1 BEN ROSENFELD (SBN 203845) ATTORNEY AT LAW 2 115 ½ Bartlett Street San Francisco, CA 94110 3 Tel: (415) 285-8091 Fax: (415) 285-8092 4 ben.rosenfeld@comast.net 5 GERALD B. SINGLETON (SBN 208783) SINGLETON LAW FIRM 6 450 A Street, 5th Floor San Diego, CA 92101 7 (619) 586-5820 Tel: (619) 255-1515 Fax: 8 gerald@SLFfirm.com 9 Attorneys for Plaintiff Francisco Gudino Cardenas 10 11 12 13 SUPERIOR COURT OF THE STATE OF CALIFORNIA 14 COUNTY OF ORANGE 15 16 FRANCISCO GUDINO CARDENAS, an Case No. 30-2019-01111797-CU-PO-CJC individual, 17 APPLICATION TO SERVE Plaintiff, 18 DEFENDINAT GHOST AMERICA LLC, d/b/a GHOSTGUNS.COM BY V. 19 DELIVERY TO THE SECRETARY OF GHOST GUNNER INC., d/b/a **STATE (Cal. Corp. Code § 17701.16(c))** 20 GHOSTGUNNER.NET; 21 DEFENSE DISTRIBUTED d/b/a GHOSTGUNNER.NET 22 CODY WILSON d/b/a GHOSTGUNNER.NET 23 BLACKHAWK MANUFACTURING GROUP 24 INC., d/b/a 80PERCENTARMS.COM; 25 RYAN BEEZLEY and BOB BEEZLEY, d/b/a RBTACTICALTOOLING.COM; 26 GHOST AMERICA LLC, d/b/a 27 GHOSTGUNS.COM; 28 GHOST FIREARMS LLC, d/b/a GRID 4155-1585-3096

APPLICATION TO DELIVER TO SECRETARY OF STATE (CAL. CORP. CODE § 17701.16(C))

1	DEFENSE and GHOSTRIFLES.COM;
2	JUGGERNAUT TACTICAL INC., d/b/a JTACTICAL.COM;
3	JIACIICAL.COM,
4	MFY TECHNICAL SOLUTIONS LLC, d/b/a 5DTACTICAL.COM;
5	TACTICAL GEAR HEADS LLC, d/b/a 80-
6	LOWER.COM; AR- 15LOWERRECEIVERS.COM; and
7	80LOWERJIG.COM;
8	JAMES TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM;
9	INDUSTRY ARMAMENT INC., d/b/a
10	AMERICANWEAPONSCOMPONENTS.CO M;
11	THUNDER GUNS LLC, d/b/a
12	THUNDERTACTICAL.COM;
13	DOES 1-100, Inclusive
14	Defendants.
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APPLICATION TO DELIVER TO SECRETARY OF STATE (CAL. CORP. CODE § 17701.16(C))

## I, BEN ROSENFELD, declare:

I am an attorney at law duly authorized to practice before all courts of the State of California, attorneys of record for plaintiffs. The matters which are embraced within my Declaration are matters within my personal knowledge and if called upon I would and could competently testify as follows:

Plaintiffs, by and through their counsel of record, respectfully request that this Court issue an Order permitting plaintiffs to serve defendant Ghost America LLC dba Ghostguns.com (hereinafter, "Ghost America LLC"), a Limited Liability Corporation, via the California Secretary of State.

This request is based on this Application and Declaration, Exhibits A, B and C hereto, the Complaint for Damages on file with this Court, and any additional records or evidence on file with this Court.

Defendant Ghost America LLC dba Ghostguns.com is a properly named defendant, and this court has subject matter jurisdiction over this case, since the amount of the claims exceeds \$25,000.00. (CCP § 88.)

Further, venue is proper in this court because several of the defendants, namely BLACKHAWK MANUFACTURING GROUP INC. ("BLACKHAWK"), d/b/a 80PERCENTARMS.COM, GHOST AMERICA LLC ("GHOST AMERICA"), d/b/a GHOSTGUNS.COM, and JUGGERNAUT TACTICAL INC. ("JUGGERNAUT"), d/b/a JTACTICAL.COM, are California based companies whose principal places of business are located in the County of Orange, State of California.. (CCP §395 et seq.).

I am informed and believe that Defendant Ghost America is a registered limited liability corporation (LLC). As such, it is required to designate an agent for service of process with the Secretary of State. (Corp. Code § 17701.13(a)(2)). Here, Ghost America LLC designated Kyle Martin as it's agent for service of process with the Secretary of State and provided an address of 23470 Cambridge Road, Yorba Linda, California 92887. A true and correct copy of the Secretary of State Registration and Statement of Information is attached hereto and incorporated herein as Exhibit A.

4155-1585-3096 -1-

However, Kyle Martin, the designated agent, cannot be located and service cannot be effected at the listed address. Reasonable diligence has been exercised to accomplish service by means established by the Code. Specifically:

On October 16, 2020, I attempted to effectuate service on Kyle Martin on behalf of Ghost America LLC by following the mail waiver of service and acknowledgment process delineated in CCP § 415.30. I tracked delivery through the United States Postal Service and confirmed that the packet, which I mailed priority and certified, was in fact delivered to the Mr. Martin's address listed with the Secretary of State in Yorba Linda, CA on November 2, 2020. However, as of today, I have received no response. Exhibit B hereto is a true and correct copy of the U.S.P.S.'s tracking information which I downloaded from its online tracking tool.

In addition, I am informed and believe in the companion case of *McFadyen v. Ghost Gunner Inc.*, brought in San Bernadino County Superior Court against all of the same defendants, Case No. CIV-DS1935422 (motion to coordinate/consolidate pending in this Court), plaintiffs in that case tried but were unable to serve Ms. Martin personally at the same address to which I mailed the mail waiver and acknowledgment of service packet, and that Mr. Martin appears to be evading service. Specifically, I am informed and believe that Bryan Canas, plaintiffs' counsel's (Barr & Mumford's) process server in the San Bernadino case made the following efforts to locate and serve Mr. Martin, at different times of the day and on different days of the week, all to no avail as follows:

Attempt 1: Sunday, July 26, 2020, 9:30 am PDT at Company: 23470 Cambridge Road, Yorba Linda, CA 92887. Address is a Condo on the 2nd floor. There is a RING doorbell with camera, with a couple of other cameras on the property. No dogs inside the unit. Spoke with a person on the doorbell intercom and he stated he was Kyle [Thomas Martin, the registered agent]. He stated he was not home and that there was not a better time to reach him.

Attempt 2: Tuesday, July 28, 2020, 6:43 pm PDT at Company: 23470 Cambridge Road, Yorba Linda, CA 92887. No answer to the doorbell, and no activity. Server has a view of the living room and kitchen.

1	Attempt 3: Thursday, July 30, 2020, 8:15 pm PDT at Company: 23470
2	Cambridge Road, Yorba Linda, CA 92887. No answer to the doorbell. No activity.
3	Attempt 4: Saturday, August 1, 2020, 8:40 am PDT at Company: 23470
4	Cambridge Road, Yorba Linda, CA 92887. No answer. Blinds are now closed.
5	Attempt 5: Tuesday, August 4, 2020, 7:36 am PDT at Company: 23470
6	Cambridge Road, Yorba Linda, CA 92887. No answer. No activity.
7	Attempt 6: Thursday, August 6, 2020, 1:33 pm PDT at Company: 23470
8	Cambridge Road, Yorba Linda, CA 92887. No answer. No activity.
9	Attempt 7: Sunday, August 9, 2020, 7:00 pm PDT at Company: 23470 Cambridge
10	Road, Yorba Linda, CA 92887. No answer.
11	Attempt 8: Tuesday, August 11, 2020, 2:55 pm PDT at Company: 23470
12	Cambridge Road, Yorba Linda, CA 92887. No answer. No activity.
13	Attempt 9: Thursday, August 13, 2020, 6:48 pm PDT at Company: 23470
14	Cambridge Road, Yorba Linda, CA 92887. No answer.
15	Finally, I am informed and believe that on October 7, 2020 the San Bernadino Superior
16	Court did in fact grant plaintiffs' application in the companion San Bernadino case to serve
17	Defendant Ghost America LLC through the Secretary of State.
18	Based on the foregoing, plaintiffs are applying for an order authorizing service to be
19	made upon Defendant Ghost America LLC by delivery to the Secretary of the State consistent
20	with Corp. Code § 17701.16(c). A proposed order is filed in conjunction herewith.
21	I declare under penalty of perjury that the foregoing is true and correct. Executed this
22	day of November 16, 2020, at Honolulu, Hawaii.
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APPLICATION TO DELIVER TO SECRETARY OF STATE (CAL. CORP. CODE § 17701.16(C))

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2	Dated: November 16, 2020	DENI DOCENIELI D (CDNI 202045)
3		BEN ROSENFELD (SBN 203845) ATTORNEY AT LAW
4		115 ½ Bartlett Street San Francisco, CA 94110
5		San Francisco, CA 94110 Tel: (415) 285-8091 Fax: (415) 285-8092 ben.rosenfeld@comast.net
6		ben.rosenieid@comast.net
7		S-log
8		BEN ROSENFELD
9		Attorneys for Plaintiff Francisco Gudino Cardenas
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## PROOF OF SERVICE

Cardenas v. Ghost Gunner Inc. et al.

Case No. 30-2019-01111797-CU-PO-CJC (Orange County Superior Court)

I, the undersigned, hereby declare and state that I am over the age of 18, employed in the City of San Francisco, California, and not a party to the within action. My business address is 115 ½ Bartlett Street, San Francisco, CA 94110.

On the date set forth below, I caused or will cause the following document(s)

APPLICATION TO SERVE DEFENDNAT GHOST AMERICA LLC, d/b/a GHOSTGUNS.COM BY DELIVERY TO THE SECRETARY OF STATE

to be served via the following methods, on the following recipients:

\_X Email U.S.P.S. First Class or Priority Mail U.S.P.S. Express Mail Personal Delivery Facsimile

Sean A. Brady, Esq. MICHEL & ASSOCIATES, P.C. 180 E. Ocean Blvd., Suite 200 Long Beach, CA 90802 sbrady@michellawyers.com

Howard Schilsky, Esq. Renzulli Law Firm, LLP One North Broadway, Suite 1005 White Plains, NY 10601 hschilsky@renzullilaw.com

Justin Felton, Esq. Petit Kohn 5901 W Century Blvd, Ste 1100 Los Angeles, CA 90045-5435 ifelton@pettitkohn.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 16, 2020, at San Francisco, California.

Ben Rosenfeld, Attorney

# **EXHIBIT A**

Secretary of State Articles of Organization Limited Liability Company (LLC)	LLC-1	201	7 1	461035
iMPORTANT — Read Instructions before completing this form.  Filing Fee — \$70.00  Copy Fees — First page \$1.00; each attachment page \$0.50;  Certification Fee - \$5.00  Note: LLCs may have to pay minimum \$800 tax to the California Fra	nchisa Tax Board	F Secretz State o 'MAY	f Califor	
each year. For more information, go to https://www.ftb.ca.gov.		LPC This Space	e For Of	fice Use Only
1. Limited Liability Company Name (See Instructions - Must com-	itain an LLC ending s	uch as LLC or LL.C. T	LLC" will be	sided, if not included.
GHOST AMERICA	LLC			
2. Business Addresses				
a. Initial Street Address of Designated Office in Celifornia - Do not enter a P.O. Box	City (no abbreviati	(enc	State	Zip Code
23470 CAMBRIDGE ROAD	YORBA L	FNDA	CA	92887
b. Initial Mailing Address of LLC, if different than item 2a	City (no attoreviati	ons)	State	Zip Code
Service of Process (Must provide either Individual OR Corporation.     INDIVIDUAL – Complete Items 3e and 3b only. Must include agent's full.	•	street address.		
a. Catitomia Agant's First Name (if agant is not a corporation)	Middle Name	Last Name		Suffix
KYLE	THOMAS	MART	IN	
b. Street Address (if sgent is not a corporation) - Do not enter a P.O. Box	City (no abbreviation			Zip Code
23470 CAMBRIDGE ROAD	BEBA LI			
CORPORATION - Complete Item So. Only include the name of the regis			<del></del>	
c. Catifornia Registored Corporate Agent's Name (if spant is a corporation) - Do no	ol complete item 3a er	36		
4. Management (Select only one box)				
The LLC will be managed by:  One Manager More than On	e Manager	All LLC Me	mber(s)	
5. Purpose Statement (Do not after Purpose Statement)			-	
The purpose of the limited liability company is to engage in a may be organized under the California Revised Uniform Limite	any lawful act or d Liability Compa	activity for which any Act.	a limited	liability company
6. The Information contained herein, including in any attachment	ents, is true and o	correct.		
The Mother Organizar sign here		E MARTI	:N	
LLC-1 (REV 04/2017)	, 500		17 California i	Secretary of State

2017 California Secretary of State www.sos.ca.gow/business/be



## Secretary of State Statement of Information

**LLC-12** 

17-471428

(Limited Liability Company)

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IMPORTANT - Read instructions before completing this form.

Filing Fee - \$20.00

Copy Fees - First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees

FILED Secretary of State State of California JUN 0 2 2017

,		This Space For Office Use Only	
1. Limited Liability Company Name (Enter the exact name of th	e LLC. If you registered in Califor	mia using an alternate namo, see instructions.)	
GHOST AMERICA LLC			
2. 12-Digit Secretary of State File Number	3. State, Foreign Counts	ry or Place of Organization (only if formed outside of California	1)
201714610352			
4. Business Addresses			
a Street Address of Diselect Office - Do not list a D C Hos	City Inc. abbresio	Most) State Zin Code	_

a. Street Address of Principal Office - Do not list a P.D. Box 23 470 CAMBRIDGE ROAD	City (no ebbreviations) YOR BA LINDA	Stato	Zip Codo 97.887
b. Mailing Address of LLG, if different than item 4a	City (no abbreviations)	State	Zip Code
c. Street Address of Californio Office, if item 4s is not in California - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Cods

If no managers have been appointed or elected, provide the name and address of each member. At least one name <u>and</u> address must be listed. If the manager/member is an individual, complete items 5a and 5c (leave item 5b blank). If the manager/member is an entity, complete items 5b and 6c (leave item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see Instructions). 5. Manager(s) or Member(s)

o. First Name, if an ind KYLE	lividusi - Do not complete tism	6 <b>b</b>	Middle Name THOMAS	Last Namo MAPTIN		Suffix
bEntity Name - Do no	ol complete (tem Sa					
c. Address 2 3470	CAMBRIDGE	ROAD	City (no abbreviations)  VOR BA LIA	JDA	State	72887

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 6e and 6b only. Must include agent's full name and California street address.

e. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name		Suffix
KYLE	THOMAS	MARTIN		
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box	City (no abbreviations)			Zip Cods
23470 CAMBRIDGE ROAD	YORBA LENDA		CA	92887

CORPORATION - Complete Item 8c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete item is or 6b		

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company online retail sales of sporting GOODS

8. Chief Executive Officer, if elected or appointed a. First Name KYLE THOMAS M AR TIN

b. Address 23470	CAMBRIDGE ROAD	YOR BA	CINDA	CA 92887
9. The Information co	entained herein, including any at	achments, is true and correct.		
5/29/2017 Dato	KYLE THOMAS M. Typo or Print Name of Person Comp	<u> </u>	OWNER 36	Thomas motor

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailting address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

KYLE MARTIN Name:

GHOST AMERICA LLC Company:

Address: 23470 CAMBRIDGE LOAD LYOLBA LENDA CA City/State/Zip: 92887

Secretary of State Statement of No Change (Limited Liability Company)

LLC-12NC

19-C09827

## **FILED**

In the office of the Secretary of State of the State of California

MAY 30, 2019

2017 California Secretary of State www.sos.ca.gov/business/be

Filing Fee - \$20.00

and there has been no change.

Copy Fee - \$1.00;

Certification Fee - \$5.00 plus copy fee

iMPORTANT — Read instructions before completing this form. This form may be used only if a complete Statement of Information has been filed previously

This Space For Office Use Only

1. Limited Liability Company Name (Enter the exact name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, see instructions.)

**GHOST AMERICA LLC** 

LLC-12NC (REV 01/2017)

2. 12-Digit Se	ecretary of State File Number	State, Foreign Country or Foutside of California)	Place of Organization (only if formed
-	201714610352	CALIFORNIA	
_	e Statement (Do not alter the No (Form LLC-12).)	Change Statement. If there has been	n any change, please complete a Statement of
previo		•	rmation contained in the filed with the California
5. The information	ation contained herein is true and	correct.	
		•	
05/30/2019	kyle thomas martin	member	
Date	Type or Print Name of Person Comp	stating the Form Title	Signature
filed document,	es (Optional) (For communication enter the name of a person or collons BEFORE COMPLETING.)	from the Secretary of State related to mpany and the mailing address. The	o this document, or if purchasing a copy of the
Name:	Γ	1	
Сстрапу:		·	
Address:			

**USPS Tracking®** 

FAQs >

## Track Another Package +

Tracking Number: 70190160000094500361

Remove X

Your item was delivered to an individual at the address at 3:34 pm on November 2, 2020 in YORBA LINDA, CA 92887.

## **⊘** Delivered

November 2, 2020 at 3:34 pm Delivered, Left with Individual YORBA LINDA, CA 92887

## Get Updates ✓

# **Text & Email Updates Tracking History** November 2, 2020, 3:34 pm Delivered, Left with Individual YORBA LINDA, CA 92887 Your item was delivered to an individual at the address at 3:34 pm on November 2, 2020 in YORBA LINDA, CA 92887. October 30, 2020, 12:44 pm Notice Left (No Authorized Recipient Available) YORBA LINDA, CA 92887 October 24, 2020, 7:44 am Arrived at Unit YORBA LINDA, CA 92885 October 24, 2020, 2:10 am Arrived at USPS Regional Destination Facility ANAHEIM CA DISTRIBUTION CENTER October 23, 2020, 3:41 pm Arrived at USPS Regional Facility LOS ANGELES CA DISTRIBUTION CENTER

1 of 2

#### October 19, 2020, 7:10 am

Out for Delivery YORBA LINDA, CA 92887

#### October 18, 2020

In Transit to Next Facility

### October 17, 2020, 1:34 pm

Arrived at USPS Regional Destination Facility ANAHEIM CA DISTRIBUTION CENTER

#### October 16, 2020, 9:28 pm

Arrived at USPS Regional Origin Facility SAN FRANCISCO CA DISTRIBUTION CENTER

#### October 16, 2020, 4:50 pm

USPS in possession of item SAN FRANCISCO, CA 94110

### **Product Information**

Postal Features: Product: Certified Mail<sup>™</sup>

Priority Mail<sup>®</sup> Up to \$50 insurance included. Restrictions Apply (i)

See tracking for related item: 9590940252389122063843 (/go/TrackConfirmAction?tLabels=9590940252389122063843)

### See Less ∧

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**