

C.D. Michel – SBN 144258
Sean A. Brady – SBN 262007
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: sbrady@michellawyers.com

Attorneys for Defendants
Ghost Firearms, LLC, Thunder Guns, LLC,
Ryan Beezley and Bob Beezley,
and MFY Technical Solutions, LLC

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

FRANCISCO GUDINO CARDENAS, an
individual,

Plaintiff,

v.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; et al.,

Defendants.

Case No. 30-2019-01111797-CU-PO-CJC

*Assigned for all purposes to the Honorable
Gregory H. Lewis*

**DECLARATION OF SEAN A. BRADY IN
SUPPORT OF DEFENDANTS’ MOTION
TO PERMIT FILING OF PETITION FOR
COORDINATION, OR IN THE
ALTERNATIVE, TO TRANSFER AND
CONSOLIDATE ACTIONS**

[Filed concurrently with the Notice of Motion
and Motion to Permit Filing of Petition for
Coordination, and [Proposed] Order]

Hearing Date: January 25, 2021
Hearing Time: 10:30 AM
Dept.: C26
Reservation No.: 73400538

Action Filed: November 14, 2019

I, Sean A. Brady, declare as follows:

1. I am an attorney at law admitted to practice in the State of California. I am
counsel for Defendants Ghost Firearms, LLC, Thunder Guns, LLC, Ryan Beezley and Bob
Beezley, and MFY Technical Solutions, LLC (“Defendants”) in the above-entitled matter. My

1 statements herein are based upon my personal knowledge, except those statements that are based
2 upon information and belief. If I were to be called as a witness, I could and would competently
3 testify under oath as to the matters that I have set forth in this declaration.

4 2. I am also counsel for Defendants in the matter of *Troy McFadyen, et al v. Ghost*
5 *Gunner, Inc., et al*, Case No. CIV DS 1935422, pending in the Superior Court of San Bernardino.
6 The Defendants who bring this motion have all been served in that matter. A true and correct
7 copy of the complaint in that action is attached as **Exhibit A**.

8 3. By order of the Court, *Troy McFadyen, et al v. Ghost Gunner, Inc., et al* has been
9 stayed pending the initial Case Management Conference. A true and correct copy of the Initial
10 Case Management Conference Order dated November 26, 2019 is attached as **Exhibit B**. The stay
11 order can be found on the second page of the exhibit.

12 4. That initial case management conference in McFadyen has been delayed repeatedly
13 from its original scheduled date of February 18, 2020, and is now currently set for December 4,
14 2020.

15 5. The *McFadyen* matter was designated by the Plaintiffs in that action as a complex
16 matter. A true and correct copy of the civil case cover sheet in *Troy McFadyen, et al v. Ghost*
17 *Gunner, Inc.* is attached as **Exhibit C**. The complaint in that action pleads the exact same causes
18 of action as those alleged in the instant matter, and is largely identical in its text, except for
19 references to the specific plaintiffs. It also names the exact same defendants, and arises out of the
20 same incident. Plaintiff in the instant matter did not designate it as complex.

21 6. While this Court already has a copy of the civil case cover sheet and complaint in
22 the instant matter, for the Court's ease of reference, a true and correct copy of the civil case cover
23 sheet is attached here as **Exhibit D**, and a true and correct copy of the complaint is attached as
24 **Exhibit E**.

25 7. A true and correct copy of the notice of errata filed by Plaintiff Francisco Cardenas
26 on November 22, 2019 is attached as **Exhibit F**.

27 8. Defendants have their responsive pleadings due beginning on November 5, 2020,
28 and special motion to strike ("anti-SLAPP", which Defendants intend to file) deadlines beginning

1 on November 21, 2020. Defendant Ghost Firearms, LLC was served by mail to an address outside
2 of California on September 11, 2020¹, Defendant Thunder Guns, LLC was served by mail to an
3 address outside of California on September 22, 2020, and Defendant MFY Technical Solutions,
4 LLC was served by mail to an address outside of California on August 26, 2020. Defendant MFY
5 Technical Solutions, LLC has recently filed a CIV-141 form, extending its responsive pleading
6 deadline by another 30 days, to November 30, 2020. On October 20, 2020, Ben Rosenfeld,
7 Counsel for Plaintiff Francisco Cardenas, agreed to extend the responsive pleading deadline for
8 Defendants Ghost Firearms, LLC and Thunder Guns, LLC to November 5, 2020. Finally,
9 Defendants Ryan Beezley and Bob Beezley have just been served via notice of acknowledgement
10 and receipt today (October 28, 2020).

11 9. Other than the *McFadyen* matter, I am unaware of any other actions pending in the
12 state sharing a common question of law or fact with these actions.

13 10. The standards for coordination as set forth in Code of Civil Procedure §404 and
14 §404.1 are met by the following circumstances:

15 a) The cases are both complex, as defined by California Rule of Court 3.400,
16 because both matters will involve time-consuming motions which raise difficult legal issues.
17 There will likely be a large number of witnesses and evidence to sort through, given the number
18 of plaintiffs in the *McFadyen* matter and the number of defendants in both matters. Similarly,
19 both matters will involve the management of a large number of separately represented parties, I
20 am aware of at least four separate counsel. Although there is only one plaintiff in the *Cardenas*
21 matter, there are still thirteen named defendants, each with their own Counsel except for the four
22 Defendants bringing this motion and a few more Defendants who have not been served. Finally,
23 the actions are of course likely to involve coordination, as is plain by this very motion.

24 b) Coordination is also proper under §404.1 because significant common
25 questions of law and fact predominate, given the nearly identical complaints, the identical causes
26 of action, identical named defendants, and identical incident the complaints arise out of.

27 ¹ "Service of a summons by this form of mail is deemed complete on the 10th day after such
28 mailing."

1 c) The convenience of the parties will be served by the coordination of written
2 discovery demands, the coordination of depositions of both lay and expert witnesses, as well as
3 the creation of a common depository of relevant documents.

4 d) Judicial facilities and resources will be more efficiently utilized if the cases are
5 coordinated because there will be a single judge in a single courtroom hearing the large volume of
6 pretrial motions anticipated in this case, rather than multiple pretrial motions being heard in
7 different courthouses utilizing many hundreds of judge time and staff time, with the attendant risk
8 of inconsistent rulings. Multiple rulings will also generate multiple petitions for appellate review,
9 which can be avoided by coordination.

10 e) Coordination of the actions will encourage settlement because my clients will
11 likely not be inclined to settle their cases if common issues are being litigated in other courts in
12 front of different judges with the possibility of different outcomes.

13 11. Of the five named defendants located in California, three are in Orange County:
14 Blackhawk Manufacturing Group, Inc., Ghost America, LLC, and Juggernaut Tactical, Inc. (See
15 Exhibit F.)

16 12. I spoke with other defendants in this matter or their counsel to determine if any of
17 them would oppose this motion. Defendants Ghost Gunner, Inc., Defense Distributed, Cody
18 Wilson, Blackhawk Manufacturing Group, Inc., Juggernaut Tactical, Inc., and Tactical Gear
19 Heads, LLC have confirmed that they do not oppose this application. The remaining Defendants
20 have not responded as of the filing of this motion.

21
22 I declare under the penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed this 28th day of October 2020, at Long Beach, California.

25
26 

27 Sean A. Brady
28 Declarant

EXHIBIT A

1 DUGAN BARRState Bar No. 40663
 2 DOUGLAS MUDFORDState Bar No. 156392
 3 ESTEE LEWISState Bar No. 268358
 4 CATIE BARRState Bar No. 295538
 5 BRANDON STORMENTState Bar No. 267260
 6 BARR & MUDFORD, LLP
 1824 Court Street/Post Office Box 994390
 7 Redding, California 96099-4390
 Telephone: (530) 243-8008
 8 Facsimile: (530) 243-1648

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

NOV 14 2019

BY Alma Vallejo Garcia
 ALMA VALLEJO GARCIA, DEPUTY

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF CALIFORNIA

IN THE COUNTY OF SAN BERNARDINO

CIV DS 1935422

12 TROY MCFADYEN, in his Individual
 13 Capacity, and as Heir at Law and Successor
 in Interest to MICHELLE MCFADYEN,
 14 Deceased;

15 PHILLIP BOW and
 16 SIA BOW, as Heirs at Law and Successors
 in Interest to MICHELLE MCFADYEN,
 17 Deceased;

18 BOB STEELE, a Dependent Adult, by and
 through his Guardian ad Litem, DAVID STEELE,
 19 Heir at Law and Successor in
 Interest to DIANA STEELE, Deceased;

20 MICHAEL ELLIOTT, Heir at Law and
 21 Successor in Interest to DANIEL LEE
 22 ELLIOT II, Deceased, and
 DIANA STEELE, Deceased;

23 G.E., a Minor, by and through his Guardian ad
 24 Litem, ALMA FEITELBERG, Heir at Law
 and Successor in Interest to DANIEL LEE
 25 ELLIOT II, Deceased, and
 26 DIANA STEELE, Deceased;

27 M.E., a Minor, by and through her Guardian ad
 28 Litem, LATISHA CORNWALL, Heir at Law
 and Successor in Interest to DANIEL LEE

No.

COMPLAINT FOR DAMAGES

(DEMAND FOR JURY TRIAL)

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

1. NEGLIGENCE

2. NEGLIGENCE PER SE

3. NEGLIGENT ENTRUSTMENT

4. PUBLIC NUISANCE

5. VIOLATION OF BUSINESS AND
 PROFESSIONS CODE SECTION
 17200 (UNFAIR AND UNLAWFUL
 SALES PRACTICES)

6. VIOLATION OF BUSINESS AND
 PROFESSIONS CODE SECTION
 17200 (UNFAIR MARKETING
 TACTICS)

1 ELLIOT II, Deceased, and
2 DIANA STEELE, Deceased;
3 MARCIA MCHUGH, Heir at Law and Successor
4 in Interest to JOSEPH MCHUGH, Deceased;
5 GRACE MCHUGH, Heir at Law and Successor
6 in Interest to JOSEPH MCHUGH, Deceased;
7 A.H., a Minor, by and through his Guardian ad
8 Litem, MARIA MONROY;
9 TIFFANY PHOMMATHEP;
10 JOHN PHOMMATHEP SR.;
11 J.P. II, a Minor, by and through his Guardian
12 ad Litem, TIFFANY PHOMMATHEP;
13 J.P., a Minor, by and through his Guardian
14 ad Litem, TIFFANYPHOMMATHEP;
15 N.P, a Minor, by and through his Guardian
16 ad Litem, TIFFANYPHOMMATHEP;
17 JAMES WOODS, JR.; and
18 JAMES WOODS, SR.
19 Plaintiffs,
20 vs.
21 GHOST GUNNER INC., d/b/a
22 GHOSTGUNNER.NET;
23 DEFENSE DISTRIBUTED d/b/a
24 GHOSTGUNNER.NET
25 CODY WILSON d/b/a GHOSTGUNNER.NET
26 BLACKHAWK MANUFACTURING GROUP
27 INC., d/b/a 80PERCENTARMS.COM;
28 RYAN BEEZLEY and BOB BEEZLEY, d/b/a
RBTACTICALTOOLING.COM;
GHOST AMERICA LLC, d/b/a

1 GHOSTGUNS.COM;
2 GHOST FIREARMS LLC, d/b/a GRID
3 DEFENSE and GHOSTRIFLES.COM;
4 JUGGERNAUT TACTICAL INC., d/b/a
5 JTACTICAL.COM;
6 MFY TECHNICAL SOLUTIONS LLC, d/b/a
7 5DTACTICAL.COM;
8 TACTICAL GEAR HEADS LLC, d/b/a 80-
9 LOWER.COM; AR-
10 15LOWERRECEIVERS.COM; and
11 80LOWERJIG.COM;
12 JAMES TROMBLEE, JR., d/b/a
13 USPATRIOTARMORY.COM;
14 INDUSTRY ARMAMENT INC., d/b/a
15 AMERICANWEAPONSCOMPONENTS.COM;
16 THUNDER GUNS LLC, d/b/a
17 THUNDERTACTICAL.COM;
18 DOES 1-100, Inclusive,
19 Defendants.

20 **COMPLAINT AND DEMAND FOR JURY TRIAL**

21 1. COMES NOW PLAINTIFFS TROY MCFADYEN, in his Individual Capacity,
22 and as Heir at Law and Successor in Interest to MICHELLE MCFADYEN, Deceased ("TROY
23 MCFADYEN"); PHILLIP BOW and SIA BOW, as Heirs at Law and Successors in Interest to
24 MICHELLE MCFADYEN, Deceased ("PHILLIP BOW and SIA BOW"); BOB STEELE, a
25 Dependent Adult, by and through his Guardian ad Litem, DAVID STEELE, Heir at Law and
26 Successor in Interest to DIANA STEELE, Deceased ("BOB STEELE"); MICHAEL ELLIOTT,
27 Heir at Law and Successor in Interest to DANIEL LEE ELLIOT II, Deceased, and DIANA
28 STEELE, Deceased ("MICHAEL ELLIOT"); G.E., a Minor, by and through his Guardian ad

1 Litem, ALMA FEITELBERG, Heir at Law and Successor in Interest to DANIEL LEE ELLIOT
2 II, Deceased, and DIANA STEELE, Deceased ("G.E., a minor"); and M.E., a Minor, by and
3 through her Guardian ad Litem, LATISHA CORNWALL, Heir at Law and Successor in
4 Interest to DANIEL LEE ELLIOT II, Deceased, and DIANA STEELE, Deceased ("M.E., a
5 minor"); MARCIA MCHUGH, Heir at Law and Successor in Interest to JOSEPH MCHUGH,
6 Deceased ("MARCIA MCHUGH"); GRACE MCHUGH, Heir at Law and Successor in Interest
7 to JOSEPH MCHUGH, Deceased ("GRACE MCHUGH"); A.H., a Minor, by and through his
8 Guardian ad Litem, MARIA MONROY ("A.H., a minor"); TIFFANY PHOMMATHEP; JOHN
9 PHOMMATHEP SR.; J.P. II, a Minor, by and through his Guardian ad Litem, TIFFANY
10 PHOMMATHEP ("J.P. II, a minor"); J.P., a Minor, by and through his Guardian ad Litem,
11 TIFFANY PHOMMATHEP ("J.P., a minor"); N.P, a Minor, by and through his Guardian ad
12 Litem, TIFFANY PHOMMATHEP ("N.P., minor"), JAMES WOODS, JR.; and JAMES
13 WOODS, SR., ("collectively "PLAINTIFFS"), by and through their attorneys of record, and
14 allege the following against DEFENDANTS GHOST GUNNER INC., d/b/a
15 GHOSTGUNNER.NET; BLACKHAWK MANUFACTURING GROUP INC., d/b/a
16 80PERCENTARMS.COM; RYAN BEEZLEY and BOB BEEZLEY, d/b/a
17 RBTACTICALTOOLING.COM; GHOST AMERICA LLC, d/b/a GHOSTGUNS.COM;
18 GHOST FIREARMS LLC, d/b/a GRID DEFENSE and GHOSTRIFLES.COM;
19 JUGGERNAUT TACTICAL INC., d/b/a JTACTICAL.COM; MFY TECHNICAL
20 SOLUTIONS LLC, d/b/a 5DTACTICAL.COM; TACTICAL GEAR HEADS LLC, d/b/a 80-
21 LOWER.COM; AR-15LOWERRECEIVERS.COM; and 80LOWERJIG.COM; JAMES
22 TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM; INDUSTRY ARMAMENT INC.,
23 d/b/a AMERICANWEAPONSCOMPONENTS.COM; THUNDER GUNS LLC, d/b/a
24 THUNDERTACTICAL.COM; and DOES 1-50 (collectively "DEFENDANTS"). Further,
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1 PLAINTIFFS demand a jury trial.

2 **INTRODUCTION**

3 2. DEFENDANTS are companies that have chosen to intentionally undermine federal
4 and state firearms laws by designing, manufacturing, marketing, distributing and/or selling kits
5 and firearms parts that are easily assembled by the purchaser into fully functional weapons,
6 including AR-15 style assault weapons to consumers across the nation, including within the State
7 of California. DEFENDANTS have chosen to engage in this business primarily by utilizing
8 online sales that enable purchasers to acquire such weapons without a background check or any
9 interaction with a Federal Firearms Licensee ("FFL," an authorized gun dealer) and in violation of
10 state law restrictions governing assault weapons, including restrictions in the State of California.

11 3. The weapons assembled from DEFENDANTS' kits and firearms parts are termed
12 "ghost guns." This name reflects the fact that such weapons lack a serial number unless
13 specifically required by state law and are difficult, if not impossible, for law enforcement to trace
14 back to their manufacturer/seller when recovered from a crime scene.

15 4. DEFENDANTS knew when they entered this business that they would foreseeably
16 be supplying criminals, killers, and others whose possession of firearms pose an unacceptably
17 high threat of injury or death to others.

18 5. DEFENDANTS further knew that selling these kits and firearm parts violated state
19 and federal statutes applicable to the registration, ownership, sale, and marking of firearms.

20 6. DEFENDANTS refused to use reasonable safety measures that could have limited
21 the risk of their products falling into the hands of such dangerous individuals.

22 7. Instead, DEFENDANTS targeted their business at precisely such individuals by
23 intentionally emphasizing features of their products that make them particularly attractive to such
24 dangerous parties as major selling points. For example, DEFENDANTS intentionally
25 emphasized that 1) their products can be used to assemble untraceable weapons and 2) enable the
26 purchaser to evade background checks and interaction with an FFL.

27 8. DEFENDANTS chose profits over people and public safety, and launched and
28 maintained their business in the unreasonably dangerous manner described herein.

1 9. Since DEFENDANTS have launched their "ghost guns" business they have
2 learned with certainty that their business is a massive and growing source of crime guns that are
3 claiming innocent lives in California and elsewhere.

4 10. DEFENDANTS could have changed their business practices to institute
5 reasonable safety measures to minimize the damage done by the problem they created. Instead
6 DEFENDANTS have continued to choose profits over people and public safety and have
7 doubled down on their dangerous and irresponsible practices. By doing so, DEFENDANTS
8 have and are acting with a reckless disregard, conscious disregard or deliberate indifference to a
9 known and obvious risk that threatens the life and safety of others.
10

11 11. Upon information and belief, all DEFENDANTS designed, advertised, marketed,
12 sold, distributed and/or offered, one or more "ghost gun" kits/parts that could be easily
13 assembled into un-serialized AR-15 style "ghost gun" rifles that are prohibited under
14 California's assault weapons ban to California residents leading up to and/or during November
15 2017.
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17 12. PLAINTIFFS bring this suit because they or their loved ones were killed or
18 injured as a direct, foreseeable, and proximate result of DEFENDANTS' negligent, reckless,
19 and intentionally unlawful actions.

20 13. Specifically, PLAINTIFFS or their loved ones were killed or injured by a
21 dangerous, mentally disturbed California resident named KEVIN NEAL, who was barred from
22 firearms possession by one or more state court orders. NEAL would not have been able to
23 legally acquire a firearm in the State of California. NEAL purchased parts/kits from one or more
24 of the DEFENDANTS leading up to and/or during November 2017 and used these parts/kits to
25 assemble at least two AR-15 style "ghost gun" rifles barred under California's prohibition on
26 assault weapons. NEAL used these "ghost guns" in a rampage shooting that killed or injured
27 PLAINTIFFS or their loved ones on November 13-14, 2017.
28

14. DEFENDANTS, upon information and belief, continue to offer these products to California residents using marketing strategies and business practices that are identical or essentially the same as those used during and before November 2017.

JURISDICTION

1. This is a civil action for negligence and violations of the California Unfair Competition Law (Cal. Bus. & Prof. Code § § 17200 et seq). This Court has subject matter jurisdiction over this action as the amount of the claims exceeds \$25,000.00

2. Venue is proper in this court because several of the DEFENDANTS, RYAN BEEZLEY and BOB BEEZLEY d/b/a RBTACTIALTOOLING.COM, and DEFENDANT JAMES TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM are California residents and/or California Corporations who at all relevant times reside in and/or have their principal place of business in the City of Apple Valley, County of San Bernardino, State of California.

3. PLAINTIFFS seek an award of compensatory damages, punitive damages pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. And Prof. Code § 17200, injunctive and declaratory relief, costs and expenses, and reasonable attorney's fees.

THE PARTIES

15. At all times pertinent hereto, PLAINTIFF TROY MCFADYEN was a resident of Cottonwood, County of Shasta, State of California. TROY MCFADYEN is the surviving spouse of MICHELLE MCFADYEN, deceased. TROY MCFADYEN brings this action in his individual capacity as a victim and as the heir of MICHELLE MCFADYEN, deceased.

16. At all times pertinent hereto, PLAINTIFF PHILLIP BOW was a resident of the Santa Rosa, County of Sonoma, State of California. PHILLIP BOW is the surviving adult son of MICHELLE MCFADYEN, deceased.

17. At all times pertinent hereto, PLAINTIFF SIA BOW was a resident of Redding,

1 County of Shasta, State of California. SIA BOW is the surviving adult daughter of MICHELLE
2 MCFADYEN, deceased.

3 18. At all times pertinent hereto, TROY MCFADYEN, PHILLIP BOW and SIA
4 BOW, were the surviving heirs of decedent MICHELLE MCFADYEN, based on California
5 intestacy laws.

6 19. At all times pertinent hereto, PLAINTIFF BOB STEELE was a resident of
7 Corning, County of Tehama, State of California. BOB STEELE currently resides in Red Bluff,
8 County of Tehama, State of California. At all times pertinent hereto, BOB STEELE was
9 incapacitated and a dependent adult due to numerous physical and mental ailments. BOB
10 STEELE is being represented by his Guardian ad Litem, DAVID STEELE. BOB STEELE
11 was, at all relevant times, a protected person pursuant to one or more court orders in effect
12 against NEAL.

13 20. At all times pertinent hereto, PLAINTIFF MICHAEL ELLIOT was a resident of
14 the Mayville, County of Traill, State of North Dakota.

15 21. At all times pertinent hereto, PLAINTIFF G.E., an 8-year-old, was a resident of
16 Corning, County of Tehama, State of California. G.E. is currently a resident of Ware, County
17 of Hampshire, State of Massachusetts, and is being represented by his Guardian ad Litem,
18 ALMA FEITELBERG. G.E. was, all relevant times, a protected person pursuant to one or more
19 court orders in effect against NEAL.

20 22. At all times pertinent hereto, PLAINTIFF M.E., a 10-year-old, was a resident of
21 Rio Linda, County of Sacramento, State of California. M.E. is being represented by her
22 Guardian ad Litem, LATISHA CORNWALL. M.E. remains a resident of the County of
23 Sacramento.

24 23. BOB STEELE was the surviving husband of decedent, DIANA STEELE, and is
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1 an heir to decedent DIANA STEELE. DIANA STEELE was also, at all relevant times, a
2 protected person pursuant to one or more court orders in effect against NEAL.

3 24. At all times pertinent hereto, MICHAEL ELLIOT, G.E. and M.E., were the
4 surviving children and heirs of decedent DANIEL ELLIOTT II, and the additional heirs of their
5 grandmother, DIANA STEELE, based on California intestacy laws.
6

7 25. At all times pertinent hereto, PLAINTIFF MARCIA MCHUGH was a resident
8 of the City of Corning, County of Tehama, State of California, and is the surviving mother, who
9 was dependent on JOSEPH MCHUGH.

10 26. At all times pertinent hereto, PLAINTIFF GRACE MCHUGH was a resident of
11 the Ceres, County of Stanislaus, State of California, and is the surviving adult daughter of
12 JOSEPH MCHUGH.
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14 27. At all times pertinent hereto, MARCIA MCHUGH and GRACE MCHUGH,
15 were the surviving heirs of decedent JOSEPH MCHUGH, based on California intestacy laws.

16 28. At all times pertinent hereto, PLAINTIFF A.H., a minor, was a resident of the
17 Corning, County of Tehama, State of California. A.H. is being represented by his Guardian ad
18 Litem, MARIA MONROY.

19 29. At all times pertinent hereto, PLAINTIFF TIFFANY PHOMMATHEP is and
20 was a resident of Corning in the County of Tehama, State of California.
21

22 30. At all times pertinent hereto, PLAINTIFF JOHN PHOMMATHEP is and was a
23 resident of Corning in the County of Tehama, State of California.

24 31. At all times pertinent hereto, PLAINTIFF J.P. II., a minor is and was a resident
25 of Corning in the County of Tehama, State of California. J.P. II., a minor, is being represented
26 by his Guardian ad Litem, TIFFANY PHOMMATHEP.

27 32. At all times pertinent hereto, PLAINTIFF J.P., a minor is and was a resident of
28

1 Corning in the County of Tehama, State of California. J.P. is being represented by his Guardian
2 ad Litem, TIFFANY PHOMMATHEP.

3 33. At all times pertinent hereto, PLAINTIFF N.P., a minor is and was a resident of
4 Corning in the County of Tehama, State of California. N.P. is being represented by his
5 Guardian ad Litem, TIFFANY PHOMMATHEP.
6

7 34. At all times pertinent hereto, PLAINTIFF JAMES WOODS JR., is and was a
8 resident of Corning in the County of Tehama, State of California.

9 35. At all times pertinent hereto, PLAINTIFF JAMES WOODS SR., is and was a
10 resident of Corning in the County of Tehama, State of California.

11 36. At all times pertinent hereto, DEFENDANT GHOST GUNNER INC. ("GHOST
12 GUNNER"), d/b/a GHOSTGUNNER.NET, was a Texas corporation with its principal place of
13 business in Austin, County of Travis, State of Texas. At all times pertinent hereto, GHOST
14 GUNNER was engaged in the business of designing, marketing, distributing, manufacturing and
15 selling parts/kits used to assemble "ghost guns," including AR-15 style "ghost gun" rifles to
16 consumers across the nation, including to consumers within the State of California. GHOST
17 GUNNER's registered agent is a Texas company named DEFENSE DISTRIBUTED.
18 DEFENSE DISTRIBUTED and GHOST GUNNER ("DEFENSE DISTRIBUTED/GHOST
19 GUNNER") should be viewed as interchangeable and inextricably linked for purposes of this
20 Complaint for Damages; upon information and belief, the same individual, Cody Wilson, was
21 involved with running both entities. DEFENSE DISTRIBUTED's website still links to GHOST
22 GUNNER. See <https://defdist.org>.
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24 37. At all times pertinent hereto, DEFENDANT BLACKHAWK
25 MANUFACTURING GROUP INC. ("BLACKHAWK"), d/b/a 80PERCENTARMS.COM, was
26 a California domestic corporation, with its principal place of business in the Garden Grove,
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1 County of Orange, State of California. At all times pertinent hereto, BLACKHAWK was
2 engaged in the business of designing, marketing, distributing, manufacturing and/or selling
3 parts/kits used to assemble "ghost guns," including AR-15 style "ghost gun" rifles to consumers
4 across the nation, including to consumers within the State of California.

5 38. At all times pertinent hereto, DEFENDANTS RYAN BEEZLEY and BOB
6 BEEZLEY have maintained addresses in Apple Valley, County of San Bernardino, State of
7 California and were doing business as RBTACTICALTOOLING.COM. At all times pertinent
8 hereto, RBTACTICALTOOLING.COM has maintained a business address in Apple Valley,
9 County of San Bernardino, State of California. At all times pertinent hereto,
10 RBTACTICALTOOLING.COM was engaged in the business of designing, marketing,
11 distributing, manufacturing and selling parts/kits used to assemble "ghost guns," including AR-
12 15 style "ghost gun" rifles to consumers across the nation, including to consumers within the
13 State of California.

14 39. At all times pertinent hereto, DEFENDANT GHOST AMERICA LLC
15 ("GHOST AMERICA"), d/b/a GHOSTGUNS.COM, was a California limited liability company
16 with its principal place of business in Yorba Linda, County of Orange, State of California. At
17 all times pertinent hereto, GHOST AMERICA was engaged in the business of designing,
18 marketing, distributing, manufacturing and selling parts/kits used to assemble "ghost guns,"
19 including AR-15 style "ghost gun" rifles to consumers across the nation, including to consumers
20 within the State of California.

21 40. At all times pertinent hereto, GHOST FIREARMS LLC ("GHOST
22 FIREARMS"), d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability
23 company registered in Florida with its principal place of business in Daytona Beach, County of
24 Volusia, State of Florida. At all times pertinent hereto, GHOST FIREARMS was engaged in
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1 the business of designing, marketing, distributing, manufacturing and selling parts/kits used to
2 assemble "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the
3 nation, including to consumers within the State of California.

4 41. At all times pertinent hereto, DEFENDANT JUGGERNAUT TACTICAL INC.
5 ("JUGGERNAUT"), d/b/a JTACTICAL.COM, was a California corporation with its principal
6 place of business in Orange, County of Orange, State of California. At all times pertinent
7 hereto, JUGGERNAUT was engaged in the business of designing, marketing, distributing,
8 manufacturing and selling parts/kits used to assemble "ghost guns," including AR-15 style
9 "ghost gun" rifles to consumers across the nation, including to consumers within the State of
10 California.
11

12 42. At all times pertinent hereto, DEFENDANT MFY TECHNICAL SOLUTIONS
13 LLC ("MFY TECHNICAL"), d/b/a 5DTACTICAL.COM, was a Massachusetts limited liability
14 company with its principal place of business in Westborough, County of Worcester, State of
15 Massachusetts. At all times pertinent hereto, MFY TECHNICAL was engaged in the business
16 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
17 "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the nation,
18 including to consumers within the State of California.
19

20 43. At all times pertinent hereto, DEFENDANT TACTICAL GEAR HEADS LLC
21 ("TACTICAL GEAR HEADS"), d/b/a 80-LOWER.COM; AR-15LOWERRECEIVERS.COM;
22 and 80LOWERJIG.COM, was an Indiana limited liability company with its principle of
23 business in Indianapolis, County of Marion, State of Indiana and/or in Fishers, County of
24 Hamilton, State of Indiana. At all times pertinent hereto, TACTICAL GEAR HEADS, via its
25 various retail websites, was engaged in the business of designing, marketing, distributing,
26 manufacturing and selling parts/kits used to assemble "ghost guns," including AR-15 style
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1 "ghost gun" rifles to consumers across the nation, including to consumers within the State of
2 California.

3 44. At all times pertinent hereto, DEFENDANT JAMES TROMBLEE, JR., has
4 maintained a mailing address in Apple Valley, County of San Bernardino, State of California.
5 Upon information and belief, TROMBLEE began doing business as
6 USPATRIOTARMORY.COM on April 25, 2014. USPATRIOTARMORY.COM has
7 maintained a business and mailing address in Apple Valley, County of San Bernardino, State of
8 California. At all times pertinent hereto, USPATRIOTARMORY.COM was engaged in the
9 business of designing, marketing, distributing, manufacturing and selling parts/kits used to
10 assemble "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the
11 nation, including to consumers within the State of California.
12

13 45. At all times pertinent hereto, DEFENDANT INDUSTRY ARMAMENT INC.
14 ("INDUSTRY ARMAMENT"), d/b/a AMERICANWEAPONSCOMPONENTS.COM, was a
15 Delaware corporation with a principal place of business in Mesa, County of Maricopa, State of
16 Arizona. At all times pertinent hereto, INDUSTRY ARMAMENT was engaged in the business
17 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
18 "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the nation,
19 including to consumers within the State of California.
20

21 46. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
22 ("THUNDER GUNS"), d/b/a THUNDERTACTICAL.COM, was a limited liability company
23 registered in Florida with its principal place of business in Daytona Beach, County of Volusia,
24 State of Florida. At all times pertinent hereto, THUNDER TACTICAL was engaged in the
25 business of designing, marketing, distributing, manufacturing and selling parts/kits used to
26 assemble "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the
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1 nation, including to consumers within the State of California.

2 47. DEFENDANTS DOE ONE through DOE ONE HUNDRED ("DOE
3 DEFENDANTS") are sued herein under fictitious names. PLAINTIFFS assert that DOE
4 DEFENDANTS are engaged in the business of designing, marketing, distributing, manufacturing
5 and/or selling parts/kits used to assemble "ghost guns," including AR-15 style "ghost gun" rifles,
6 to consumers across the nation, including to consumers within the State of California.
7 PLAINTIFFS do not at this time know the true names or capacities of said DOE DEFENDANTS,
8 but pray that the same may be alleged herein should that information be ascertained.
9

10 48. The true names or capacities, whether individual, corporate, associate or
11 otherwise, of DEFENDANT DOES ONE through ONE HUNDRED, inclusive, are unknown to
12 PLAINTIFFS, who, therefore sue said DEFENDANTS by such fictitious names. PLAINTIFFS
13 are informed and believe and thereon allege that each of the DEFENDANTS designated herein
14 as a DOE is negligently, intentionally, or in some other manner, responsible for the events and
15 happenings herein referred to and negligently, intentionally, or in some other manner, caused
16 injury and damages proximately thereby to the PLAINTIFFS as herein alleged.
17

18 49. DEFENDANTS were all actively engaged in the business of designing, marketing,
19 distributing, manufacturing and/or selling these products to California residents leading up to and
20 during November of 2017, while emphasizing features of their products that made them
21 particularly attractive to dangerous actors like NEAL.

22 50. All herein complained actions of DEFENDANTS, and each of them, were done
23 in a conscious disregard and deliberate disregard for the rights and safety of others, and in a
24 willful and reckless manner making the infliction of grievous bodily injury and/or death highly
25 probable. DEFENDANTS' conduct was despicable, willful, wanton and malicious within the
26 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
27 exemplary damages against them in the fullest extent allowed by law. DEFENDANTS and each
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1 of them acted in a conscious disregard for the rights and safety of others, in a manner that
2 shocks the conscience, and in a despicable manner sufficient to warrant the imposition
3 of punitive damages against each and every DEFENDANT sued herein.

4 CASE SPECIFIC ALLEGATIONS

5 51. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
6 though set out in full herein.

7 A. The "Ghost Gun" Industry Negligently and Knowingly Arms Criminals and Other 8 Dangerous People Like Neal and Intentionally Circumvents California and Federal 9 Firearms Laws

10 52. Every year in America, firearms are used to commit over 500,000 crimes, and
11 over 100,000 people are shot – close to 40,000 fatally.

12 53. Federal and state laws recognize the grave risk posed by firearms in the wrong
13 hands, and as a result, regulate and restrict their sale and possession in numerous ways.

14 54. Only FFLs may engage in the business of selling firearms. Felons, domestic
15 abusers, the dangerously mentally ill, and certain other categories of people are deemed to pose
16 too great a danger to themselves or others are prohibited from possessing guns as a matter of
17 federal and/or state law. FFLs are required to conduct background checks on gun buyers to
18 prevent sales to such prohibited purchasers. Firearms sold by FFLs must include stamped serial
19 numbers, to enable accurate record keeping and aid law enforcement in tracing the gun to its
20 initial retail seller if it is later misused in a crime. Such tracing can help identify the chain of
21 possession and ultimate user of such a crime gun.

22 55. FFLs are also required to exercise common sense in protecting the public by
23 refusing firearms sales, even where a buyer passes a background check, if the buyer is displaying
24 disturbing or erratic behavior suggesting a significant psychological disturbance. A FFL always
25 retains discretion to refuse a firearms sale for any reason.

26 56. A FFL must carefully learn and comply with all federal laws, as well as the laws
27 of the state in which it resides and, for certain sales to residents of other states, the laws of those
28

1 states. Some states, like California, prohibit sales of military-style assault weapons like AR-15
2 style rifles.

3 57. DEFENDANTS sought – and continue to seek -- to undermine and circumvent
4 these federal and state public safety laws.

5 58. DEFENDANTS are not FFLs. At all times pertinent hereto, DEFENDANTS
6 knew, and they continue to know, that law-abiding persons who desire firearms can and do
7 obtain manufactured firearms through FFLs.

8 59. DEFENDANTS are companies and entities who chose, at all times pertinent
9 hereto, to manufacture and/or sold unserialized, unfinished firearms parts (such as frames and
10 receivers) or firearms assembly kits that can be used to produce “ghost guns,” including AR-15
11 style “ghost gun rifles.”

12 60. Much of DEFENDANTS’ business involves online sales, and DEFENDANTS, at
13 all times pertinent hereto, marketed, advertised, targeted and/or sold their products to individuals
14 across the country, including in California.

15 61. DEFENDANTS, at all times pertinent hereto, manufactured and/or sold “ghost
16 gun” parts that require very limited additional milling before they can be easily combined with
17 other largely unregulated gun parts – which are often included in DEFENDANTS’ assembly
18 kits – to form a fully functioning “ghost gun.”

19 62. One common “ghost gun” part sold by DEFENDANTS is an 80% receiver, which
20 is designed to fall just outside of the federal definition of a “firearm” so as to evade federally
21 required background checks and other regulations applicable to “firearms.”

22 63. The process of converting such parts into a “ghost gun,” whether it be a semi-
23 automatic handgun or an AR-15 style assault rifle, involves just a few steps. DEFENDANTS’
24 parts/kits can be used to create a fully functional “ghost gun” in as little as a few minutes without
25 the consumer possessing any specialized skill or abilities.
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1 64. DEFENDANTS thus enabled anyone, including individuals prohibited from
2 possessing any firearms or individuals prohibited from possessing assault weapons by virtue of
3 state law, to build "ghost guns," including but not limited to assault weapons.

4 65. Once assembled, "ghost guns" are just as deadly and dangerous as traditional
5 firearms.

6 66. DEFENDANTS purposefully chose – and continue to choose-- not to stamp serial
7 numbers on these parts or other parts included in their firearms assembly kits. This means that
8 the "ghost guns" produced from DEFENDANTS' products cannot be traced back to the initial
9 manufacturer or seller, making it harder to identify the chain of possession and ultimate user of a
10 gun recovered from a crime scene. This makes the parts/kits used to assemble these weapons
11 highly attractive to criminals and illegal gun traffickers.

12 67. Because DEFENDANTS' products were – and continue to be – readily available
13 online for purchase with no background check, they are also very attractive to criminals,
14 prohibited domestic abusers, and other dangerous individuals who would otherwise be prevented
15 from purchasing a gun due to the inability to pass a background check.

16 68. Similarly, because DEFENDANTS' products were – and continue to be – capable
17 of purchase without the buyer having any interaction with an FFL, these products are also
18 attractive and accessible to individuals with psychological or behavioral issues who fear they
19 may not be able to pass muster at a responsible FFL.

20 69. DEFENDANTS were, and still are, well aware that, as a special agent in charge
21 of the Bureau of Alcohol, Tobacco, Firearms and Explosives' ("ATF") Los Angeles field
22 division recently told reporters, "Criminals are making their own weapons because they cannot
23 buy them legally ... or they are paying other people to make those guns for them to get around
24 the gun laws."

25 70. DEFENDANTS intentionally targeted and continue to target precisely the
26 criminals and other dangerous parties described above.
27
28

1 71. In their marketing and advertising, DEFENDANTS purposefully emphasize the
2 untraceable nature of "ghost guns" due the absence of a serial number as a major selling point.

3 72. In their marketing and advertising, DEFENDANTS purposefully emphasize the
4 fact that their products can be purchased without a background check or interaction with an FFL
5 as major selling points.
6

7 73. DEFENDANTS' marketing to the criminal market includes but is not limited to
8 the following examples:

- 9 a. RBTACTICALTOOLING.COM emphasizes that its products allow the
10 production of unserialized weapons. See
11 <https://www.rbtacticaltooling.com/about/>. One of its AR-15 receivers includes a
12 stamp of an individual giving the middle finger to law enforcement personnel who
13 would be looking for a serial number to trace a "ghost gun" recovered from a
14 crime scene See <https://www.rbtacticaltooling.com/product/magpul-lower-receiver-ar-15/>:



- 22 b. A Q & A section on one of TACTICAL GEAR HEAD's retail websites includes
23 this disclosure: "An AR-15 built using an 80% lower [receiver] will have no
24 serialization or paperwork attached to it by default. Therefore, it is typically
25 impossible to determine the firearm's origin or history." See <https://www.80-lower.com/faqs/>. The site further emphasizes that a purchaser need not interact
26 with an FFL to acquire its parts/kits and make a "ghost gun" AR-15 style rifle.
27 See <https://www.80-lower.com/products/ar-15-build-kit-5-56mm-nato-16-melonite-barrel-classic-a2-handguard-w-80-lower-1-7-twist/>:
28



- c. INDUSTRY ARMAMENT's website states, on a page listing an AR-15 receiver for sale, that "[t]he purchase of this component does not constitute the purchase of a firearm and as such does not require a FFL for transfer." See <https://americanweaponscomponents.com/product/80-ar-15-forged-anodized-lower-receiver>.
- d. THUNDER GUNS' website states, on a page offering a pack of 5 AR-15 lower receivers, that "[t]hese products are not FFL items." See <https://thundertactical.com/product/80-ar-lower-receiver-5-pack/>.

74. The above examples are illustrative rather than exhaustive. Upon information and belief, they are also identical to or essentially the same as DEFENDANTS' marketing tactics for "ghost gun" parts/kits that can be assembled into AR-15 style "ghost gun" rifles during the relevant time period.

75. Sales of "ghost gun" parts/kits have increased significantly in recent years. Not surprisingly, the use of "ghost guns" in crimes has also increased exponentially.

76. According to ATF, 30 percent of all guns recovered at California crime scenes are now untraceable "ghost guns."

77. "Ghost guns" – and, in particular, AR-15 style "ghost gun" rifles—have been used in many incidents of violence in California. For example:

- a. In June 2013, John Zawahri went on a shooting spree with a "ghost gun" and killed five people in Santa Monica, California. Zawahri, who had a documented history of mental illness, was a prohibited purchaser and the "ghost gun" he used was an AR-15 style rifle.

- 1 b. In July 2015, Scott Bertics shot and killed a woman with whom he was involved
2 in a romantic relationship and he then used a second gun to kill himself in Walnut
3 Creek, California. Both of the guns used were "ghost guns."
4 c. In July 2015, in Stockton, California, gunmen used an AK-47-style "ghost gun" in
5 an attempted bank robbery, and held three people hostage.
6 d. In June 2019, 26-year-old Sacramento Police Officer Tara O'Sullivan was shot
7 and killed with an AR-15 style "ghost gun" rifle while responding to a domestic
8 disturbance call.
9 e. In August 2019, a convicted felon used an AR-15 style "ghost gun" rifle to kill
10 California Highway Patrol officer Andre Moye and wound two of his colleagues,
11 during a freeway shootout in Riverside, California.

12 78. Upon information and belief, DEFENDANTS were aware of one or all of these
13 and other incidents involving the unlawful use of "ghost guns."

14 79. AR-15 style rifles are, and were, prohibited assault weapons under California law.
15 *See* Cal. Pen. Code § 30510(a)(5) (assault weapons include semiautomatic rifles within the "Colt
16 AR-15 series"); § 30510(f) ("As used in this section, 'series' includes all other models that are
17 only variations, with minor differences, of those models listed in subdivision (a), regardless of
18 the manufacturer."); § 30605(a) (criminalizing possession of an assault weapon).

19 80. Federal law requires all FFLs—even those outside of a purchaser's state—to
20 comply with the laws of a purchaser's state when selling long guns like AR-15 style rifles. *See*
21 18 U.S.C. § 922(b)(3).

22 81. California's ban on AR-15 style rifles is a reasonable and responsible reaction to
23 the grave threat that AR-15 style weapons pose to the health and safety of Californians. These
24 types of weapons are favored by mass shooters. As illustrative examples, in addition to this case,
25 the shooters in the Aurora, Colorado movie theater shooting in July 2012, the Newtown,
26 Connecticut elementary school shooting in December 2012, and the aforementioned Santa
27 Monica, California shooting in June 2013, all used AR-15 style rifles.

28 82. Upon information and belief, all DEFENDANTS were aware that AR-15 style
 rifles are frequently used by mass shooters.

1 83. "Ghost gun" parts/kits enable dangerous people in California like NEAL to
2 obtain such banned weapons.

3 84. In September 2019, New York Attorney General Letitia James announced that she
4 had ordered 16 websites to immediately stop selling products enabling the assembly of "ghost
5 guns" in New York. Attorney General James acknowledged the reality that "ghost guns" had
6 been providing the means to violate the state's assault weapons ban, stating: "There is only one
7 purpose for the products that these companies are selling — to manufacture illegal and deadly
8 assault weapons." James went on to note that "[t]he proliferation of these types of weapons has
9 not only caused indescribable suffering across the country, but gravely endangers every New
10 Yorker." DEFENDANTS' business practices similarly undermine California's assault weapons
11 ban and endanger every Californian.

12 85. DEFENDANTS could have taken steps to avoid supplying individuals in
13 California with prohibited assault weapons and/or violating various federal firearms laws.
14 Below is a non-exhaustive list of feasible steps that a reasonable and law-abiding company
15 would have taken to avoid undermining California law and/or federal law:

- 16 a. DEFENDANTS could have blocked Internet Protocol ("IP") addresses associated
17 with California from accessing their websites and/or the portions of their websites
18 listing products enabling the assembly of AR-15 style "ghost gun" rifles;
19 b. DEFENDANTS could have refused to ship such products to California;
20 c. DEFENDANTS could have required that their products only be transferred
21 through a sale carried out by an FFL;
22 d. DEFENDANTS could have required that only individuals who could legally
23 purchase and possess firearms could purchase their products; and
24 e. DEFENDANTS could have included serial numbers on their products.

25 86. Upon information and belief, none of the DEFENDANTS took these, or any other
26 reasonable safety precautions, to prevent dangerous California residents from violating
27 California and/or federal law and endangering the safety of others with "ghost guns" produced
28 from DEFENDANTS products.

1 87. Instead, upon information and belief, all of the DEFENDANTS intentionally
2 targeted California consumers.

3 88. For example, Cody Wilson of DEFENSE DISTRIBUTED/GHOST GUNNER
4 stated that he aimed to undermine gun violence prevention legislation, and in particular,
5 California's regulatory regime. Wilson, shortly after the Tehama attack in 2017, confirmed that
6 much of DEFENSE DISTRIBUTED/GHOST GUNNER's business comes from California.

7 89. Similarly, on its website, BLACKHAWK specifically emphasizes that "in our
8 home state of California, as well as almost every other state in the U.S., it is legal to build your
9 own firearm for personal use." See <https://www.80percentarms.com/pages/faq.html>.

10 90. Upon information and belief, these and other DEFENDANTS were all
11 intentionally designing, advertising, manufacturing, marketing and/or selling ghost guns
12 parts/kits designed and intended to be assembled into AR-15 style rifles to California consumers
13 like NEAL.

14 91. DEFENDANTS also, as noted above, purposefully emphasized features of their
15 products they knew to be particularly attractive to criminals and dangerous parties like NEAL—
16 such as their untraceability and the absence of a background check or interaction with a FFLs.

17 92. DEFENDANTS knew that "ghost guns" are frequently used by criminals and
18 dangerous individuals and have continued to gain additional knowledge of this reality.

19 93. Upon information and belief, DEFENDANTS have, nevertheless, not changed
20 their reckless and unlawful business practices.

21 **B. "Ghost Guns" Were Used To Harm PLAINTIFFS**

22 94. On November 13-14, 2017, NEAL engaged in a rampage shooting spree spanning
23 across multiple locations in Tehama County, California which left PLAINTIFFS and/or their
24 loved ones wounded or killed.

25 95. Prior to the shooting, NEAL was prohibited from possession firearms by one or
26 more court orders. The order(s) required authorities to arrest NEAL if he violated these orders.
27 Multiple PLAINTIFFS and/or their loved ones were named as protected parties on one or more
28

1 of these orders, including PLAINTIFFS BOB STEELE and G.E., as well as decedent DIANA
2 STEELE.

3 96. During his rampage, NEAL was in possession of and used at least two AR-15
4 style semiautomatic rifles. Both of these firearms were "ghost guns."

5 97. Upon information and belief, at the time of the shooting, NEAL's "ghost guns"
6 lacked any identifying serial numbers.

7 98. It is unknown how and where NEAL acquired the "ghost gun" parts/kits used to
8 assemble the weapons used in the attack. Given DEFENDANTS' actions, it may be impossible
9 to determine the exact manufacturer(s)/seller(s) of the "ghost gun" parts/kits NEAL used to
10 assemble the AR-15 style "ghost gun" rifles used in the attack.

11 99. Upon information and belief, NEAL could not have legally acquired an AR-15
12 style rifle like those utilized in the attack from a FFL either inside or outside of California,
13 because of his status as a California resident and California's ban on the possession of assault
14 weapons.

15 100. Upon information and belief, NEAL also could not have secured an AR-15 style
16 rifle – or, indeed, any firearm – from an FFL because he was displaying erratic and disturbing
17 behavior for a significant period of time leading up to the shooting due to severe mental illness.

18 101. The above discussion is not intended to be an exhaustive listing of the reasons
19 why NEAL could not have purchased a serialized, fully assembled AR-15 style rifle from an
20 FFL. Various other California or federal firearms restrictions may also have blocked such a sale.

21 102. NEAL was only able to acquire his arsenal of weapons through the negligence of
22 DEFENDANTS. Had DEFENDANTS complied with the law and relevant standards of care,
23 NEAL would not have been able to use "ghost guns" to harm PLAINTIFFS.

24 **C. The "Ghost Gun" Industry and Defendants' Role as Substantial Players in A**
25 **Market Involving Fungible, Dangerous Goods**

26 103. Upon information and belief, DEFENDANTS were all intentionally
27 making/marketing/selling "ghost guns" parts/kits designed and intended to be assembled into
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1 AR-15 style rifles into California leading up to and at the time of NEAL's purchase of the
2 relevant "ghost gun" parts/kits.

3 104. Upon information and belief, DEFENDANTS also all purposefully targeted a
4 dangerous subclass of California consumers who had no or limited access to these weapons by
5 virtue of disqualifying records, mental illness, and/or relevant legal restrictions.

6 105. Upon information and belief, DEFENDANTS, in aggregate, were responsible for
7 manufacturing and/or selling a substantial percentage of all "ghost gun" parts/kits enabling
8 assembly of AR-15 style "ghost gun" rifles which entered into California leading up to and
9 during November 2017.

10 106. Upon information and belief, there is a substantial probability that one or more of
11 the DEFENDANTS sold NEAL one or more "ghost gun" parts/kits used to assemble the AR-15
12 style rifles used in the attack, either online or via some other medium, with full knowledge that
13 (1) NEAL was a resident of California, (2) that California prohibits the possession of AR-15
14 style rifles, and (3) AR-15 style rifles have frequently been used in mass shootings.

15 107. Upon information and belief, there is a substantial probability that one or more of
16 the DEFENDANTS shipped one or more "ghost gun" parts/kits used to assemble the weapons
17 used in the attack to NEAL's California residence.

18 108. "Ghost gun" parts/kits that can be used to assemble unserialized AR-15 style
19 rifles are fungible products. Such parts/kits share the same core characteristics and present an
20 equivalent risk of danger to members of the public like PLAINTIFFS. These products provide
21 dangerous parties like NEAL with an identical capability to possess untraceable assault weapons
22 without going through an FFL and in violation of California's assault weapons ban.

23 109. Had these one or more DEFENDANTS complied with the law and relevant
24 standards of care, NEAL would never have had access to the relevant products. Any and all
25 DEFENDANTS named herein could and should have made, sold, distributed and/or marketed
26 their products with greater precautions to (1) make it more difficult for California consumers to
27 use their products to produce dangerous weapons that violated California law and (2) to make it
28

1 more difficult for dangerous individuals like NEAL to assemble "ghost guns" from their
2 products.

3 110. Without access to DEFENDANTS' one or more products, NEAL could not have
4 assembled his "ghost guns" and could not have used them to harm PLAINTIFFS.

5 111. NEAL's misuse of these assembled products was particularly foreseeable to
6 PLAINTIFFS because NEAL fell within the dangerous subclass of consumers specifically
7 targeted by DEFENDANTS.

8 **COUNT I: NEGLIGENCE (AGAINST ALL DEFENDANTS)**

9 112. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
10 though set out in full herein.

11 113. A seller of "ghost gun" parts/kits – particularly parts/kits intended to be
12 assembled into highly dangerous AR-15 style weapons commonly used by mass shooters like
13 NEAL – owes the highest degree of care to the general public when selling such items.

14 114. This standard of care imposes a duty to take all reasonable and practical safety
15 precautions to prevent dangerous and irresponsible individuals like NEAL from gaining access to
16 "ghost gun" parts/kits designed and intended for assembly into AR-15 style rifles.

17 115. Such safety precautions would include, but are not limited to, carefully learning
18 and continually checking relevant state and federal firearms laws regarding assault weapons,
19 never shipping to states where the possession of an AR-15 style weapon created from one of a
20 defendant's parts/kits would be deemed illegal, and blocking all IP addresses from such states.
21 Additionally, a responsible seller of such products would take steps to verify that only
22 individuals legally permitted to possess firearms and not displaying signs of significant
23 psychological disturbance were buying its products—such as by requiring all transactions to go
24 through an FFL in the buyer's home state.

25 116. Upon information and belief, none of these DEFENDANTS had, at the time
26 NEAL purchased the relevant product(s) from the DEFENDANT(s), taken these or other
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1 reasonable safety precautions which would have blocked NEAL's purchase of the relevant
2 products.

3 117. DEFENDANTS' violation of the above standards of care proximately caused
4 PLAINTIFFS' harm by granting NEAL access to highly lethal weapons he could not have
5 legally acquired.

6 118. Had NEAL been denied access to the parts/kits used to make his two AR-15 style
7 "ghost gun" rifles, he could not have used these weapons to harm PLAINTIFFS.

8 119. As a direct, proximate, immediate and foreseeable result of the actions and
9 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
10 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
11 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
12 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
13 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
14 Court.
15

16 120. As a further direct, proximate, immediate and foreseeable result of the actions and
17 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and dangerous
18 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
19 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
20 to hire physicians and surgeons and undergo other and further expense as and for their medical
21 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
22 this Complaint for Damages to allege such amount when it becomes more certain.
23

24 121. As a further direct, proximate, immediate and foreseeable result of the actions and
25 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and dangerous
26 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR,
27 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
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1 capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such
2 information, and belief state that this said reduction in earning capacity will continue into the
3 future in an amount which cannot yet be ascertained.

4 122. As a further direct, proximate, immediate and foreseeable result of the actions and
5 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
6 weapons, DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH
7 MCHUGH, were fatally shot, all to PLAINTIFFS' damage in an amount greatly in excess of the
8 minimum jurisdiction of this Court.

9 123. As a further direct, proximate, immediate and foreseeable result of the actions and
10 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
11 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
12 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
13 MCHUGH have been deprived of the care, comfort, society and support of their loved ones,
14 DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH MCHUGH,
15 all to PLAINTIFFS' damage in an amount greatly in excess of the minimum jurisdiction of this
16 Court.

17 124. As a further direct, proximate, immediate and foreseeable result of the actions and
18 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
19 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
20 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
21 MCHUGH have incurred funeral and burial expenses in an amount subject to proof at the time of
22 trial of this matter.

23 125. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
25

1 highly lethal, illegal and dangerous weapons, PLAINTIFF TIFFANY PHOMMATHEP suffered
2 serious and grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer
3 the loss of love, companionship, comfort, care, assistance, protection, affection, society, child-
4 rearing, marital relations, and moral support that TIFFANY PHOMMATHEP would have
5 provided had this incident now occurred.
6

7 126. As a further, direct, proximate and foreseeable result of the aforementioned
8 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
9 highly lethal, illegal and dangerous weapons, PLAINTIFFS have suffered, and will continue to
10 suffer in the future, consequential damages and other incidental damages and out-of-pocket
11 expenses, all to PLAINTIFFS' general damages in a sum to be determined at the time of trial.
12

13 127. As a further, direct, proximate and foreseeable result of the aforementioned
14 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
15 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
16 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
17 PLAINTIFFS for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at
18 the time of trial.
19

20 128. DEFENDANTS, and each of their negligence, as set forth above, was a
21 substantial factor in causing PLAINTIFFS' harm.
22

23 129. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
24 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
25 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
26 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
27 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
28 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them

1 in the fullest extent allowed by law.

2 130. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS,
3 and each of them, are negligent or in some other way responsible for acts of which PLAINTIFFS
4 are unaware. PLAINTIFFS will seek leave of Court to amend this Complaint for Damages at
5 such time as PLAINTIFFS discover the other acts of said DEFENDANTS constituting said
6 liability.
7

8 **COUNT II: NEGLIGENCE PER SE FOR VIOLATION OF CALIFORNIA AND/OR**
9 **FEDERAL FIREARMS LAWS (AGAINST ALL DEFENDANTS)**

10 131. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
11 though set out in full herein.

12 132. NEAL's purchase of "ghost gun" parts/kits and the use of them to assemble AR-
13 15 style rifles violated California's assault weapons ban. See Cal. Pen. Code § 30510(a)(5)
14 (assault weapons include semiautomatic rifles within the "Colt AR-15 series"); § 30510(f) ("As
15 used in this section, 'series' includes all other models that are only variations, with minor
16 differences, of those models listed in subdivision (a), regardless of the manufacturer."); §
17 30605(a) (criminalizing possession of an assault weapon).

18 133. DEFENDANTS are manufacturer/sellers of "ghost gun" parts/kits who
19 intentionally targeted -- and continue to target -- the California market and ship "ghost gun"
20 parts/kits designed for assembly into AR-15 style rifles to California consumers like NEAL.
21 DEFENDANTS did so, and continue to do so, with the knowledge and intention that those
22 consumers will use these products to assemble weapons prohibited under California law.

23 134. All of the DEFENDANTS are, thus, responsible as knowing accomplices, for
24 their consumers' direct violations of, at minimum, California's ban on the possession of assault
25 weapons. See Cal. Pen. Code § 31 (anyone who "aid[s] and abet[s]" in the commission of an
26 offense is a principal); § 971 ("all persons concerned in the commission of a crime, who by the
27 operation of other provisions of this code are principals therein, shall hereafter be prosecuted,
28

1 tried and punished as principals"); § 27(a)(1) (California has jurisdiction over crimes where at
2 least part of the offense takes place within the state).

3 135. All of the DEFENDANTS may also be responsible, either directly or as an
4 accomplice, for violation one or more additional state or federal firearms laws, including, but not
5 limited to, various provisions of the Gun Control Act of 1968 or the National Firearms Act.

6 136. In addition to these laws explicitly referencing firearms, DEFENDANTS also
7 violated California statutes prohibiting unfair, immoral and reckless business practices and the
8 creation and maintenance of public nuisances, as discussed further below. *See* Cal. Bus. & Prof
9 Code § 17200"; Cal. Civ. Code §§ 3479, 3480.

10 137. Whichever DEFENDANT or DEFENDANTS are responsible, either directly or
11 as an accomplice, for selling NEAL one or more "ghost gun" parts/kits in violation of one or
12 more statutes including, at minimum, California's assault weapons ban, breached the standard of
13 care imposed by statute.

14 138. This violation proximately caused PLAINTIFFS' harm by providing NEAL
15 access to highly lethal weapons that he could not have legally acquired in California.

16 139. Had NEAL been denied access to the "ghost gun" parts/kits used to make his two
17 AR-15 style "ghost gun" rifles, he could not have used these weapons to harm PLAINTIFFS.

18 140. As a direct, proximate, immediate and foreseeable result of the actions and
19 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
20 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
21 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
22 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
23 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
24 Court, including, but not limited to,
25

26 141. As a further direct, proximate, immediate and foreseeable result of the actions and
27 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
28

1 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
2 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
3 to hire physicians and surgeons and undergo other and further expense as and for their medical
4 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
5 this Complaint for Damages to allege such amount when it becomes more certain.
6

7 142. As a further direct, proximate, immediate and foreseeable result of the actions and
8 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
9 weapons, plaintiff, TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR and
10 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
11 capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such
12 information, and belief state that this said reduction in earning capacity will continue into the
13 future in an amount which cannot yet be ascertained.
14

15 143. As a further direct, proximate, immediate and foreseeable result of the actions and
16 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
17 weapons, DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH
18 MCHUGH, were fatally shot, all to PLAINTIFFS' damage in an amount greatly in excess of the
19 minimum jurisdiction of this Court.
20

21 144. As a further direct, proximate, immediate and foreseeable result of the actions and
22 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
23 weapons, PLAINTIFFS, TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
24 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
25 MCHUGH have been deprived of the care, comfort, society and support of their loved ones,
26 DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH MCHUGH,
27 all to PLAINTIFFS' damage in an amount greatly in excess of the minimum jurisdiction of this
28

1 Court.

2 145. As a further direct, proximate, immediate and foreseeable result of the actions and
3 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
4 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
5 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
6 MCHUGH have incurred funeral and burial expenses in an amount subject to proof at the time of
7 trial of this matter.
8

9 146. As a further, direct, proximate and foreseeable result of the aforementioned
10 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
11 highly lethal, illegal and dangerous weapons, plaintiff TIFFANY PHOMMATHEP suffered
12 serious and grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer
13 the loss of love, companionship, comfort, care, assistance, protection, affection, society, child-
14 rearing, marital relations, and moral support that TIFFANY PHOMMATHEP would have
15 provided had this incident now occurred.
16

17 147. As a further, direct, proximate and foreseeable result of the aforementioned
18 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
19 highly lethal, illegal and dangerous weapons, PLAINTIFFS have suffered, and will continue to
20 suffer in the future, consequential damages and other incidental damages and out-of-pocket
21 expenses, all to PLAINTIFFS' general damages in a sum to be determined at the time of trial.
22

23 148. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
25 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
26 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
27 plaintiffs for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at the
28

1 time of trial.

2 149. DEFENDANTS, and each of their negligence, as set forth above, was a
3 substantial factor in causing PLAINTIFFS' harm.

4 150. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
5 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
6 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
7 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
8 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
9 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
10 in the fullest extent allowed by law.
11

12 151. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS,
13 and each of them, are negligent or in some other way responsible for acts of which PLAINTIFFS
14 are unaware. PLAINTIFFS will seek leave of Court to amend this Complaint for Damages at
15 such time as PLAINTIFFS discover the other acts of said DEFENDANTS constituting said
16 liability.
17

18 **COUNT III: NEGLIGENT ENTRUSTMENT (AGAINST ALL DEFENDANTS)**

19 152. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
20 though set out in full herein.

21 153. Upon information and belief, DEFENDANTS purposefully targeted residents of
22 states with strict gun violence prevention regimes, like California, who were seeking to bypass
23 the laws of their home state.
24

25 154. By targeting and supplying dangerous individuals already showing contempt for
26 the rule of law and disrespect towards the safety rules accepted by their communities,
27 DEFENDANTS were purposefully selling to a class of purchasers who were inherently showing
28

1 a high likelihood of misusing their "ghost gun" parts/kits in a dangerous manner that would
2 cause harm to third parties like PLAINTIFFS.

3 155. Whichever DEFENDANT or DEFENDANTS sold or shipped one or more "ghost
4 gun" parts/kits capable of and intended to be assembled into AR-15 style rifles prohibited by
5 California law to NEAL, despite knowing that he was a California resident and that California
6 prohibits such weapons were, thus, negligently entrusting these one or more items.

7 156. This violation of relevant standards of care proximately caused PLAINTIFFS'
8 harm by granting NEAL access to highly lethal weapons that he could not have legally acquired
9 in California.

10 157. Had NEAL been denied access to the "ghost gun" parts/kits he used to assemble
11 his two AR-15 style "ghost gun" rifles, he could not have used these weapons to harm
12 PLAINTIFFS.

13 158. As a direct, proximate, immediate and foreseeable result of the actions and
14 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
15 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
16 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
17 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
18 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
19 Court, including, but not limited to,
20

21 159. As a further direct, proximate, immediate and foreseeable result of the actions and
22 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
23 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
24 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
25 to hire physicians and surgeons and undergo other and further expense as and for their medical
26 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
27 this Complaint for Damages to allege such amount when it becomes more certain.
28

1 160. As a further direct, proximate, immediate and foreseeable result of the actions and
2 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
3 weapons, plaintiff, TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR and
4 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
5 capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such
6 information, and belief state that this said reduction in earning capacity will continue into the
7 future in an amount which cannot yet be ascertained.
8

9 161. As a further direct, proximate, immediate and foreseeable result of the actions and
10 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
11 weapons, DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH
12 MCHUGH, were fatally shot, all to PLAINTIFFS' damage in an amount greatly in excess of the
13 minimum jurisdiction of this Court.
14

15 162. As a further direct, proximate, immediate and foreseeable result of the actions and
16 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
17 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
18 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
19 MCHUGH have been deprived of the care, comfort, society and support of their loved ones,
20 DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH MCHUGH,
21 all to PLAINTIFFS' damage in an amount greatly in excess of the minimum jurisdiction of this
22 Court.
23

24 163. As a further direct, proximate, immediate and foreseeable result of the actions and
25 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
26 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
27 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
28

1 MCHUGH have incurred funeral and burial expenses in an amount subject to proof at the time of
2 trial of this matter.

3 164. As a further, direct, proximate and foreseeable result of the aforementioned
4 actions, and conduct of DEFENDANTS and each of them, which granted NEAL access to highly
5 lethal, illegal and dangerous weapons, plaintiff TIFFANY PHOMMATHEP suffered serious and
6 grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer the loss of
7 love, companionship, comfort, care, assistance, protection, affection, society, child-rearing,
8 marital relations, and moral support that TIFFANY PHOMMATHEP would have provided had
9 this incident now occurred.
10

11 165. As a further, direct, proximate and foreseeable result of the aforementioned
12 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
13 highly lethal, illegal and dangerous weapons, PLAINTIFFS have suffered, and will continue to
14 suffer in the future, consequential damages and other incidental damages and out-of-pocket
15 expenses, all to plaintiffs' general damages in a sum to be determined at the time of trial.
16

17 166. As a further, direct, proximate and foreseeable result of the aforementioned
18 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
19 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
20 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
21 plaintiffs for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at the
22 time of trial.
23

24 167. DEFENDANTS negligent entrustment of the dangerous instrumentalities, as set
25 forth above, was a substantial factor in causing PLAINTIFFS' harm.

26 168. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
27 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
28

1 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
2 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
3 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
4 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
5 in the fullest extent allowed by law.
6

7 169. PLAINTIFFS are informed and believe and thereon allege that defendants, and
8 each of them, are negligent or in some other way responsible for acts of which PLAINTIFFS are
9 unaware. PLAINTIFFS will seek leave of Court to amend this Complaint for Damages at such
10 time as PLAINTIFFS discover the other acts of said DEFENDANTS constituting said liability.
11

12 **COUNT IV: PUBLIC NUISANCE (AGAINST ALL DEFENDANTS)**

13 170. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
14 though set out in full herein.

15 171. By negligently, recklessly, and/or intentionally selling vast quantities of "ghost
16 gun" parts/kits enabling the assembly of AR-15 style rifles to buyers in California in violation of,
17 at a minimum, California law, DEFENDANTS have negligently and/or knowingly participated
18 in creating and maintaining an unreasonable interference with the rights held in common by the
19 general public. This constitutes a public nuisance under California law, including California
20 Civil Code §§ 3479 and 3480.

21 172. Without limitation, the acts of DEFENDANTS as alleged herein caused, created,
22 and continue to maintain a substantial and unreasonable interference with the public's health,
23 safety, convenience, comfort, peace, and use of public property and/or private property. These
24 activities are injurious to health and offensive to the senses so as to interfere with the
25 comfortable enjoyment of life or property in an entire community or neighborhood. Numerous
26 members of the public are threatened, killed, injured, or are victims of criminal acts as a result of
27 "ghost gun" parts/kits sold by DEFENDANTS. DEFENDANTS' acts and omissions as alleged
28

1 herein cause a substantial and unreasonable increase in the number of members of the general
2 public who are threatened, killed, and injured by "ghost guns."

3 173. The acts and omissions of DEFENDANTS, as alleged herein, substantially and
4 unreasonably interfere with the public's use of public facilities, including the use of public
5 highways and walkways. Public highways and walkways are made substantially and
6 unreasonably unsafe because of the presence of ghost guns intentionally, negligently and
7 unlawfully supplied by DEFENDANTS.

8 174. DEFENDANTS' acts and omissions as alleged herein substantially and
9 unreasonably (a) increase the number of "ghost guns" in and on public facilities, including on
10 public highways and walkways; (b) increase the degree to which unlawful possessors in and on
11 public facilities, including on highways and walkways, are illegally armed with weapons; and (c)
12 allow for banned assault weapons to be present in California, including on public highways and
13 walkways.

14 175. DEFENDANTS' acts and omissions as alleged herein cause substantial and
15 unreasonable interferences with the public's health, safety, convenience, comfort, and peace in
16 numerous other ways, including: (a) increasing the number of unlawful possessors of weapons
17 who use these weapons to commit violent crimes against innocent members of the general
18 public; (b) increasing the number and severity of property crimes committed by those in
19 possession of "ghost guns" against innocent members of the general public; (c) increasing the
20 number and severity of incidents in which those in possession of "ghost guns" disturb the peace
21 by being disorderly; and (d) increasing the amount of society's resources that are diverted toward
22 dealing with the problems associated with the possession of "ghost guns."

23 176. DEFENDANTS know or have reason to know that the acts and omissions alleged
24 herein caused substantial and unreasonable interferences with the public's health, safety,
25 convenience, comfort, peace, and use of public facilities. DEFENDANTS' acts and omissions
26 as alleged herein were undertaken with negligent and/or intentional disregard of the rights of the
27 general public. DEFENDANTS knew that they could have taken precautions as outlined above
28 that would have eliminated or minimized the injuries to the general public. Instead they chose

1 not to take those precautions and, in fact, actively exacerbated these risks with the irresponsible
2 marketing campaign described herein in order to maximize their profits.

3 177. DEFENDANTS' interference with the public's health, safety, convenience,
4 comfort, peace, and use of public facilities is unreasonable, unlawful, substantial, significant,
5 continuing, and long-lasting. This interference, is annoying, offensive, and disturbing to an
6 ordinary person. The interference is not insubstantial or fleeting, and involves deaths and serious
7 injuries suffered by many people and a severe disruption of public health, peace, order, and
8 safety.

9 178. The manner in which DEFENDANTS make, sell, and market their products has
10 no social utility. Even if it did, the seriousness of their interference with the rights of the public
11 and harm they cause far outweighs any social utility associated with DEFENDANTS' conduct.

12 179. DEFENDANTS' unlawful, negligent and/or intentional creation and maintenance
13 of the public nuisance directly and proximately caused significant harm, including serious
14 physical injury and associated harm to PLAINTIFFS that is different from the harm suffered by
15 other members of the public, including loss of enjoyment of life, as well as those damages set
16 forth in paragraphs 121-131 above, all to their damage in an amount to be determined at a trial of
17 this matter.

18 180. PLAINTIFFS have not, at any time, consented to DEFENDANTS' conduct.

19 181. At all times herein mentioned, DEFENDANTS had notice and knowledge that
20 their actions created a public nuisance.
21

22 182. PLAINTIFFS are informed and believe and thereon allege that defendants and
23 each of their, conduct was done in a conscious disregard and deliberate disregard for the rights
24 and safety of others, including PLAINTIFFS, and in a willful and reckless manner making the
25 infliction of grievous bodily injury and/or death highly probable. Defendants conduct was
26 despicable, willful, wanton and malicious within the meaning of California Civil Code §§ 3294,
27 so as to warrant the imposition of punitive and exemplary damages against them in the fullest
28

1 extent allowed by law.

2 **COUNT V: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION**

3 **17200 (AGAINST ALL DEFENDANTS)**

4 **(Unfair and Unlawful Competition in Sales Practices)**

5
6 183. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
7 though set out in full herein.

8 184. DEFENDANTS in the course of their retail business of selling "ghost guns,"
9 engaged in business acts or practices that were unlawful, unfair, deceptive, or misleading, and
10 which therefore violated Bus. & Prof Code § 17200.

11 185. By selling to NEAL, a dangerous individual, who was prohibited from purchasing
12 and possessing firearms, "ghost gun" parts/kits for a prohibited assault-style weapons, in
13 violation of state and/or federal law, DEFENDANTS engaged in business practices that were
14 unlawful, immoral, unethical, oppressive, and unscrupulous.

15 186. Also, by supplying to a subclass of purchasers who are inherently showing a high
16 likelihood of misusing their "ghost gun" parts/kits in a dangerous manner that would cause harm
17 to third parties like PLAINTIFFS, DEFENDANTS engaged in business practices that were
18 unlawful, immoral, unethical, oppressive, and unscrupulous.

19 187. As a direct and proximate result of the foregoing acts and practices,
20 DEFENDANTS have received income, profits, and other benefits, which they would not have
21 received if DEFENDANTS had not engaged in the violations of Bus. & Prof Code § 17200 as
22 described in this Complaint for Damages.

23
24 188. Further, upon information and belief, had DEFENDANTS not violated
25 California's prohibition on such unethical and unlawful marketing and business practices, NEAL
26 could not have acquired the parts/kits used to assemble his AR-15 style "ghost gun" rifles or
27 used these items to harm PLAINTIFFS.

28 189. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS

1 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
2 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
3 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
4 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
5 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
6 in the fullest extent allowed by law.
7

8 190. To prevent their unjust enrichment, DEFENDANTS and each of them, should be
9 required, pursuant to Business and Professions Code sections 17200, et seq, to disgorge their ill-
10 gotten gains for the purpose of making full restitution to PLAINTIFFS as a consequence of
11 DEFENDANTS unlawful and unfair activities, injunctive relief, as well as all attorney's fees
12 and costs.
13

14 **COUNT VI: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION**
15 **17200 (AGAINST ALL DEFENDANTS)**

16 **(Unfair Marketing Tactics)**

17 1. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
18 though set out in full herein.

19 2. DEFENDANTS in the course of their retail business of selling ghost guns,
20 engaged in business acts or practices that were unfair, deceptive, or misleading, and which
21 therefore violated Bus. & Prof Code § 17200.
22

23 3. Specifically, by employing marketing tactics which emphasized that their
24 products, including banned assault weapons, were untraceable and could be acquired without a
25 background check or an interaction with an FFL, DEFENDANTS intentionally targeted
26 prohibited persons and other dangerous individuals like NEAL. Such tactics and practices were
27 unfair, immoral, unethical, oppressive, and unscrupulous.
28

1 4. As a direct and proximate result of the foregoing acts and practices,
2 DEFENDANTS have received income, profits, and other benefits, which they would not have
3 received if DEFENDANTS had not engaged in the violations of Bus. & Prof Code § 17200 as
4 described in this Complaint for Damages.

5 5. Further, upon information and belief, had DEFENDANTS not violated
6 California's prohibition on such unethical and unlawful marketing and business practices, NEAL
7 could not have acquired the parts/kits used to assemble his AR-15 style "ghost gun" rifles or
8 used these weapons to harm PLAINTIFFS.
9

10 6. PLAINTIFFS are informed and believe and thereon allege that defendants and
11 each of their, conduct was done in a conscious disregard and deliberate disregard for the rights
12 and safety of others, including PLAINTIFFS, and in a willful and reckless manner making the
13 infliction of grievous bodily injury and/or death highly probable. Defendants conduct was
14 despicable, willful, wanton and malicious within the meaning of California Civil Code §§ 3294,
15 so as to warrant the imposition of punitive and exemplary damages against them in the fullest
16 extent allowed by law.
17

18 7. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
19 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
20 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
21 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
22 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
23 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
24 in the fullest extent allowed by law.
25

26 8. To prevent their unjust enrichment, DEFENDANTS and each of them, should be
27 required, pursuant to Business and Professions Code sections 17200, et seq, to disgorge their ill-
28

1 gotten gains for the purpose of making full restitution to PLAINTIFFS as a consequence of
2 DEFENDANTS unlawful and unfair activities, injunctive relief, as well as all attorney's fees
3 and costs.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, PLAINTIFFS PRAY FOR A JURY TRIAL and judgment against
6 DEFENDANTS as follows:
7

- 8 1. For general damages for TROY MCFADYEN, against each DEFENDANT,
9 jointly and severally, in the amount to be proven at trial;
- 10 2. For special damages for TROY MCFADYEN, against each DEFENDANT,
11 jointly and severally, in the amount to be proved at trial;
- 12 3. For medical expenses of TROY MCFADYEN, against each DEFENDANT,
13 jointly and severally, according to proof;
- 14 4. For loss of wages and earning capacity for TROY MCFADYEN, against each
15 DEFENDANT, jointly and severally, in a sum according to proof;
- 16 5. For General damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW,
17 for the loss of society and companionship of decedent MICHELLE MCFADYEN, against each
18 DEFENDANT, jointly and severally, in the amount to be proven at trial;
- 19 6. For funeral and burial expenses of MICHELL MCFADYEN, for TROY
20 MCFADYEN, SIA BOW and PHILLIP BOW, against each DEFENDANT, jointly and
21 severally, according to proof;
- 22 7. For special damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW
23 for future contributions and value of personal services, advice or training as to decedent
24 MICHELLE MCFADYEN, against each DEFENDANT, jointly and severally, according to
25 proof;
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1 8. For general damages to BOB STEELE, MICHAEL ELLIOT, G.E., and M.E. for
2 the loss of society and companionship of decedents DANIEL ELLIOTT and DIANA STEELE,
3 against each DEFENDANT, jointly and severally, in the amount to be proven at trial;

4 9. For funeral and burial expenses of DANIEL ELLIOTT and DIANA STEELE,
5 against each DEFENDANT, jointly and severally, according to proof;

6 10. For special damages for BOB STEELE, MICHAEL ELLIOT, G.E., and M.E.,
7 for future contributions and value of personal services, advice or training of decedents DANIEL
8 ELLIOTT and DIANA STEELE, against each DEFENDANT, jointly and severally, according
9 to proof;

10 11. For general damages to MARCIA MCHUGH and GRACE MCHUGH for the
11 loss of society and companionship of decedent JOSEPH MCHUGH, against each
12 DEFENDANT, jointly and severally, in the amount to be proven at trial;

13 12. For funeral and burial expenses of JOSEPH MCHUGH, against each
14 DEFENDANT, jointly and severally, according to proof;

15 13. For special damages for MARCIA MCHUGH and GRACE MCHUGH for future
16 contributions and value of personal services, advice or training of decedent JOSEPH
17 MCHUGH, against each DEFENDANT, jointly and severally, according to proof;

18 14. For general damages for A.H. a minor, against each DEFENDANT, jointly and
19 severally, in the amount to be proven at trial;

20 15. For special damages for A.H. a minor, against each DEFENDANT, jointly and
21 severally, in the amount to be proved at trial;

22 16. For medical expenses of A.H. a minor, against each DEFENDANT, jointly and
23 severally, according to proof;

24 17. For loss of earning capacity for A.H. a minor, against each DEFENDANT,
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1 jointly and severally, in a sum according to proof;

2 18. For general damages for TIFFANY PHOMMATHEP, J.P. II. a minor, J.P. a
3 minor, and N.P. a minor, against each DEFENDANT, jointly and severally, in the amount to be
4 proven at trial;

5 19. For special damages for TIFFANY PHOMMATHEP, J.P. II. a minor, J.P. a
6 minor, and N.P. a minor, against each DEFENDANT, jointly and severally, in the amount to be
7 proved at trial;

8 20. For medical expenses of TIFFANY PHOMMATHEP, J.P. II. a minor, J.P. a
9 minor, and N.P. a minor, against each DEFENDANT, jointly and severally, according to proof;

10 21. For lost wages and/or loss of earning capacity for TIFFANY PHOMMATHEP,
11 J.P. II. a minor, J.P. a minor, and N.P. a minor, against each DEFENDANT, jointly and
12 severally, in a sum according to proof;

13 22. For loss of consortium damages for JOHN PHOMMATHEP;

14 23. For general damages for JAMES WOODS JR., and JAMES WOOD SR., against
15 each DEFENDANT, jointly and severally, in the amount to be proven at trial;

16 24. For special damages for JAMES WOODS JR., and JAMES WOOD SR., against
17 each DEFENDANT, jointly and severally, in the amount to be proved at trial;

18 25. For medical expenses of JAMES WOODS JR., and JAMES WOOD SR., against
19 each DEFENDANT, jointly and severally, according to proof;

20 26. For lost wages and/or loss of earning capacity for JAMES WOODS JR., and
21 JAMES WOOD SR., against each DEFENDANT, jointly and severally, in a sum according to
22 proof;

23 27. For punitive and exemplary damages to PLAINTIFFS against DEFENDANTS,
24 and each of them, in an amount appropriate to punish them and deter others from engaging in
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1 similar misconduct;

2 28. For prejudgment interest, as allowed by law;

3 29. For injunctive relief against DEFENDANTS;

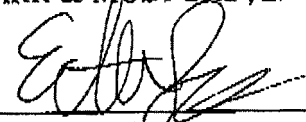
4 30. For an Order, pursuant to Business and Professions Code Section 17203, that
5 DEFENDANTS be permanently enjoined from committing any unlawful, unfair, or fraudulent
6 acts of unfair competition in Violation of Business and Professions Code Section 17200;
7

8 31. For attorney's fees and costs of this suit;

9 32. For such other and further relief as this Court may deem proper.

10
11 DATED: November 13, 2019

BARR & MUDFORD, LLP



12
13 JOHN DOUGLAS BARR (SBN 40663)

14 CATHLEEN T BARR (SBN 295538)

15 ESTEE LEWIS (SBN 268358)

16 BRANDON STORMENT (SBN 267260)

17 TROY DOUGLAS MUDFORD (156392)

18 Attorneys for Plaintiffs
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EXHIBIT B

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BERNARDINO, SAN BERNARDINO DISTRICT

Complex Litigation Program

Judge David Cohn

Department S-26

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 26 2019

BY Alfie Cervantes
ALFIE CERVANTES, DEPUTY

MCFADYEN -V- GHOSTGUNNER, INC.

Case No. CIV-DS1935422

INITIAL CASE MANAGEMENT CONFERENCE ORDER

This case is assigned for all purposes to Judge David Cohn in the Complex Litigation Program. An initial Case Management Conference (CMC) is scheduled for FEB 18 2020 at 8:30 a.m., in Department S-26, located at the San Bernardino Justice Center, 247 West Third Street, San Bernardino, California, 92415.

Counsel for all parties are ordered to attend the initial CMC. Telephonic appearances are allowed, though discouraged. If there are defendants who have not yet made a general or special appearance, those parties who are presently before the court may jointly request a continuance of the initial CMC to allow additional time for such non-appearing defendants to make their general or special appearances. Such a request should be made by submitting a Stipulation and Proposed Order to the Court, filed directly in Department S-26, no later than ten court days before the scheduled hearing.

1 Pending further order of this court, and except as otherwise provided in this
2 Order, these proceedings are **stayed** in their entirety. This stay precludes the filing of
3 any answer, demurrer, motion to strike, or motions challenging the jurisdiction of the
4 Court. Each defendant, however, is directed to file a Notice of General Appearance (or
5 a Notice of Special Appearance if counsel intends to challenge personal jurisdiction) for
6 purposes of identification of counsel and preparation of a service list. The filing of a
7 Notice of General Appearance is without prejudice to any substantive or procedural
8 challenges to the complaint (including subject matter jurisdiction), without prejudice to
9 any denial or affirmative defense, and without prejudice to the filing of any cross-
10 complaint. The filing of a Notice of Special Appearance is without prejudice to any
11 challenge to the court's exercise of personal jurisdiction. This stay of the proceedings is
12 issued to assist the court and the parties in managing this case through the
13 development of an orderly schedule for briefing and hearings on any procedural or
14 substantive challenges to the complaint and other issues that may assist in the orderly
15 management of this case. This stay shall not preclude the parties from informally
16 exchanging documents and other information that may assist them in their initial
17 evaluation of the issues.

18
19 Plaintiffs' counsel is ordered to serve this Order on counsel for each defendant,
20 or, if counsel is not known, on each defendant within five days of the date of this Order.
21 If the complaint has not been served as the date of this Order, counsel for plaintiff is to
22 serve the complaint along with this Order within ten days of the date of this Order.

23
24 Counsel for all parties are ordered to meet and confer in person no later than
25 fifteen court days before the initial CMC to discuss the subjects listed below. Counsel
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1 must be fully prepared to discuss these subjects with the court.

2 Agenda for the Initial CMC

- 3 1. Any issues of recusal or disqualification;
- 4 2. Any potentially dispositive or important threshold issues of law or fact that, if
- 5 considered by the court, may simplify or further resolution of the case;
- 6 3. Appropriate mechanisms for Alternative Dispute Resolution;
- 7 4. A plan for the preservation of evidence and a uniform system for the identification
- 8 of documents to be used throughout the course of this litigation, including
- 9 discovery and trial;
- 10 5. A discovery plan for the disclosure and production of documents and other
- 11 discovery, including whether the court should order automatic disclosures,
- 12 patterned on Federal Rule of Civil Procedure 26(a) or otherwise;
- 13 6. Whether it is advisable to conduct discovery in phases so that information
- 14 needed to conduct meaningful ADR is obtained early in the case;
- 15 7. Any issues involving the protection of evidence and confidentiality;
- 16 8. The use and selection of an electronic service provider;
- 17 9. The handling of any potential publicity issues.
- 18 10. Any other issues counsel deem appropriate to address with the court.
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23 The Joint Report

24 Counsel are ordered to prepare a Joint Report for the initial CMC, to be filed

25 directly in Department S-26 (not in the Clerk's office), no later than ten court days

26 before the conference date. The Joint Report must include the following:

- 27 1. Whether the case should or should not be treated as complex;
- 28

- 1 2. Whether additional parties are likely to be added and a proposed date by which
2 all parties must be served;
- 3 3. A service list (the service list should identify all primary and secondary counsel,
4 firm names, addresses, telephone numbers, email addresses, and fax numbers
5 for all counsel.)
- 6
7 4. Whether the court should issue an order requiring electronic service. Counsel
8 should advise the court regarding any preferred web-based electronic service
9 provider;
- 10 5. Whether any issues of jurisdiction or venue exist that might affect this court's
11 ability to proceed with this case.
- 12
13 6. Whether there are applicable arbitration agreements, and the parties' views on
14 their enforceability;
- 15 7. A list of all related litigation pending in this or other courts (state and federal), a
16 brief description of any such litigation, including the name of the judge assigned
17 to the case, and a statement whether any additional related litigation is
18 anticipated;
- 19
20 8. A description of the major factual and legal issues in the case. The parties
21 should address any contracts, statutes, or regulations on which claims or
22 defenses are based, or which will require interpretation in adjudicating the claims
23 and defenses;
- 24
25 9. The parties' tentative views on an ADR mechanism and how such mechanism
26 might be integrated into the course of the litigation;
- 27
28

- 1 10. A discovery plan, including the time need to conduct discovery and whether
2 discovery should be conducted in phases or limited (and, if so, the order of
3 phasing or types of limitations). With respect to the discovery of electronically
4 stored information (ESI), the plan should include:
5
6 a. Identification of the Information Management Systems used by the parties;
7
8 b. The location and custodians of information that is likely to be subject to
9 production (including the identification of network and email servers and
10 hard-drives maintained by custodians);
11
12 c. The types of ESI that will be requested and produced, e.g. data files,
13 emails, etc.;
14
15 d. The format in which ESI will be produced;
16
17 e. Appropriate search criteria for focused requests.
18
19 f. A statement whether the parties will allow their respective IT consultants
20 or employees to participate directly in the meet and confer process.
21
22 11. Whether the parties will stipulate that discovery stays or other stays entered by
23 the court for case management purposes will be excluded in determining the
24 statutory period for bringing the case to trial under Code of Civil Procedure
25 Section 583.310 (the Five Year Rule).
26
27 12. Recommended dates and times for the following:
28
29 a. The next CMC;
30
31 b. A schedule for any contemplated ADR;
32
33 c. A filing deadline (and proposed briefing schedule) for any anticipated
34 non-discovery motions.

1 d. With respect to class actions, the parties' tentative views on an
2 appropriate deadline for a class certification motion to be filed.

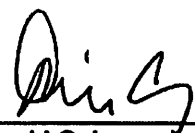
3 To the extent the parties are unable to agree on any matter to be addressed in
4 the Joint Report, the positions of each party or of various parties should be set forth
5 separately. The parties are encouraged to propose, either jointly or separately, any
6 approaches to case management that they believe will promote the fair and efficient
7 handling of this case.
8

9 Any stipulations to continue conferences or other hearings throughout this
10 litigation must be filed with the court **directly in Department S-26** (not in the Clerk's
11 office), **no later than ten court days before the conference or hearing date.**
12

13 Informal Discovery Conferences

14 Motions concerning discovery cannot be filed without first requesting an informal
15 discovery conference (IDC) with the court. Making a request for an IDC automatically
16 stays the deadline for filing any such motion. Absent prior permission from the court,
17 counsel must attend the IDC in person. No briefing is required, but counsel must have
18 the relevant discovery record available for the court to review. Any such materials
19 should not be filed with the court.
20

21
22 DATED: 11/26/19

23 
24 _____
25 David Cohn,
26 Judge of the Superior Court
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

San Bernardino District - Civil
247 West Third Street

San Bernardino CA 924150210

CASE NO: CIVDS1935422

I M P O R T A N T C O R R E S P O N D E N C E

From the above entitled court, enclosed you will find:

INITIAL COMPLEX ORDER AND GUIDELINES

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above listed notice:

() Enclosed in a sealed envelope mailed to the interested party addressed above, for collection and mailing this date, following standard Court practices.

() Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above, or as shown on the attached listing.

() A copy of this notice was given to the filing party at the counter

() A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file stamped documents.

Date of Mailing: 11/27/19

I declare under penalty of perjury that the foregoing is true and correct. Executed on 11/27/19 at San Bernardino, CA

BY: ALFIE CERVANTES

M A I L I N G C O V E R S H E E T

Notice 'ADDRES' has been printed for the following Attorneys/Firms
or Parties for Case Number CIVDS1935422 on 11/27/19:

BARR & MUDFORD, LLP
1824 COURT STREET/
P.O. BOX 994390
REDDING, CA 96099-4390

EXHIBIT C

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Cate Barr - SBN 295538 Estee Lewis - SBN 268358 BARR & MUDFORD, LLP P.O. Box 994390 Redding, CA 96099-4390 TELEPHONE NO: 530-243-8008 FAX NO: 530-243-1648 ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT NOV 14 2019 BY <u>Alma Vallejo Garcia</u> ALMA VALLEJO GARCIA, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 W. Third Street, 3rd Floor, 0210 MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, CA 92415-0210 BRANCH NAME:		
CASE NAME: TROY MCFADYEN, et al. v. GHOST GUNNER INC., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		
CASE NUMBER: CIV DS 1935422 JUDGE: DEPT:		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other P/PI/D/W/D (23) Non-P/PI/D/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/PI/D/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Six (6)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 13, 2019
 ESTEE LEWIS

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (05)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	Construction Defect (10)
	Contract/Warranty Breach–Seller Plaintiff (not fraud or negligence)	Claims Involving Mass Tort (40)
	Negligent Breach of Contract/Warranty	Securities Litigation (28)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Environmental/Toxic Tort (30)
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Asbestos Property Damage	Collection Case–Seller Plaintiff	Enforcement of Judgment
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Enforcement of Judgment (20)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Abstract of Judgment (Out of County)
Medical Malpractice (45)	Auto Subrogation	Confession of Judgment (non-domestic relations)
Medical Malpractice–Physicians & Surgeons	Other Coverage	Sister State Judgment
Other Professional Health Care Malpractice	Other Contract (37)	Administrative Agency Award (not unpaid taxes)
Other PI/PD/WD (23)	Contractual Fraud	Petition/Certification of Entry of Judgment on Unpaid Taxes
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Other Enforcement of Judgment Case
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Miscellaneous Civil Complaint
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	RICO (27)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Other Complaint (not specified above) (42)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (28)	Declaratory Relief Only
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Injunctive Relief Only (non-harassment)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Mechanics Lien
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Quiet Title	Other Commercial Complaint Case (non-tort/non-complex)
Defamation (e.g., slander, libel) (13)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Other Civil Complaint (non-tort/non-complex)
Fraud (16)	Unlawful Detainer	Miscellaneous Civil Petition
Intellectual Property (19)	Commercial (31)	Partnership and Corporate Governance (21)
Professional Negligence (25)	Residential (32)	Other Petition (not specified above) (43)
Legal Malpractice	Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Civil Harassment
Other Professional Malpractice (not medical or legal)	Judicial Review	Workplace Violence
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Elder/Dependent Adult Abuse
Employment	Petition Re: Arbitration Award (11)	Election Contest
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Name Change
Other Employment (15)	Writ–Administrative Mandamus	Petition for Relief From Late Claim
	Writ–Mandamus on Limited Court Case Matter	Other Civil Petition
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor Commissioner Appeals	

EXHIBIT D

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ben Rosenfeld (SBN 203845) Attorney at Law 115 1/2 Bartlett Street San Francisco, CA 94110 TELEPHONE NO.: 415-285-8091 FAX NO.: 415-285-8092 ATTORNEY FOR (Name): Francisco Gudino Cardenas		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
CASE NAME: Francisco Gudino Cardenas v. Ghost Gunner Inc. et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		
		CASE NUMBER: 30-2019-0111797-CU-PO-CJC JUDGE: Judge Derek W. Hunt DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **6: 3x Negligence, Public Nuisance, and 2x B&P 17200**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related cases. (You may use form CM-015.)

Date: November 14, 2019
Ben Rosenfeld, Attorney

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

EXHIBIT E

GERALD B. SINGLETON (SBN 208783)
SINGLETON LAW FIRM
450 A Street, 5th Floor
San Diego, CA 92101
Tel: (619) 586-5820
Fax: (619) 255-1515
gerald@SLFfirm.com

BEN ROSENFELD (SBN 203845)
ATTORNEY AT LAW
115 ½ Bartlett Street
San Francisco, CA 94110
Tel: (415) 285-8091
Fax: (415) 285-8092
ben.rosenfeld@comast.net

Attorneys for Plaintiff
Francisco Gudino Cardenas

IN THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF ORANGE

FRANCISCO GUDINO CARDENAS, an
individual

Plaintiff,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET;

DEFENSE DISTRIBUTED d/b/a
GHOSTGUNNER.NET

CODY WILSON d/b/a GHOSTGUNNER.NET

BLACKHAWK MANUFACTURING GROUP
INC., d/b/a 80PERCENTARMS.COM;

RYAN BEEZLEY and BOB BEEZLEY, d/b/a
RBTACTICALTOOLING.COM;

GHOST AMERICA LLC, d/b/a
GHOSTGUNS.COM;

GHOST FIREARMS LLC, d/b/a GRID

No. 30-2019-01111797-CU-PO-CJC

Judge Derek W. Hunt

COMPLAINT FOR DAMAGES

(DEMAND FOR JURY TRIAL)

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

1. NEGLIGENCE
2. NEGLIGENCE PER SE
3. NEGLIGENT ENTRUSTMENT
4. PUBLIC NUISANCE
5. VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 (UNFAIR AND UNLAWFUL SALES PRACTICES)
6. VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200

DEFENSE and GHOSTRIFLES.COM;

(UNFAIR MARKETING TACTICS)

JUGGERNAUT TACTICAL INC., d/b/a
JTACTICAL.COM;

MFY TECHNICAL SOLUTIONS LLC, d/b/a
5DTACTICAL.COM;

TACTICAL GEAR HEADS LLC, d/b/a 80-
LOWER.COM; AR-
15LOWERRECEIVERS.COM; and
80LOWERJIG.COM;

JAMES TROMBLEE, JR., d/b/a
USPATRIOTARMORY.COM;

INDUSTRY ARMAMENT INC., d/b/a
AMERICANWEAPONSCOMPONENTS.COM;

THUNDER GUNS LLC, d/b/a
THUNDERTACTICAL.COM;

DOES 1-100, Inclusive,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

1. COMES NOW PLAINTIFF FRANCISCO GUDINO CARDENAS, in his Individual Capacity ("PLAINTIFF"), by and through his attorneys of record, and alleges the following against DEFENDANTS GHOST GUNNER INC., d/b/a GHOSTGUNNER.NET; BLACKHAWK MANUFACTURING GROUP INC., d/b/a 80PERCENTARMS.COM; RYAN BEEZLEY and BOB BEEZLEY, d/b/a RBTACTICALTOOLING.COM; GHOST AMERICA LLC, d/b/a GHOSTGUNS.COM; GHOST FIREARMS LLC, d/b/a GRID DEFENSE and GHOSTRIFLES.COM; JUGGERNAUT TACTICAL INC., d/b/a JTACTICAL.COM; MFY TECHNICAL SOLUTIONS LLC, d/b/a 5DTACTICAL.COM; TACTICAL GEAR HEADS LLC, d/b/a 80- LOWER.COM; AR-15LOWERRECEIVERS.COM; and 80LOWERJIG.COM; JAMES

1 TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM; INDUSTRY ARMAMENT INC.,
2 d/b/a AMERICANWEAPONSCOMPONENTS.COM; THUNDER GUNS LLC, d/b/a
3 THUNDERTACTICAL.COM; and DOES 1-50 (collectively “DEFENDANTS”). Further,
4 PLAINTIFF demand a jury trial.

5 INTRODUCTION

6 2. DEFENDANTS are companies that have chosen to intentionally undermine
7 federal and state firearms laws by designing, manufacturing, marketing, distributing and/or
8 selling kits and firearms parts that are easily assembled by the purchaser into fully functional
9 weapons, including AR-15 style assault weapons to consumers across the nation, including
10 within the State of California. DEFENDANTS have chosen to engage in this business
11 primarily by utilizing online sales that enable purchasers to acquire such weapons without a
12 background check or any interaction with a Federal Firearms Licensee (“FFL,” an authorized
13 gun dealer) and in violation of state law restrictions governing assault weapons, including
14 restrictions in the State of California.

15 3. The weapons assembled from DEFENDANTS’ kits and firearms parts are
16 termed “ghost guns.” This name reflects the fact that such weapons lack a serial number
17 unless specifically required by state law and are difficult, if not impossible, for law
18 enforcement to trace back to their manufacturer/seller when recovered from a crime scene.

19 4. DEFENDANTS knew when they entered this business that they would
20 foreseeably be supplying criminals, killers, and others whose possession of firearms pose an
21 unacceptably high threat of injury or death to others.

22 5. DEFENDANTS further knew that selling these kits and firearm parts violated
23 state and federal statutes applicable to the registration, ownership, sale, and marking of
24 firearms.
25
26
27
28

1 6. DEFENDANTS refused to use reasonable safety measures that could have
2 limited the risk of their products falling into the hands of such dangerous individuals.

3 7. Instead, DEFENDANTS targeted their business at precisely such individuals
4 by intentionally emphasizing features of their products that make them particularly attractive
5 to such dangerous parties as major selling points. For example, DEFENDANTS intentionally
6 emphasized that 1) their products can be used to assemble untraceable weapons and 2) enable
7 the purchaser to evade background checks and interaction with an FFL.

8 8. DEFENDANTS chose profits over people and public safety, and launched and
9 maintained their business in the unreasonably dangerous manner described herein.

10 9. Since DEFENDANTS have launched their “ghost guns” business they have
11 learned with certainty that their business is a massive and growing source of crime guns that
12 are claiming innocent lives in California and elsewhere.

13 10. DEFENDANTS could have changed their business practices to institute
14 reasonable safety measures to minimize the damage done by the problem they created.
15 Instead DEFENDANTS have continued to choose profits over people and public safety and
16 have doubled down on their dangerous and irresponsible practices. By doing so,
17 DEFENDANTS have and are acting with a reckless disregard, conscious disregard or
18 deliberate indifference to a known and obvious risk that threatens the life and safety of
19 others.
20

21 11. Upon information and belief, all DEFENDANTS designed, advertised,
22 marketed, sold, distributed and/or offered, one or more “ghost gun” kits/parts that could be
23 easily assembled into un-serialized AR-15 style “ghost gun” rifles that are prohibited under
24 California’s assault weapons ban to California residents leading up to and/or during
25 November 2017.
26

27 12. PLAINTIFF brings this suit because he was shot and injured as a direct,
28

foreseeable, and proximate result of DEFENDANTS' negligent, reckless, and intentionally unlawful actions.

13. Specifically, PLAINTIFF was shot and injured by a dangerous, mentally disturbed California resident named KEVIN NEAL, who was barred from firearms possession by one or more state court orders. NEAL would not have been able to legally acquire a firearm in the State of California. NEAL purchased parts/kits from one or more of the DEFENDANTS leading up to and/or during November 2017 and used these parts/kits to assemble at least two AR-15 style "ghost gun" rifles barred under California's prohibition on assault weapons. NEAL used these "ghost guns" in a rampage shooting that killed or injured PLAINTIFF or their loved ones on November 13-14, 2017.

14. DEFENDANTS, upon information and belief, continue to offer these products to California residents using marketing strategies and business practices that are identical or essentially the same as those used during and before November 2017.

JURISDICTION

15. This is a civil action for negligence and violations of the California Unfair Competition Law (Cal. Bus. & Prof. Code § § 17200 et seq). This Court has subject matter jurisdiction over this action as the amount of the claims exceeds \$25,000.00

16. Venue is proper in this court because several of the DEFENDANTS, RYAN BEEZLEY and BOB BEEZLEY d/b/a RBTACTIALTOOLING.COM, and DEFENDANT JAMES TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM are California residents and/or California Corporations who at all relevant times reside in and/or have their principal place of business in the City of Apple Valley, County of San Bernardino, State of California.

17. PLAINTIFF seeks an award of compensatory damages, punitive damages pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. And Prof. Code

1 § 17200, injunctive and declaratory relief, costs and expenses, and reasonable attorney's
2 fees.

3 **NOTICE OF RELATED CASE**

4 18. This case is related to *McFadyen, et al. v. Ghost Gunner Inc., et al.*, Case No.
5 _____, filed in this San Bernadino County Court on November 13, 2019, in that
6 it is bath on the same nucleus of operative facts, the same incident, and is brought against
7 the same defendants.
8

9 **THE PARTIES**

10 19. Plaintiff FRANCISCO GUDINO CARDENAS is a natural person of
11 majority age who resided at the time of this incident in Tehama County, CA and presently
12 resides in San Diego County, CA.

13 20. At all times pertinent hereto, DEFENDANT GHOST GUNNER INC.
14 ("GHOST GUNNER"), d/b/a GHOSTGUNNER.NET, was a Texas corporation with its
15 principal place of business in Austin, County of Travis, State of Texas. At all times pertinent
16 hereto, GHOST GUNNER was engaged in the business of designing, marketing,
17 distributing, manufacturing and selling parts/kits used to assemble "ghost guns," including
18 AR-15 style "ghost gun" rifles to consumers across the nation, including to consumers
19 within the State of California. GHOST GUNNER's registered agent is a Texas company
20 named DEFENSE DISTRIBUTED. DEFENSE DISTRIBUTED and GHOST GUNNER
21 ("DEFENSE DISTRIBUTED/GHOST GUNNER") should be viewed as interchangeable
22 and inextricably linked for purposes of this Complaint for Damages; upon information and
23 belief, the same individual, Cody Wilson, was involved with running both entities.
24 DEFENSE DISTRIBUTED's website still links to GHOST GUNNER. See
25 <https://defdist.org>.
26

27 21. At all times pertinent hereto, DEFENDANT BLACKHAWK
28

1 MANUFACTURING GROUP INC. (“BLACKHAWK”), d/b/a 80PERCENTARMS.COM,
2 was a California domestic corporation, with its principal place of business in the Garden
3 Grove, County of Orange, State of California. At all times pertinent hereto, BLACKHAWK
4 was engaged in the business of designing, marketing, distributing, manufacturing and/or
5 selling parts/kits used to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to
6 consumers across the nation, including to consumers within the State of California.
7

8 22. At all times pertinent hereto, DEFENDANTS RYAN BEEZLEY and BOB
9 BEEZLEY have maintained addresses in Apple Valley, County of San Bernardino, State of
10 California and were doing business as RBTACTICALTOOLING.COM. At all times
11 pertinent hereto, RBTACTICALTOOLING.COM has maintained a business address in
12 Apple Valley, County of San Bernardino, State of California. At all times pertinent hereto,
13 RBTACTICALTOOLING.COM was engaged in the business of designing, marketing,
14 distributing, manufacturing and selling parts/kits used to assemble “ghost guns,” including
15 AR-15 style “ghost gun” rifles to consumers across the nation, including to consumers
16 within the State of California.
17

18 23. At all times pertinent hereto, DEFENDANT GHOST AMERICA LLC
19 (“GHOST AMERICA”), d/b/a GHOSTGUNS.COM, was a California limited liability
20 company with its principal place of business in Yorba Linda, County of Orange, State of
21 California. At all times pertinent hereto, GHOST AMERICA was engaged in the business
22 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
23 “ghost guns,” including AR-15 style “ghost gun” rifles to consumers across the nation,
24 including to consumers within the State of California.
25

26 24. At all times pertinent hereto, GHOST FIREARMS LLC (“GHOST
27 FIREARMS”), d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability
28 company registered in Florida with its principal place of business in Daytona Beach, County

1 of Volusia, State of Florida. At all times pertinent hereto, GHOST FIREARMS was
2 engaged in the business of designing, marketing, distributing, manufacturing and selling
3 parts/kits used to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to
4 consumers across the nation, including to consumers within the State of California.

5 25. At all times pertinent hereto, DEFENDANT JUGGERNAUT TACTICAL
6 INC. (“JUGGERNAUT”), d/b/a JTACTICAL.COM, was a California corporation with its
7 principal place of business in Orange, County of Orange, State of California. At all times
8 pertinent hereto, JUGGERNAUT was engaged in the business of designing, marketing,
9 distributing, manufacturing and selling parts/kits used to assemble “ghost guns,” including
10 AR-15 style “ghost gun” rifles to consumers across the nation, including to consumers
11 within the State of California.
12

13 26. At all times pertinent hereto, DEFENDANT MFY TECHNICAL
14 SOLUTIONS LLC (“MFY TECHNICAL”), d/b/a 5DTACTICAL.COM, was a
15 Massachusetts limited liability company with its principal place of business in
16 Westborough, County of Worcester, State of Massachusetts. At all times pertinent hereto,
17 MFY TECHNICAL was engaged in the business of designing, marketing, distributing,
18 manufacturing and selling parts/kits used to assemble “ghost guns,” including AR-15 style
19 “ghost gun” rifles to consumers across the nation, including to consumers within the State of
20 California.
21

22 27. At all times pertinent hereto, DEFENDANT TACTICAL GEAR HEADS
23 LLC (“TACTICAL GEAR HEADS”), d/b/a 80-LOWER.COM; AR-
24 15LOWERRECEIVERS.COM; and 80LOWERJIG.COM, was an Indiana limited liability
25 company with its principle of business in Indianapolis, County of Marion, State of Indiana
26 and/or in Fishers, County of Hamilton, State of Indiana. At all times pertinent hereto,
27 TACTICAL GEAR HEADS, via its various retail websites, was engaged in the business of
28

1 designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
2 “ghost guns,” including AR-15 style “ghost gun” rifles to consumers across the nation,
3 including to consumers within the State of California.

4 28. At all times pertinent hereto, DEFENDANT JAMES TROMBLEE, JR., has
5 maintained a mailing address in Apple Valley, County of San Bernardino, State of
6 California. Upon information and belief, TROMBLEE began doing business as
7 USPATRIOTARMORY.COM on April 25, 2014. USPATRIOTARMORY.COM has
8 maintained a business and mailing address in Apple Valley, County of San Bernardino,
9 State of California. At all times pertinent hereto, USPATRIOTARMY.COM was engaged in
10 the business of designing, marketing, distributing, manufacturing and selling parts/kits used
11 to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to consumers across the
12 nation, including to consumers within the State of California.

14 29. At all times pertinent hereto, DEFENDANT INDUSTRY ARMAMENT
15 INC. (“INDUSTRY ARMAMENT”), d/b/a
16 AMERICANWEAPONSCOMPONENTS.COM, was a Delaware corporation with a
17 principal place of business in Mesa, County of Maricopa, State of Arizona. At all times
18 pertinent hereto, INDUSTRY ARMAMENT was engaged in the business of designing,
19 marketing, distributing, manufacturing and selling parts/kits used to assemble “ghost guns,”
20 including AR-15 style “ghost gun” rifles to consumers across the nation, including to
21 consumers within the State of California.

23 30. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
24 (“THUNDER GUNS”), d/b/a THUNDERTACTICAL.COM, was a limited liability
25 company registered in Florida with its principal place of business in Daytona Beach, County
26 of Volusia, State of Florida. At all times pertinent hereto, THUNDER TACTICAL was
27 engaged in the business of designing, marketing, distributing, manufacturing and selling
28

1 parts/kits used to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to
2 consumers across the nation, including to consumers within the State of California.

3 31. DEFENDANTS DOE ONE through DOE ONE HUNDRED (“DOE
4 DEFENDANTS”) are sued herein under fictitious names. PLAINTIFF assert that DOE
5 DEFENDANTS are engaged in the business of designing, marketing, distributing,
6 manufacturing and/or selling parts/kits used to assemble “ghost guns,” including AR-15 style
7 “ghost gun” rifles, to consumers across the nation, including to consumers within the State of
8 California. PLAINTIFF do not at this time know the true names or capacities of said DOE
9 DEFENDANTS, but pray that the same may be alleged herein should that information be
10 ascertained.
11

12 32. The true names or capacities, whether individual, corporate, associate or
13 otherwise, of DEFENDANT DOES ONE through ONE HUNDRED, inclusive, are
14 unknown to PLAINTIFF, who, therefore sue said DEFENDANTS by such fictitious names.
15 PLAINTIFF are informed and believe and thereon allege that each of the DEFENDANTS
16 designated herein as a DOE is negligently, intentionally, or in some other manner,
17 responsible for the events and happenings herein referred to and negligently, intentionally,
18 or in some other manner, caused injury and damages proximately thereby to the PLAINTIFFS
19 as herein alleged.
20

21 33. DEFENDANTS were all actively engaged in the business of designing,
22 marketing, distributing, manufacturing and/or selling these products to California residents
23 leading up to and during November of 2017, while emphasizing features of their products that
24 made them particularly attractive to dangerous actors like NEAL.

25 34. All herein complained actions of DEFENDANTS, and each of them, were
26 done in a conscious disregard and deliberate disregard for the rights and safety of others,
27 and in a willful and reckless manner making the infliction of grievous bodily injury and/or
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1 death highly probable. DEFENDANTS' conduct was despicable, willful, wanton and
2 malicious within the meaning of California Civil Code §§ 3294, so as to warrant the
3 imposition of punitive and exemplary damages against them in the fullest extent allowed by
4 law. DEFENDANTS and each of them acted in a conscious disregard for the rights and
5 safety of others, in a manner that shocks the conscience, and in a despicable manner
6 sufficient to warrant the imposition of punitive damages against each and every
7 DEFENDANT sued herein.
8

9 CASE SPECIFIC ALLEGATIONS

10 35. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
11 though set out in full herein.

12 A. The "Ghost Gun" Industry Negligently and Knowingly Arms Criminals and 13 Other Dangerous People Like Neal and Intentionally Circumvents California and Federal Firearms Laws

14 36. Every year in America, firearms are used to commit over 500,000 crimes, and
15 over 100,000 people are shot – close to 40,000 fatally.

16 37. Federal and state laws recognize the grave risk posed by firearms in the wrong
17 hands, and as a result, regulate and restrict their sale and possession in numerous ways.
18

19 38. Only FFLs may engage in the business of selling firearms. Felons, domestic
20 abusers, the dangerously mentally ill, and certain other categories of people are deemed to
21 pose too great a danger to themselves or others are prohibited from possessing guns as a
22 matter of federal and/or state law. FFLs are required to conduct background checks on gun
23 buyers to prevent sales to such prohibited purchasers. Firearms sold by FFLs must include
24 stamped serial numbers, to enable accurate record keeping and aid law enforcement in
25 tracing the gun to its initial retail seller if it is later misused in a crime. Such tracing can help
26 identify the chain of possession and ultimate user of such a crime gun.
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1 39. FFLs are also required to exercise common sense in protecting the public by
2 refusing firearms sales, even where a buyer passes a background check, if the buyer is
3 displaying disturbing or erratic behavior suggesting a significant psychological disturbance.
4 A FFL always retains discretion to refuse a firearms sale for any reason.

5 40. A FFL must carefully learn and comply with all federal laws, as well as the
6 laws of the state in which it resides and, for certain sales to residents of other states, the laws
7 of those states. Some states, like California, prohibit sales of military-style assault weapons
8 like AR-15 style rifles.
9

10 41. DEFENDANTS sought – and continue to seek -- to undermine and
11 circumvent these federal and state public safety laws.

12 42. DEFENDANTS are not FFLs. At all times pertinent hereto, DEFENDANTS
13 knew, and they continue to know, that law-abiding persons who desire firearms can and do
14 obtain manufactured firearms through FFLs.

15 43. DEFENDANTS are companies and entities who chose, at all times pertinent
16 hereto, to manufacture and/or sold unserialized, unfinished firearms parts (such as frames
17 and receivers) or firearms assembly kits that can be used to produce “ghost guns,” including
18 AR-15 style “ghost gun rifles.”
19

20 44. Much of DEFENDANTS’ business involves online sales, and
21 DEFENDANTS, at all times pertinent hereto, marketed, advertised, targeted and/or sold their
22 products to individuals across the country, including in California.

23 45. DEFENDANTS, at all times pertinent hereto, manufactured and/or sold
24 “ghost gun” parts that require very limited additional milling before they can be easily
25 combined with other largely unregulated gun parts – which are often included in
26 DEFENDANTS’ assembly kits— to form a fully functioning “ghost gun.”
27
28

1 46. One common “ghost gun” part sold by DEFENDANTS is an 80% receiver,
2 which is designed to fall just outside of the federal definition of a “firearm” so as to evade
3 federally required background checks and other regulations applicable to “firearms.”

4 47. The process of converting such parts into a “ghost gun,” whether it be a semi-
5 automatic handgun or an AR-15 style assault rifle, involves just a few steps.
6 DEFENDANTS’ parts/kits can be used to create a fully functional “ghost gun” in as little as
7 a few minutes without the consumer possessing any specialized skill or abilities.

8 48. DEFENDANTS thus enabled anyone, including individuals prohibited from
9 possessing any firearms or individuals prohibited from possessing assault weapons by virtue
10 of state law, to build “ghost guns,” including but not limited to assault weapons.

11 49. Once assembled, “ghost guns” are just as deadly and dangerous as traditional
12 firearms.

13 50. DEFENDANTS purposefully chose – and continue to choose-- not to stamp
14 serial numbers on these parts or other parts included in their firearms assembly kits. This
15 means that the “ghost guns” produced from DEFENDANTS’ products cannot be traced back
16 to the initial manufacturer or seller, making it harder to identify the chain of possession and
17 ultimate user of a gun recovered from a crime scene. This makes the parts/kits used to
18 assemble these weapons highly attractive to criminals and illegal gun traffickers.

19 51. Because DEFENDANTS’ products were – and continue to be – readily
20 available online for purchase with no background check, they are also very attractive to
21 criminals, prohibited domestic abusers, and other dangerous individuals who would
22 otherwise be prevented from purchasing a gun due to the inability to pass a background
23 check.

24 52. Similarly, because DEFENDANTS’ products were – and continue to be –
25 capable of purchase without the buyer having any interaction with an FFL, these products are
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1 also attractive and accessible to individuals with psychological or behavioral issues who fear
2 they may not be able to pass muster at a responsible FFL.

3 53. DEFENDANTS were, and still are, well aware that, as a special agent in
4 charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives' ("ATF") Los Angeles
5 field division recently told reporters, "Criminals are making their own weapons because they
6 cannot buy them legally ... or they are paying other people to make those guns for them to
7 get around the gun laws."

8
9 54. DEFENDANTS intentionally targeted and continue to target precisely the
10 criminals and other dangerous parties described above.

11 55. In their marketing and advertising, DEFENDANTS purposefully emphasize
12 the untraceable nature of "ghost guns" due the absence of a serial number as a major selling
13 point.

14 56. In their marketing and advertising, DEFENDANTS purposefully emphasize
15 the fact that their products can be purchased without a background check or interaction with
16 an FFL as major selling points.

17 57. DEFENDANTS' marketing to the criminal market includes but is not limited
18 to the following examples:

- 19
20 a. RBTACTICALTOOLING.COM emphasizes that its products allow the
21 production of unserialized weapons. *See*
22 <https://www.rbtacticaltooling.com/about/>. One of its AR-15 receivers
23 includes a stamp of an individual giving the middle finger to law enforcement
24 personnel who would be looking for a serial number to trace a "ghost gun"
25 recovered from a crime scene *See*
26 <https://www.rbtacticaltooling.com/product/magpul-lower-receiver-ar-15/>:
27
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- b. A Q & A section on one of TACTICAL GEAR HEAD's retail websites includes this disclosure: "An AR-15 built using an 80% lower [receiver] will have no serialization or paperwork attached to it by default. Therefore, it is typically impossible to determine the firearm's origin or history." *See* <https://www.80-lower.com/faqs/>. The site further emphasizes that a purchaser need not interact with an FFL to acquire its parts/kits and make a "ghost gun" AR-15 style rifle. *See* <https://www.80-lower.com/products/ar-15-build-kit-5-56mm-nato-16-melonite-barrel-classic-a2-handguard-w-80-lower-1-7-twist/>:



- c. INDUSTRY ARMAMENT's website states, on a page listing an AR-15 receiver for sale, that "[t]he purchase of this component does not constitute the purchase of a firearm and as such does not require a FFL for transfer." *See* <https://americanweaponscomponents.com/product/80-ar-15-forged-anodized-lower-receiver>.
- d. THUNDER GUNS' website states, on a page offering a pack of 5 AR-15 lower receivers, that "[t]hese products are not FFL items." *See* <https://thundertactical.com/product/80-ar-lower-receiver-5-pack/>.

58. The above examples are illustrative rather than exhaustive. Upon information and belief, they are also identical to or essentially the same as DEFENDANTS' marketing

tactics for “ghost gun” parts/kits that can be assembled into AR-15 style “ghost gun” rifles during the relevant time period.

59. Sales of “ghost gun” parts/kits have increased significantly in recent years. Not surprisingly, the use of “ghost guns” in crimes has also increased exponentially.

60. According to ATF, 30 percent of all guns recovered at California crime scenes are now untraceable “ghost guns.”

61. “Ghost guns” – and, in particular, AR-15 style “ghost gun” rifles—have been used in many incidents of violence in California. For example:

- a. In June 2013, John Zawahri went on a shooting spree with a “ghost gun” and killed five people in Santa Monica, California. Zawahri, who had a documented history of mental illness, was a prohibited purchaser and the “ghost gun” he used was an AR-15 style rifle.
- b. In July 2015, Scott Bertics shot and killed a woman with whom he was involved in a romantic relationship and he then used a second gun to kill himself in Walnut Creek, California. Both of the guns used were “ghost guns.”
- c. In July 2015, in Stockton, California, gunmen used an AK-47-style “ghost gun” in an attempted bank robbery, and held three people hostage.
- d. In June 2019, 26-year-old Sacramento Police Officer Tara O’Sullivan was shot and killed with an AR-15 style “ghost gun” rifle while responding to a domestic disturbance call.
- e. In August 2019, a convicted felon used an AR-15 style “ghost gun” rifle to kill California Highway Patrol officer Andre Moye and wound two of his colleagues, during a freeway shootout in Riverside, California.

62. Upon information and belief, DEFENDANTS were aware of one or all of these and other incidents involving the unlawful use of “ghost guns.”

63. AR-15 style rifles are, and were, prohibited assault weapons under California law. *See* Cal. Pen. Code § 30510(a)(5) (assault weapons include semiautomatic rifles within the “Colt AR-15 series”); § 30510(f) (“As used in this section, ‘series’ includes all other models that are only variations, with minor differences, of those models listed in subdivision

1 (a), regardless of the manufacturer.”); § 30605(a) (criminalizing possession of an assault
2 weapon).

3 64. Federal law requires all FFLs—even those outside of a purchaser’s state—to
4 comply with the laws of a purchaser’s state when selling long guns like AR-15 style rifles.
5 *See* 18 U.S.C. § 922(b)(3).

6 65. California’s ban on AR-15 style rifles is a reasonable and responsible reaction
7 to the grave threat that AR-15 style weapons pose to the health and safety of Californians.
8 These types of weapons are favored by mass shooters. As illustrative examples, in addition
9 to this case, the shooters in the Aurora, Colorado movie theater shooting in July 2012, the
10 Newtown, Connecticut elementary school shooting in December 2012, and the
11 aforementioned Santa Monica, California shooting in June 2013, all used AR-15 style rifles.
12

13 66. Upon information and belief, all DEFENDANTS were aware that AR-15 style
14 rifles are frequently used by mass shooters.

15 67. “Ghost gun” parts/kits enable dangerous people in California like NEAL to
16 obtain such banned weapons.

17 68. In September 2019, New York Attorney General Letitia James announced that
18 she had ordered 16 websites to immediately stop selling products enabling the assembly of
19 “ghost guns” in New York. Attorney General James acknowledged the reality that “ghost
20 guns” had been providing the means to violate the state’s assault weapons ban, stating:
21 “There is only one purpose for the products that these companies are selling — to
22 manufacture illegal and deadly assault weapons.” James went on to note that “[t]he
23 proliferation of these types of weapons has not only caused indescribable suffering across the
24 country, but gravely endangers every New Yorker.” DEFENDANTS’ business practices
25 similarly undermine California’s assault weapons ban and endanger every Californian.
26
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69. DEFENDANTS could have taken steps to avoid supplying individuals in California with prohibited assault weapons and/or violating various federal firearms laws. Below is a non-exhaustive list of feasible steps that a reasonable and law-abiding company would have taken to avoid undermining California law and/or federal law:

- a. DEFENDANTS could have blocked Internet Protocol (“IP”) addresses associated with California from accessing their websites and/or the portions of their websites listing products enabling the assembly of AR-15 style “ghost gun” rifles;
- b. DEFENDANTS could have refused to ship such products to California;
- c. DEFENDANTS could have required that their products only be transferred through a sale carried out by an FFL;
- d. DEFENDANTS could have required that only individuals who could legally purchase and possess firearms could purchase their products; and
- e. DEFENDANTS could have included serial numbers on their products.

70. Upon information and belief, none of the DEFENDANTS took these, or any other reasonable safety precautions, to prevent dangerous California residents from violating California and/or federal law and endangering the safety of others with “ghost guns” produced from DEFENDANTS products.

71. Instead, upon information and belief, all of the DEFENDANTS intentionally targeted California consumers.

72. For example, Cody Wilson of DEFENSE DISTRIBUTED/GHOST GUNNER stated that he aimed to undermine gun violence prevention legislation, and in particular, California’s regulatory regime. Wilson, shortly after the Tehama attack in 2017, confirmed that much of DEFENSE DISTRIBUTED/GHOST GUNNER’s business comes from California.

73. Similarly, on its website, BLACKHAWK specifically emphasizes that “in our home state of California, as well as almost every other state in the U.S., it is legal to build your own firearm for personal use.” *See* <https://www.80percentarms.com/pages/faq.html>.

74. Upon information and belief, these and other DEFENDANTS were all intentionally designing, advertising, manufacturing, marketing and/or selling ghost guns

1 parts/kits designed and intended to be assembled into AR-15 style rifles to California
2 consumers like NEAL.

3 75. DEFENDANTS also, as noted above, purposefully emphasized features of
4 their products they knew to be particularly attractive to criminals and dangerous parties like
5 NEAL— such as their untraceability and the absence of a background check or interaction
6 with a FFLs.

7 76. DEFENDANTS knew that “ghost guns” are frequently used by criminals and
8 dangerous individuals and have continued to gain additional knowledge of this reality.

9 77. Upon information and belief, DEFENDANTS have, nevertheless, not changed
10 their reckless and unlawful business practices.

11 **B. “Ghost Guns” Were Used To Harm PLAINTIFF**

12 78. On November 13-14, 2017, NEAL engaged in a rampage shooting spree
13 spanning across multiple locations in Tehama County, California which left PLAINTIFF
14 seriously injured for life, when NEAL pulled up alongside PLAINTIFF’S car in NEAL’s
15 stolen car on Rancho Tehama Road, in the community of Rancho Tehama Reserve (outside
16 of the City of Corning, CA), and opened fire on PLAINTIFF, actually shooting PLAINTIFF
17 through a femoral artery. PLAINTIFF almost bled out before he was evacuated by air
18 ambulance and barely escaped with his life, arriving at a trauma center in Redding, CA with
19 almost no pulse.

20 79. Prior to the shooting, NEAL was prohibited from possession firearms by one
21 or more court orders. The order(s) required authorities to arrest NEAL if he violated these
22 orders. Multiple PLAINTIFF and/or their loved ones were named as protected parties on one
23 or more of these orders, including PLAINTIFF BOB STEELE and G.E., as well as decedent
24 DIANA STEELE.
25
26
27
28

1 80. During his rampage, NEAL was in possession of and used at least two AR-15
2 style semiautomatic rifles. Both of these firearms were “ghost guns.”

3 81. Upon information and belief, at the time of the shooting, NEAL’s “ghost
4 guns” lacked any identifying serial numbers.

5 82. It is unknown how and where NEAL acquired the “ghost gun” parts/kits used
6 to assemble the weapons used in the attack. Given DEFENDANTS’ actions, it may be
7 impossible to determine the exact manufacturer(s)/seller(s) of the “ghost gun” parts/kits
8 NEAL used to assemble the AR-15 style “ghost gun” rifles used in the attack.

9 83. Upon information and belief, NEAL could not have legally acquired an AR-
10 15 style rifle like those utilized in the attack from a FFL either inside or outside of California,
11 because of his status as a California resident and California’s ban on the possession of assault
12 weapons.

13 84. Upon information and belief, NEAL also could not have secured an AR-15
14 style rifle – or, indeed, any firearm – from an FFL because he was displaying erratic and
15 disturbing behavior for a significant period of time leading up to the shooting due to severe
16 mental illness.

17 85. The above discussion is not intended to be an exhaustive listing of the reasons
18 why NEAL could not have purchased a serialized, fully assembled AR-15 style rifle from an
19 FFL. Various other California or federal firearms restrictions may also have blocked such a
20 sale.

21 86. NEAL was only able to acquire his arsenal of weapons through the negligence
22 of DEFENDANTS. Had DEFENDANTS complied with the law and relevant standards of
23 care, NEAL would not have been able to use “ghost guns” to harm PLAINTIFF.

24 **C. The “Ghost Gun” Industry and Defendants’ Role as Substantial Players in A**
25 **Market Involving Fungible, Dangerous Goods**
26

1 87. Upon information and belief, DEFENDANTS were all intentionally
2 making/marketing/selling “ghost guns” parts/kits designed and intended to be assembled into
3 AR-15 style rifles into California leading up to and at the time of NEAL’s purchase of the
4 relevant “ghost gun” parts/kits.

5 88. Upon information and belief, DEFENDANTS also all purposefully targeted a
6 dangerous subclass of California consumers who had no or limited access to these weapons
7 by virtue of disqualifying records, mental illness, and/or relevant legal restrictions.

8 89. Upon information and belief, DEFENDANTS, in aggregate, were responsible
9 for manufacturing and/or selling a substantial percentage of all “ghost gun” parts/kits
10 enabling assembly of AR-15 style “ghost gun” rifles which entered into California leading up
11 to and during November 2017.

12 90. Upon information and belief, there is a substantial probability that one or
13 more of the DEFENDANTS sold NEAL one or more “ghost gun” parts/kits used to assemble
14 the AR-15 style rifles used in the attack, either online or via some other medium, with full
15 knowledge that (1) NEAL was a resident of California, (2) that California prohibits the
16 possession of AR-15 style rifles, and (3) AR-15 style rifles have frequently been used in
17 mass shootings.

18 91. Upon information and belief, there is a substantial probability that one or
19 more of the DEFENDANTS shipped one or more “ghost gun” parts/kits used to assemble the
20 weapons used in the attack to NEAL’s California residence.

21 92. “Ghost gun” parts/kits that can be used to assemble unserialized AR-15 style
22 rifles are fungible products. Such parts/kits share the same core characteristics and present
23 an equivalent risk of danger to members of the public like PLAINTIFF. These products
24 provide dangerous parties like NEAL with an identical capability to possess untraceable
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27
28

1 assault weapons without going through an FFL and in violation of California's assault
2 weapons ban.

3 93. Had these one or more DEFENDANTS complied with the law and relevant
4 standards of care, NEAL would never have had access to the relevant products. Any and all
5 DEFENDANTS named herein could and should have made, sold, distributed and/or
6 marketed their products with greater precautions to (1) make it more difficult for California
7 consumers to use their products to produce dangerous weapons that violated California law
8 and (2) to make it more difficult for dangerous individuals like NEAL to assemble "ghost
9 guns" from their products.
10

11 94. Without access to DEFENDANTS' one or more products, NEAL could not
12 have assembled his "ghost guns" and could not have used them to harm PLAINTIFF.

13 95. NEAL's misuse of these assembled products was particularly foreseeable to
14 PLAINTIFF because NEAL fell within the dangerous subclass of consumers specifically
15 targeted by DEFENDANTS.
16

17 **CAUSE OF ACTION I: NEGLIGENCE (AGAINST ALL DEFENDANTS)**

18 96. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
19 though set out in full herein.

20 97. A seller of "ghost gun" parts/kits – particularly parts/kits intended to be
21 assembled into highly dangerous AR-15 style weapons commonly used by mass shooters like
22 NEAL – owes the highest degree of care to the general public when selling such items.

23 98. This standard of care imposes a duty to take all reasonable and practical safety
24 precautions to prevent dangerous and irresponsible individuals like NEAL from gaining
25 access to "ghost gun" parts/kits designed and intended for assembly into AR-15 style rifles.

26 99. Such safety precautions would include, but are not limited to, carefully
27 learning and continually checking relevant state and federal firearms laws regarding assault
28

1 weapons, never shipping to states where the possession of an AR-15 style weapon created
2 from one of a defendant's parts/kits would be deemed illegal, and blocking all IP addresses
3 from such states. Additionally, a responsible seller of such products would take steps to
4 verify that only individuals legally permitted to possess firearms and not displaying signs of
5 significant psychological disturbance were buying its products—such as by requiring all
6 transactions to go through an FFL in the buyer's home state.

7
8 100. Upon information and belief, none of these DEFENDANTS had, at the time
9 NEAL purchased the relevant product(s) from the DEFENDANT(s), taken these or other
10 reasonable safety precautions which would have blocked NEAL's purchase of the relevant
11 products.

12 101. DEFENDANTS' violation of the above standards of care proximately caused
13 PLAINTIFF'S harm by granting NEAL access to highly lethal weapons he could not have
14 legally acquired.

15 102. Had NEAL been denied access to the parts/kits used to make his two AR-15
16 style "ghost gun" rifles, he could not have used these weapons to harm PLAINTIFF.

17 103. As a direct, proximate, immediate and foreseeable result of the actions and
18 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and
19 dangerous weapons, PLAINTIFF was injured and suffered grievous and permanent injuries
20 to his physical, mental, emotional and nervous systems, all to his detriment in an amount
21 greatly in excess of the minimum jurisdiction of this Court.

22 104. As a further direct, proximate, immediate and foreseeable result of the actions
23 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
24 dangerous weapons, PLAINTIFF had to, and will have to in the future, rely on surgeons and
25 other physicians, and undergo other and further expense for his medical care, in amounts
26 which cannot yet be fully ascertained.
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1 105. As a further direct, proximate, immediate and foreseeable result of the actions
2 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
3 dangerous weapons, PLAINTIFF has lost wages and suffered great reduction in his working
4 capacity and future wages as a result of his disabling gunshot injury proximately caused by
5 DEFENDANTS. PLAINTIFF is informed and believes and, on such information and belief
6 states, that this said reduction in earning capacity will continue into the future in an amount
7 which cannot yet be ascertained.
8

9 106. As a further, direct, proximate and foreseeable result of the aforementioned
10 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
11 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffer loss of companionship
12 and consortium with his wife.

13 107. As a further, direct, proximate and foreseeable result of the aforementioned
14 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
15 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffered, and will continue to
16 suffer in the future, consequential damages and other incidental damages and out-of-pocket
17 expenses, all to PLAINTIFF'S general damages in a sum to be determined at the time of
18 trial.
19

20 108. As a further, direct, proximate and foreseeable result of the aforementioned
21 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
22 highly lethal, illegal and dangerous weapons, PLAINTIFF has had to retain legal counsel to
23 protect and vindicate his rights. Therefore, DEFENDANTS, and each of them, are liable to
24 PLAINTIFF for attorney's fees incurred by PLAINTIFF in a sum to be determined at the
25 time of trial.
26

27 109. DEFENDANTS, and each of their negligence, as set forth above, was a
28 substantial factor in causing PLAINTIFF'S harm.

1 110. PLAINTIFF is informed and believes and thereon allege that
2 DEFENDANTS and each of their conduct was done in a conscious disregard and deliberate
3 disregard for the rights and safety of others, including PLAINTIFF, and in a willful and
4 reckless manner making the infliction of grievous bodily injury and/or death highly
5 probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the
6 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
7 exemplary damages against them in the fullest extent allowed by law.
8

9 111. PLAINTIFF is informed and believes and thereon allege that DEFENDANTS,
10 and each of them, are negligent or in some other way responsible for acts of which
11 PLAINTIFF is unaware.

12 **CAUSE OF ACTION II: NEGLIGENCE PER SE FOR VIOLATION OF**
13 **CALIFORNIA AND/OR FEDERAL FIREARMS LAWS (AGAINST ALL**
14 **DEFENDANTS)**

15 112. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
16 though set out in full herein.

17 113. NEAL's purchase of "ghost gun" parts/kits and the use of them to assemble
18 AR-15 style rifles violated California's assault weapons ban. *See* Cal. Pen. Code §
19 30510(a)(5) (assault weapons include semiautomatic rifles within the "Colt AR-15 series"); §
20 30510(f) ("As used in this section, 'series' includes all other models that are only variations,
21 with minor differences, of those models listed in subdivision (a), regardless of the
22 manufacturer."); § 30605(a) (criminalizing possession of an assault weapon).

23 114. DEFENDANTS are manufacturer/sellers of "ghost gun" parts/kits who
24 intentionally targeted – and continue to target -- the California market and ship "ghost gun"
25 parts/kits designed for assembly into AR-15 style rifles to California consumers like NEAL.
26 DEFENDANTS did so, and continue to do so, with the knowledge and intention that those
27 consumers will use these products to assemble weapons prohibited under California law.
28

1 115. All of the DEFENDANTS are, thus, responsible as knowing accomplices, for
2 their consumers' direct violations of, at minimum, California's ban on the possession of
3 assault weapons. *See* Cal. Pen. Code § 31 (anyone who "aid[s] and abet[s]" in the
4 commission of an offense is a principal); § 971 ("all persons concerned in the commission of
5 a crime, who by the operation of other provisions of this code are principals therein, shall
6 hereafter be prosecuted, tried and punished as principals"); § 27(a)(1) (California has
7 jurisdiction over crimes where at least part of the offense takes place within the state).

8
9 116. All of the DEFENDANTS may also be responsible, either directly or as an
10 accomplice, for violation one or more additional state or federal firearms laws, including, but
11 not limited to, various provisions of the Gun Control Act of 1968 or the National Firearms
12 Act.

13 117. In addition to these laws explicitly referencing firearms, DEFENDANTS also
14 violated California statutes prohibiting unfair, immoral and reckless business practices and
15 the creation and maintenance of public nuisances, as discussed further below. *See* Cal. Bus.
16 & Prof Code § 17200"; Cal. Civ. Code §§ 3479, 3480.

17
18 118. Whichever DEFENDANT or DEFENDANTS are responsible, either directly
19 or as an accomplice, for selling NEAL one or more "ghost gun" parts/kits in violation of one
20 or more statutes including, at minimum, California's assault weapons ban, breached the
21 standard of care imposed by statute.

22 119. This violation proximately caused PLAINTIFF'S harm by providing NEAL
23 access to highly lethal weapons that he could not have legally acquired in California.

24 120. Had NEAL been denied access to the "ghost gun" parts/kits used to make his
25 two AR-15 style "ghost gun" rifles, he could not have used these weapons to harm
26 PLAINTIFF.

27 121. As a direct, proximate, immediate and foreseeable result of the actions and
28

1 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and
2 dangerous weapons, PLAINTIFF was injured and suffered grievous and permanent injuries
3 to his physical, mental, emotional and nervous systems, all to his detriment in an amount
4 greatly in excess of the minimum jurisdiction of this Court.

5 122. As a further direct, proximate, immediate and foreseeable result of the actions
6 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
7 dangerous weapons, PLAINTIFF had to, and will have to in the future, rely on surgeons and
8 other physicians, and undergo other and further expense for his medical care, in amounts
9 which cannot yet be fully ascertained.
10

11 123. As a further direct, proximate, immediate and foreseeable result of the actions
12 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
13 dangerous weapons, PLAINTIFF has lost wages and suffered great reduction in his working
14 capacity and future wages as a result of his disabling gunshot injury proximately caused by
15 DEFENDANTS. PLAINTIFF is informed and believes and, on such information and belief
16 states, that this said reduction in earning capacity will continue into the future in an amount
17 which cannot yet be ascertained.
18

19 124. As a further, direct, proximate and foreseeable result of the aforementioned
20 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
21 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffer loss of companionship
22 and consortium with his wife.

23 125. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
25 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffered, and will continue to
26 suffer in the future, consequential damages and other incidental damages and out-of-pocket
27 expenses, all to PLAINTIFF'S general damages in a sum to be determined at the time of
28

1 trial.

2 126. As a further, direct, proximate and foreseeable result of the aforementioned
3 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
4 highly lethal, illegal and dangerous weapons, PLAINTIFF has had to retain legal counsel to
5 protect and vindicate his rights. Therefore, DEFENDANTS, and each of them, are liable to
6 PLAINTIFF for attorney's fees incurred by PLAINTIFF in a sum to be determined at the
7 time of trial.
8

9 127. DEFENDANTS, and each of their negligence, as set forth above, was a
10 substantial factor in causing PLAINTIFF'S harm.

11 128. PLAINTIFF is informed and believes and thereon allege that
12 DEFENDANTS and each of their conduct was done in a conscious disregard and deliberate
13 disregard for the rights and safety of others, including PLAINTIFF, and in a willful and
14 reckless manner making the infliction of grievous bodily injury and/or death highly
15 probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the
16 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
17 exemplary damages against them in the fullest extent allowed by law.
18

19 129. PLAINTIFF is informed and believes and thereon allege that DEFENDANTS,
20 and each of them, are negligent or in some other way responsible for acts of which
21 PLAINTIFF are unaware.

22 **CAUSE OF ACTION III: NEGLIGENT ENTRUSTMENT**
23 **(AGAINST ALL DEFENDANTS)**

24 130. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
25 though set out in full herein.

26 131. Upon information and belief, DEFENDANTS purposefully targeted residents
27 of states with strict gun violence prevention regimes, like California, who were seeking to
28 bypass the laws of their home state.

1 132. By targeting and supplying dangerous individuals already showing contempt
2 for the rule of law and disrespect towards the safety rules accepted by their communities,
3 DEFENDANTS were purposefully selling to a class of purchasers who were inherently
4 showing a high likelihood of misusing their “ghost gun” parts/kits in a dangerous manner that
5 would cause harm to third parties like PLAINTIFF.

6 133. Whichever DEFENDANT or DEFENDANTS sold or shipped one or more
7 “ghost gun” parts/kits capable of and intended to be assembled into AR-15 style rifles
8 prohibited by California law to NEAL, despite knowing that he was a California resident and
9 that California prohibits such weapons were, thus, negligently entrusting these one or more
10 items.

11 134. This violation of relevant standards of care proximately caused PLAINTIFF’S
12 harm by granting NEAL access to highly lethal weapons that he could not have legally
13 acquired in California.

14 135. Had NEAL been denied access to the “ghost gun” parts/kits he used to
15 assemble his two AR-15 style “ghost gun” rifles, he could not have used these weapons to
16 harm PLAINTIFF.

17 136. As a direct, proximate, immediate and foreseeable result of the actions and
18 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and
19 dangerous weapons, PLAINTIFF was injured and suffered grievous and permanent injuries
20 to his physical, mental, emotional and nervous systems, all to his detriment in an amount
21 greatly in excess of the minimum jurisdiction of this Court.

22 137. As a further direct, proximate, immediate and foreseeable result of the actions
23 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
24 dangerous weapons, PLAINTIFF had to, and will have to in the future, rely on surgeons and
25 other physicians, and undergo other and further expense for his medical care, in amounts
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27
28

1 which cannot yet be fully ascertained.

2 138. As a further direct, proximate, immediate and foreseeable result of the actions
3 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
4 dangerous weapons, PLAINTIFF has lost wages and suffered great reduction in his working
5 capacity and future wages as a result of his disabling gunshot injury proximately caused by
6 DEFENDANTS. PLAINTIFF is informed and believes and, on such information and belief
7 states, that this said reduction in earning capacity will continue into the future in an amount
8 which cannot yet be ascertained.
9

10 139. As a further, direct, proximate and foreseeable result of the aforementioned
11 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
12 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffer loss of companionship
13 and consortium with his wife.

14 140. As a further, direct, proximate and foreseeable result of the aforementioned
15 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
16 highly lethal, illegal and dangerous weapons, PLAINTIFF has suffered, and will continue to
17 suffer in the future, consequential damages and other incidental damages and out-of-pocket
18 expenses, all to PLAINTIFF'S general damages in a sum to be determined at the time of
19 trial.
20

21 141. As a further, direct, proximate and foreseeable result of the aforementioned
22 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
23 highly lethal, illegal and dangerous weapons, PLAINTIFF has had to retain legal counsel to
24 protect and vindicate his rights. Therefore, DEFENDANTS, and each of them, are liable to
25 PLAINTIFF for attorney's fees incurred by PLAINTIFF in a sum to be determined at the
26 time of trial.
27

28 142. DEFENDANTS negligent entrustment of the dangerous instrumentalities, as

1 set forth above, was a substantial factor in causing PLAINTIFF'S harm.

2 143. PLAINTIFF is informed and believes and thereon allege that
3 DEFENDANTS and each of their conduct was done in a conscious disregard and deliberate
4 disregard for the rights and safety of others, including PLAINTIFF, and in a willful and
5 reckless manner making the infliction of grievous bodily injury and/or death highly
6 probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the
7 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
8 exemplary damages against them in the fullest extent allowed by law.
9

10 144. PLAINTIFF is informed and believes and thereon allege that defendants, and
11 each of them, are negligent or in some other way responsible for acts of which PLAINTIFF
12 are unaware.

13 **CAUSE OF ACTION IV: PUBLIC NUISANCE (AGAINST ALL DEFENDANTS)**

14 145. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
15 though set out in full herein.

16 146. By negligently, recklessly, and/or intentionally selling vast quantities of
17 "ghost gun" parts/kits enabling the assembly of AR-15 style rifles to buyers in California in
18 violation of, at a minimum, California law, DEFENDANTS have negligently and/or
19 knowingly participated in creating and maintaining an unreasonable interference with the
20 rights held in common by the general public. This constitutes a public nuisance under
21 California law, including California Civil Code §§ 3479 and 3480.
22

23 147. Without limitation, the acts of DEFENDANTS as alleged herein caused,
24 created, and continue to maintain a substantial and unreasonable interference with the
25 public's health, safety, convenience, comfort, peace, and use of public property and/or
26 private property. These activities are injurious to health and offensive to the senses so as to
27 interfere with the comfortable enjoyment of life or property in an entire community or
28

1 neighborhood. Numerous members of the public are threatened, killed, injured, or are
2 victims of criminal acts as a result of “ghost gun” parts/kits sold by DEFENDANTS.
3 DEFENDANTS’ acts and omissions as alleged herein cause a substantial and unreasonable
4 increase in the number of members of the general public who are threatened, killed, and
5 injured by “ghost guns.”

6 148. The acts and omissions of DEFENDANTS, as alleged herein, substantially
7 and unreasonably interfere with the public’s use of public facilities, including the use of
8 public highways and walkways. Public highways and walkways are made substantially and
9 unreasonably unsafe because of the presence of ghost guns intentionally, negligently and
10 unlawfully supplied by DEFENDANTS.
11

12 149. DEFENDANTS’ acts and omissions as alleged herein substantially and
13 unreasonably (a) increase the number of “ghost guns” in and on public facilities, including on
14 public highways and walkways; (b) increase the degree to which unlawful possessors in and
15 on public facilities, including on highways and walkways, are illegally armed with weapons;
16 and (c) allow for banned assault weapons to be present in California, including on public
17 highways and walkways.
18

19 150. DEFENDANTS’ acts and omissions as alleged herein cause substantial and
20 unreasonable interferences with the public’s health, safety, convenience, comfort, and peace
21 in numerous other ways, including: (a) increasing the number of unlawful possessors of
22 weapons who use these weapons to commit violent crimes against innocent members of the
23 general public; (b) increasing the number and severity of property crimes committed by those
24 in possession of “ghost guns” against innocent members of the general public; (c) increasing
25 the number and severity of incidents in which those in possession of “ghost guns” disturb the
26 peace by being disorderly; and (d) increasing the amount of society’s resources that are
27 diverted toward dealing with the problems associated with the possession of “ghost guns.”
28

1 151. DEFENDANTS know or have reason to know that the acts and omissions
2 alleged herein caused substantial and unreasonable interferences with the public's health,
3 safety, convenience, comfort, peace, and use of public facilities. DEFENDANTS' acts and
4 omissions as alleged herein were undertaken with negligent and/or intentional disregard of
5 the rights of the general public. DEFENDANTS knew that they could have taken
6 precautions as outlined above that would have eliminated or minimized the injuries to the
7 general public. Instead they chose not to take those precautions and, in fact, actively
8 exacerbated these risks with the irresponsible marketing campaign described herein in order
9 to maximize their profits.
10

11 152. DEFENDANTS' interference with the public's health, safety, convenience,
12 comfort, peace, and use of public facilities is unreasonable, unlawful, substantial, significant,
13 continuing, and long-lasting. This interference, is annoying, offensive, and disturbing to an
14 ordinary person. The interference is not insubstantial or fleeting, and involves deaths and
15 serious injuries suffered by many people and a severe disruption of public health, peace,
16 order, and safety.
17

18 153. The manner in which DEFENDANTS make, sell, and market their products
19 has no social utility. Even if it did, the seriousness of their interference with the rights of the
20 public and harm they cause far outweighs any social utility associated with DEFENDANTS'
21 conduct.
22

23 154. DEFENDANTS' unlawful, negligent and/or intentional creation and
24 maintenance of the public nuisance directly and proximately caused significant harm,
25 including serious physical injury and associated harm to PLAINTIFF that is different from
26 the harm suffered by other members of the public, including loss of enjoyment of life, as well
27 as those damages set forth in paragraphs 121-131 above, all to their damage in an amount to
28 be determined at a trial of this matter.

1 155. PLAINTIFF have not, at any time, consented to DEFENDANTS' conduct.

2 156. At all times herein mentioned, DEFENDANTS had notice and knowledge
3 that their actions created a public nuisance.

4 157. PLAINTIFF are informed and believe and thereon allege that defendants and
5 each of their, conduct was done in a conscious disregard and deliberate disregard for the
6 rights and safety of others, including PLAINTIFF, and in a willful and reckless manner
7 making the infliction of grievous bodily injury and/or death highly probable. Defendants
8 conduct was despicable, willful, wanton and malicious within the meaning of California
9 Civil Code §§ 3294, so as to warrant the imposition of punitive and
10 exemplary damages against them in the fullest extent allowed by law.
11

12 **CAUSE OF ACTION V: VIOLATION OF BUSINESS AND PROFESSIONS**
13 **CODE SECTION 17200 (AGAINST ALL DEFENDANTS)**
14 **(Unfair and Unlawful Competition in Sales Practices)**

15 158. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
16 though set out in full herein.

17 159. DEFENDANTS in the course of their retail business of selling "ghost guns,"
18 engaged in business acts or practices that were unlawful, unfair, deceptive, or misleading,
19 and which therefore violated Bus. & Prof Code § 17200.

20 160. By selling to NEAL, a dangerous individual, who was prohibited from
21 purchasing and possessing firearms, "ghost gun" parts/kits for a prohibited assault-style
22 weapons, in violation of state and/or federal law, DEFENDANTS engaged in business
23 practices that were unlawful, immoral, unethical, oppressive, and unscrupulous.

24 161. Also, by supplying to a subclass of purchasers who are inherently showing a
25 high likelihood of misusing their "ghost gun" parts/kits in a dangerous manner that would
26 cause harm to third parties like PLAINTIFF, DEFENDANTS engaged in business practices
27 that were unlawful, immoral, unethical, oppressive, and unscrupulous.
28

1 162. As a direct and proximate result of the foregoing acts and practices,
2 DEFENDANTS have received income, profits, and other benefits, which they would not
3 have received if DEFENDANTS had not engaged in the violations of Bus. & Prof Code
4 § 17200 as described in this Complaint for Damages.

5 163. Further, upon information and belief, had DEFENDANTS not violated
6 California's prohibition on such unethical and unlawful marketing and business practices,
7 NEAL could not have acquired the parts/kits used to assemble his AR-15 style "ghost gun"
8 rifles or used these items to harm PLAINTIFF.

9 164. PLAINTIFF is informed and believes and thereon allege that
10 DEFENDANTS and each of their conduct was done in a conscious disregard and deliberate
11 disregard for the rights and safety of others, including PLAINTIFF, and in a willful and
12 reckless manner making the infliction of grievous bodily injury and/or death highly
13 probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the
14 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
15 exemplary damages against them in the fullest extent allowed by law.

16 165. To prevent their unjust enrichment, DEFENDANTS and each of them,
17 should be required, pursuant to Business and Professions Code sections 17200, et seq, to
18 disgorge their ill-gotten gains for the purpose of making full restitution to PLAINTIFF as a
19 consequence of DEFENDANTS unlawful and unfair activities, injunctive relief, as well as
20 all attorney's fees and costs.

21
22
23 **CAUSE OF ACTION VI: VIOLATION OF BUSINESS AND PROFESSIONS**
24 **CODE SECTION 17200 (AGAINST ALL DEFENDANTS)**
25 **(Unfair Marketing Tactics)**

26 166. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
27 though set out in full herein.
28

1 167. DEFENDANTS in the course of their retail business of selling ghost guns,
2 engaged in business acts or practices that were unfair, deceptive, or misleading, and which
3 therefore violated Bus. & Prof Code § 17200.

4 168. Specifically, by employing marketing tactics which emphasized that their
5 products, including banned assault weapons, were untraceable and could be acquired without
6 a background check or an interaction with an FFL, DEFENDANTS intentionally targeted
7 prohibited persons and other dangerous individuals like NEAL. Such tactics and practices
8 were unfair, immoral, unethical, oppressive, and unscrupulous.

9
10 169. As a direct and proximate result of the foregoing acts and practices,
11 DEFENDANTS have received income, profits, and other benefits, which they would not
12 have received if DEFENDANTS had not engaged in the violations of Bus. & Prof Code
13 § 17200 as described in this Complaint for Damages.

14 170. Further, upon information and belief, had DEFENDANTS not violated
15 California's prohibition on such unethical and unlawful marketing and business practices,
16 NEAL could not have acquired the parts/kits used to assemble his AR-15 style "ghost gun"
17 rifles or used these weapons to harm PLAINTIFF.

18
19 171. PLAINTIFF is informed and believes and thereon allege that defendants and
20 each of their conduct was done in a conscious disregard and deliberate disregard for the
21 rights and safety of others, including PLAINTIFF, and in a willful and reckless manner
22 making the infliction of grievous bodily injury and/or death highly probable. Defendants
23 conduct was despicable, willful, wanton and malicious within the meaning of California
24 Civil Code §§ 3294, so as to warrant the imposition of punitive and
25 exemplary damages against them in the fullest extent allowed by law.

26 172. PLAINTIFF is informed and believes and thereon allege that
27 DEFENDANTS and each of their conduct was done in a conscious disregard and deliberate
28

1 disregard for the rights and safety of others, including PLAINTIFF, and in a willful and
2 reckless manner making the infliction of grievous bodily injury and/or death highly
3 probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the
4 meaning of California Civil Code §§ 3294, so as to warrant the imposition of punitive and
5 exemplary damages against them in the fullest extent allowed by law.

6
7 173. To prevent their unjust enrichment, DEFENDANTS and each of them,
8 should be required, pursuant to Business and Professions Code sections 17200, et seq, to
9 disgorge their ill-gotten gains for the purpose of making full restitution to PLAINTIFF as a
10 consequence of DEFENDANTS unlawful and unfair activities, injunctive relief, as well as
11 all attorney's fees and costs.

12 **JURY TRIAL DEMANDED**

13 174. Plaintiff requests and demands trial by jury as to each and every fact, claim,
14 and cause of action alleged and pleaded herein.

15 **PRAYER FOR RELIEF**

16 175. WHEREFORE, PLAINTIFF prays for judgment and relief against
17 DEFENDANTS, jointly and severally, as follows:

- 18
19 a Compensatory damages for physical and emotional pain and suffering,
20 including those non-economic damages which are enumerated under Cal. Civil
21 Code § 1431.2(b)(2);
22 b Compensatory damages for past medical expenses;
23 c Compensatory damages for future medical expenses and medical monitoring;
24 d Compensatory damages for past and future wage loss and loss of earning
25 capacity;
26 e Compensatory damages for damage to or destruction of personal property;
27 f Punitive (exemplary) damages;
28 g Incidental damages;
h Presumed damages;

- 1 i Nominal damages;
- 2 j Attorney's fees, including pursuant to Code of Civ. Pro. § 1021.5 (California
- 3 Private Attorney General Doctrine) and § 2033.420(a) (in the event plaintiff has
- 4 to prove up any facts which defendants refused to admit in their responses to
- plaintiffs' Requests for Admissions);
- 5 k Costs of litigation;
- 6 l Pre- and post-judgment interest awardable at the highest legal rate(s) allowable,
- 7 including without limitation under Cal. Civil Code §§ 3287 and/or 3291; and
- 8 m Such further relief as the Court deems just and proper.

9 Respectfully Submitted,

10 

11 Dated: November 14, 2019

12 By: Ben Rosenfeld
13 Gerald B. Singleton
14 Attorneys for Plaintiff Cardenas

EXHIBIT F

GERALD B. SINGLETON (SBN 208783)
SINGLETON LAW FIRM
450 A Street, 5th Floor
San Diego, CA 92101
Tel: (619) 586-5820
Fax: (619) 255-1515
gerald@SLFfirm.com

BEN ROSENFELD (SBN 203845)
ATTORNEY AT LAW
115 ½ Bartlett Street
San Francisco, CA 94110
Tel: (415) 285-8091
Fax: (415) 285-8092
ben.rosenfeld@comast.net

Attorneys for Plaintiff
Francisco Gudino Cardenas

IN THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF ORANGE
(UNLIMITED CIVIL)

FRANCISCO GUDINO CARDENAS, an
individual

Plaintiff,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET, et al.

Defendants.

No. 30-2019-01111797-CU-PO-CJC

PLAINTIFF'S NOTICE OF ERRATA
AND CORRECTION IN STATEMENT
OF JURISDICTION IN COMPLAINT

TO: ALL PARTIES, THEIR ATTORNEYS, AND TO THE COURT:

PLEASE TAKE NOTICE: Plaintiff's complaint, filed on November 4, 2019, contains
errata in the Statement of Jurisdiction. Specifically, the venue statement in paragraph 16 should
read (in place of what was typed):

1 16. Venue is proper in this court because several of the defendants, namely
2 BLACKHAWK MANUFACTURING GROUP INC. ("BLACKHAWK"), d/b/a
3 80PERCENTARMS.COM, GHOST AMERICA LLC ("GHOST AMERICA"),
4 d/b/a GHOSTGUNS.COM, and JUGGERNAUT TACTICAL INC.
5 ("JUGGERNAUT"), d/b/a JTACTICAL.COM, are California based companies
6 whose principal places of business are located in the County of Orange, State of
7 California.

8 Respectfully Submitted,

9 Ben Rosenfeld, Attorney
10 Gerald B. Singleton, Attorney



11 Dated: November 22, 2019

12 By: Ben Rosenfeld
13 Attorneys for Plaintiff Cardenas
14
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF ORANGE

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On October 28, 2020, I served the foregoing document(s) described as:

8 **DECLARATION OF SEAN A. BRADY IN SUPPORT OF DEFENDANTS'**
9 **MOTION TO PERMIT FILING OF PETITION FOR COORDINATION, OR IN**
10 **THE ALTERNATIVE, TO TRANSFER AND CONSOLIDATE ACTIONS**

11 on the interested parties in this action by placing

12 [] the original

13 [X] a true and correct copy

14 thereof by the following means, addressed as follows:

15 Gerald B. Singleton (served by electronic mail)
16 Singleton Law Firm
17 450 A Street, 5th Floor
18 San Diego, CA 92101
19 gerald@SLFfirm.com

20 Ben Rosenfeld (served by electronic mail)
21 115 ½ Bartlett Street
22 San Francisco, CA 94110
23 ben.rosenfeld@comcast.net

24 *Attorneys for Plaintiff Cardenas*

25 Dugan Barr
26 Douglas Mudford
27 Estee Lewis
28 Catie Barr
Brandon Stornment
Barr & Mudford, LLP (served by mail & fax)
P.O. Box 994390
Redding, CA 96099-4390
Fax: (530) 243-1648

Attorneys for Plaintiffs McFadyen, et al.

26 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
27 processing correspondence for mailing. Under the practice it would be deposited with the
28 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
California, in the ordinary course of business. I am aware that on motion of the party

1 served, service is presumed invalid if postal cancellation date is more than one day after
2 date of deposit for mailing an affidavit.

3 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
4 transmission through One Legal. Said transmission was reported and completed without
error.

5 X (BY FAX) As follows: I served a true and correct copy by fax transmission to the fax
6 numbers listed above. No error was reported by the fax machine that I used.

7 X (STATE) I declare under penalty of perjury under the laws of the State of California that
8 the foregoing is true and correct.

9 Executed on October 28, 2020, at Long Beach, California.

10 

11 _____
12 Laura Palmerin
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