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

NOV 14 2019

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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
 14 in Interest to MICHELLE MCFADYEN,
 Deceased;

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

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

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

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

15 N.P, a Minor, by and through his Guardian
16 ad Litem, TIFFANY PHOMMATHEP;

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.

COMPLAINT AND DEMAND FOR JURY TRIAL

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

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

6 38. At all times pertinent hereto, DEFENDANTS RYAN BEEZLEY and BOB
7 BEEZLEY have maintained addresses in Apple Valley, County of San Bernardino, State of
8 California and were doing business as RBTACTICALTOOLING.COM. At all times pertinent
9 hereto, RBTACTICALTOOLING.COM has maintained a business address in Apple Valley,
10 County of San Bernardino, State of California. At all times pertinent hereto,
11 RBTACTICALTOOLING.COM was engaged in the business of designing, marketing,
12 distributing, manufacturing and selling parts/kits used to assemble "ghost guns," including AR-
13 15 style "ghost gun" rifles to consumers across the nation, including to consumers within the
14 State of California.
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16 39. At all times pertinent hereto, DEFENDANT GHOST AMERICA LLC
17 ("GHOST AMERICA"), d/b/a GHOSTGUNS.COM, was a California limited liability company
18 with its principal place of business in Yorba Linda, County of Orange, State of California. At
19 all times pertinent hereto, GHOST AMERICA was engaged in the business of designing,
20 marketing, distributing, manufacturing and selling parts/kits used to assemble "ghost guns,"
21 including AR-15 style "ghost gun" rifles to consumers across the nation, including to consumers
22 within the State of California.
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24 40. At all times pertinent hereto, GHOST FIREARMS LLC ("GHOST
25 FIREARMS"), d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability
26 company registered in Florida with its principal place of business in Daytona Beach, County of
27 Volusia, State of Florida. At all times pertinent hereto, GHOST FIREARMS was engaged in
28

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.
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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.
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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.
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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
28

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

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

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

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

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

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

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.
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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/>:
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- 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
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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.
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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
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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,
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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,

25 141. As a further direct, proximate, immediate and foreseeable result of the actions and
26 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
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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 **COUNT IV: PUBLIC NUISANCE (AGAINST ALL DEFENDANTS)**

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

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;
26
27
28

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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27
28

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
25
26
27
28

1 similar misconduct;

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

3 29. For injunctive relief against DEFENDANTS;

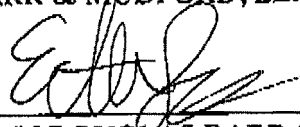
4 30. For an Order, pursuant to Business and Professions Code Section 17203, that
5 DEFENDANTS be permanently enjoined from committing any unlawful, unfair, or fraudulent
6 acts of unfair competition in Violation of Business and Professions Code Section 17200;
7

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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