Angeles, The Cou
20 of Los Angeles, on behalf of itself and the general public, and Gloria Molina, Zev Yaroslavsky et
21 Yvonne Brathwaite Burke, Supervisors of Los Angeles County, on behalf of the general public,
22 allege as follows, upon information and belief

23 INTRODUCTION

24 1. This action is brought against handgun manufacturers, distributors, retailers
25 and trade associations that adversely impact California. These Defendants design, manufacture,
26 market, distribute, advertise, promote, supply and sell handguns in a manner that facilitates both the
27 easy availability of handguns to juveniles and criminals for their use in crime and the operation of
28 handguns by children, with the resulting yearly toll of injury and loss of life in of Los Angeles
County, and throughout the State of California.

29 2. Defendants' pattern of unfair, unlawful and fraudulent business acts and
30 practices and unfair, deceptive, untrue or misleading statements and advertisements have resulted in
31 Defendants being unjustly enriched.

32 3. Defendants, and each of them, have engaged in conduct that is injurious to
33 health and has resulted in the creation and maintenance of a public nuisance in Los Angeles County

34