

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

10 Attorneys for Plaintiffs

11 **IN THE SUPERIOR COURT OF CALIFORNIA**  
12 **IN THE COUNTY OF SAN BERNARDINO**

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

17 PHILLIP BOW and  
18 SIA BOW, as Heirs at Law and Successors  
19 in Interest to MICHELLE MCFADYEN,  
20 Deceased;

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

25 MICHAEL ELLIOTT, Heir at Law and  
26 Successor in Interest to DANIEL LEE  
27 ELLIOT II, Deceased, and  
28 DIANA STEELE, Deceased;

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

M.E., a Minor, by and through her Guardian ad  
Litem, LATISHA CORNWALL, Heir at Law  
and Successor in Interest to DANIEL LEE  
ELLIOT II, Deceased, and  
DIANA STEELE, Deceased;

No. CIV-DS1935422

**APPLICATION TO SERVE  
DEFENDANT GHOST AMERICA LLC,  
d/b/a GHOSTGUNS.COM BY  
DELIVERY TO THE SECRETARY OF  
STATE (Cal. Corp. Code § 17701.16(c))**

1 MARCIA MCHUGH, Heir at Law and Successor  
2 in Interest to JOSEPH MCHUGH, Deceased;

3 GRACE MCHUGH, Heir at Law and Successor  
4 in Interest to JOSEPH MCHUGH, Deceased;

5 A.H., a Minor, by and through his Guardian ad  
6 Litem, MARIA MONROY;

7 TIFFANY PHOMMATHEP;

8 JOHN PHOMMATHEP SR.;

9 J.P. II, a Minor, by and through his Guardian  
10 ad Litem, TIFFANY PHOMMATHEP;

11 J.P., a Minor, by and through his Guardian  
12 ad Litem, TIFFANY PHOMMATHEP;

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

15 JAMES WOODS, JR.; and

16 JAMES WOODS, SR.

17 Plaintiffs,

18 vs.

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

21 DEFENSE DISTRIBUTED d/b/a  
22 GHOSTGUNNER.NET

23 CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

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

GHOST FIREARMS LLC, d/b/a GRID  
DEFENSE and GHOSTRIFLES.COM;

JUGGERNAUT TACTICAL INC., d/b/a  
JTACTICAL.COM;  
MFY TECHNICAL SOLUTIONS LLC, d/b/a  
5DTACTICAL.COM;  
TACTICAL GEAR HEADS LLC, d/b/a 80-  
LOWER.COM; AR-  
15LOWERRECEIVERS.COM; and  
80LOWERJIG.COM;  
JAMES TROMBLEE, JR., d/b/a  
USPATRIOTARMORY.COM;  
INDUSTRY ARMAMENT INC., d/b/a  
AMERICANWEAPONSCOMPONENTS.CO  
M;  
THUNDER GUNS LLC, d/b/a  
THUNDERTACTICAL.COM;  
DOES 1-100, Inclusive,  
Defendants.

I, ESTEE LEWIS, declare:

I am an attorney at law duly authorized to practice before all courts of the State of California and an associate of the law firm of Barr & Mudford, 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:

1. 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, a Limited Liability Corporation, via the California Secretary of State.

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

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

4           4. Further, venue is proper in this court because several of the Defendants,  
5 including, RYAN BEEZLEY and BOB BEEZLEY d/b/a RBTACTIALTOOLING.COM, and  
6 DEFENDANT JAMES TROMBLEE, JR., d/b/a USPATRIOTARMORY.COM are California  
7 residents and/or California Corporations who at all relevant times reside in and/or have their  
8 principal place of business in the City of Apple Valley, County of San Bernardino, State of  
9 California. (CCP §395 et seq.).

10           5. Barr & Mudford verified with the California Secretary of State that Defendant  
11 Ghost America LLC dba Ghostguns.com is a registered limited liability corporation (LLC). As  
12 such, it is required to designate an agent for service of process with the Secretary of State. (Corp.  
13 Code §17701.13(a)(2)). Here, Ghost America LLC designated Kyle Martin as its agent for  
14 service of process with the Secretary of State and provided an address of 23470 Cambridge  
15 Road, Yorba Linda, CA 92887. (A true and correct copy of the Secretary of State Registration  
16 and Statement of Information is attached hereto and incorporated herein as **Exhibit A.**)

17           6. However, Kyle Martin, the designated agent, cannot be located and service cannot  
18 be effected at the listed address. Reasonable diligence has been exercised to accomplish service  
19 by means established by the Code. But the designated agent, Kyle Thomas Martin, appears to be  
20 actively evading service. Bryan Canas, the process server hired by Barr & Mudford to serve  
21 defendant Ghost America LLC dba Ghostguns.com, has made the following efforts to locate and  
22 serve Mr. Martin, at different times of the day and different days of the week, all to no avail:

- 23           • Attempt 1: Sunday, July 26, 2020, 9:30 am PDT at Company: 23470 Cambridge Road,  
24 Yorba Linda, CA 92887. Address is a Condo on the 2<sup>nd</sup> floor. There is a RING doorbell

1 with camera, with a couple of other cameras on the property. No dogs inside the unit.  
2 Spoke with a person on the doorbell intercom and he stated he was Kyle [Thomas Martin,  
3 the registered agent]. **He stated he was not home and that there was not a better time**  
4 **to reach him.**

- 5 • Attempt 2: Tuesday, July 28, 2020, 6:43 pm PDT at Company: 23470 Cambridge Road,  
6 Yorba Linda, CA 92887. No answer to the doorbell, and no activity. Server has a view of  
7 the living room and kitchen.
- 8 • Attempt 3: Thursday, July 30, 2020, 8:15 pm PDT at Company: 23470 Cambridge Road,  
9 Yorba Linda, CA 92887. No answer to the doorbell. No activity.
- 10 • Attempt 4: Saturday, August 1, 2020, 8:40 am PDT at Company: 23470 Cambridge  
11 Road, Yorba Linda, CA 92887. No answer. Blinds are now closed.
- 12 • Attempt 5: Tuesday, August 4, 2020, 7:36 am PDT at Company: 23470 Cambridge Road,  
13 Yorba Linda, CA 92887. No answer. No activity.
- 14 • Attempt 6: Thursday, August 6, 2020, 1:33 pm PDT at Company: 23470 Cambridge  
15 Road, Yorba Linda, CA 92887. No answer. No activity.
- 16 • Attempt 7: Sunday, August 9, 2020, 7:00 pm PDT at Company: 23470 Cambridge Road,  
17 Yorba Linda, CA 92887. No answer.
- 18 • Attempt 8: Tuesday, August 11, 2020, 2:55 pm PDT at Company: 23470 Cambridge  
19 Road, Yorba Linda, CA 92887. No answer. No activity.
- 20 • Attempt 9: Thursday, August 13, 2020, 6:48 pm PDT at Company: 23470 Cambridge  
21 Road, Yorba Linda, CA 92887. No answer.

22 (A true and correct copy of Bryan Canas, the process server employed by Accurate  
23 Document Imaging's Declaration of Diligence, is attached hereto and incorporated herein  
24 as **Exhibit B.**)  
25  
26  
27  
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7. Based on the foregoing, plaintiffs are applying for an order authorizing service to be made upon Defendant Ghost America LLC dba Ghostguns.com by delivery to the Secretary of the State consistent with Corp. Code § 17701.16(c).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of September, 2020, at Redding, California.

BARR &amp; MUDFORD

*E. A. [Signature]*

ESTÉE LEWIS  
Attorney for Plaintiffs

# **EXHIBIT A**

**EXHIBIT A**



Secretary of State  
Articles of Organization  
Limited Liability Company (LLC)

LLC-1

201714610352

**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 Franchise Tax Board each year. For more information, go to <https://www.ftb.ca.gov>.

**FILED** <sup>PS1</sup>  
Secretary of State <sup>SC</sup>  
State of California

MAY 19 2017

*IPC* This Space For Office Use Only

**1. Limited Liability Company Name** (See Instructions — Must contain an LLC ending such as LLC or L.L.C. "LLC" will be added, if not included.)

GHOST AMERICA LLC

**2. Business Addresses**

a. Initial Street Address of Designated Office in California - Do not enter a P.O. Box	City (no abbreviations)	State	Zip Code
23470 CAMBRIDGE ROAD	YORBA LINDA	CA	92887
b. Initial Mailing Address of LLC, if different than item 2a	City (no abbreviations)	State	Zip Code

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

**INDIVIDUAL** — Complete Items 3a and 3b only. Must include agent's full name and California street address.

a. 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)	State	Zip Code
23470 CAMBRIDGE ROAD	YORBA LINDA	CA	92887

**CORPORATION** — Complete Item 3c. 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 3a or 3b

**4. Management** (Select only one box)

The LLC will be managed by:		
<input type="checkbox"/> One Manager	<input type="checkbox"/> More than One Manager	<input checked="" type="checkbox"/> All LLC Member(s)

**5. Purpose Statement** (Do not alter Purpose Statement)

The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.
--

**6.** The Information contained herein, including in any attachments, is true and correct.

Kyle Martin  
Organizer sign here

KYLE MARTIN  
Print your name here



17-471428



**Secretary of State**  
**Statement of Information**  
 (Limited Liability Company)

LLC-12

60

**FILED**  
 Secretary of State  
 State of California

JUN 02 2017

**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

**This Space For Office Use Only**

**1. Limited Liability Company Name** (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

GHOST AMERICA LLC

**2. 12-Digit Secretary of State File Number**

201714610352

**3. State, Foreign Country or Place of Organization** (only if formed outside of California)

**4. Business Addresses**

a. Street Address of Principal Office - Do not list a P.O. Box

23470 CAMBRIDGE ROAD

City (no abbreviations)

YORBA LINDA

State

CA

Zip Code

92887

b. Mailing Address of LLC, if different than Item 4a

City (no abbreviations)

State

Zip Code

c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box

City (no abbreviations)

State

CA

Zip Code

**5. Manager(s) or Member(s)**

If no managers have been appointed or elected, provide the name and address of each member. At least one name and 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 5c (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).

a. First Name, if an individual - Do not complete Item 5b

KYLE

Middle Name

THOMAS

Last Name

MARTIN

Suffix

b. Entity Name - Do not complete Item 5a

c. Address

23470 CAMBRIDGE ROAD

City (no abbreviations)

YORBA LINDA

State

CA

Zip Code

92887

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

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

a. California Agent's First Name (if agent is not a corporation)

KYLE

Middle Name

THOMAS

Last Name

MARTIN

Suffix

b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box

23470 CAMBRIDGE ROAD

City (no abbreviations)

YORBA LINDA

State

CA

Zip Code

92887

**CORPORATION** - Complete Item 6c 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 6a 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

Middle Name

THOMAS

Last Name

MARTIN

Suffix

b. Address

23470 CAMBRIDGE ROAD

City (no abbreviations)

YORBA LINDA

State

CA

Zip Code

92887

**9. The information contained herein, including any attachments, is true and correct.**

5/29/2017  
 Date

KYLE THOMAS MARTIN  
 Type or Print Name of Person Completing the Form

OWNER  
 Title

*Kyle Thomas Martin*  
 Signature

**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 mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: KYLE MARTIN

Company: GHOST AMERICA LLC

Address: 23470 CAMBRIDGE ROAD

City/State/Zip: YORBA LINDA CA 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

*This Space For Office Use Only*

**IMPORTANT — Read instructions before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.**

**Filing Fee – \$20.00**

**Copy Fee – \$1.00;**  
Certification Fee - \$5.00 plus copy fee

- 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

- 2. 12-Digit Secretary of State File Number**

201714610352

- 3. State, Foreign Country or Place of Organization** (only if formed outside of California)

CALIFORNIA

- 4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

*There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.*

- 5. The information contained herein is true and correct.**

05/30/2019

Date

kyle thomas martin

Type or Print Name of Person Completing the Form

member

Title

Signature

**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 mailing address. This information will become public when filed. (SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

# **EXHIBIT B**

**EXHIBIT B**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Barr & Mudford, Law Office TELEPHONE NO: 530-243-8008 FAX NO (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 247 West Third Street MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, 92415 BRANCH NAME: San Bernardino Superior Court	
PLAINTIFF / PETITIONER: McFadyen et al DEFENDANT / RESPONDENT: Ghost Gunner Inc. et al	CASE NUMBER: CIV DS 1935422
DECLARATION OF DILIGENCE	Ref. No. or File No.: 4708653 (239314)

I received the within assignment for filing and or/service on; and that after due and diligent effort I have been unable to serve said person. I attempted service on this servee on the following dates and times:

Servee and Address: Ghost America LLC, d/b/a/ Ghostguns.com, Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

Documents: Summons and Complaint for Damages, Civil Case Cover Sheet, Notice of Reset Case Management Conference, Initial Case Management Conference Order, Initial Complex Order and Guidelines

As enumerated below:

1) Attempt: Jul 26, 2020, 9:30 am PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

Address is a Condo on the 2nd floor, There is a ring doorbell w/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. He was not home and that there was not a better time to reach him.

2) Attempt: Jul 28, 2020, 6:43 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer to the doorbell. and no activity. Server has a view of the living room and kitchen

3) Attempt: Jul 30, 2020, 8:15 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer to the Doorbell, No activity

4) Attempt: Aug 1, 2020, 8:40 am PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer, Blinds are now closed

5) Attempt: Aug 4, 2020, 7:36 am PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer, No activity

6) Attempt: Aug 6, 2020, 1:33 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer, No activity

7) Attempt: Aug 9, 2020, 7:00 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer

8) Attempt: Aug 11, 2020, 2:55 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer, No activity

9) Attempt: Aug 13, 2020, 6:48 pm PDT at Company: 23470 Cambridge Rd, Yorba Linda, CA 92887

No answer

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 17, 2020

Fees:

*B. Canas*

Bryan Canas

8/17/2020

Date

Accurate Document Imaging  
 1734 West Street #A  
 Redding, CA 96001

DECLARATION OF DILIGENCE

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**PROOF OF SERVICE**

I am a citizen of the United States and a resident of the County of Shasta, State of California. I am over the age of 18 years and not a party to the within action; my business mailing address is Post Office Box 994390, Redding, California 96099-4390. I am familiar with this firm's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mailbox after the close of the day's business.

XX On the date indicated below, I served the document(s) designated below on all parties in said action by placing a true copy thereof in a sealed envelope in the designated area for outgoing mail addressed as set forth below:

\_\_\_\_\_ On the date indicated below, I served the document(s) designated below on all parties in said action by placing a true copy thereof in a sealed envelope and mailed it via overnight mail with Federal Express addressed as set forth below:

\_\_\_\_\_ On the date indicated below, I personally served the document(s) designated below by transmitting a true copy thereof via electronic mail in .pdf format as an e-mail attachment to each addressee set forth below:

\_\_\_\_\_ On the date indicated below, I served the document(s) designated below by transmitting a true copy thereof via Fax to the person(s) and at the Fax number(s) set forth below:

**APPLICATION TO SERVE DEFENDANT GHOST AMERICA LLC, d/b/a  
GHOSTGUNS.COM BY DELIVERY TO THE SECRETARY OF STATE (Cal. Corp.  
Code § 17701.16(c))**

Craig J. Mariam  
John P. Cogger  
Sebastian M. Van Roundsburg  
Gordon Rees Scully Mansukhani, LLP  
633 West Fifth Street, 52<sup>nd</sup> Floor  
Los Angeles, CA 90071  
Email: [cmariam@grsm.com](mailto:cmariam@grsm.com)  
[Jcogger@grsm.com](mailto:Jcogger@grsm.com) and  
[sroundsburg@grsm.com](mailto:sroundsburg@grsm.com)  
Telephone: 213-576-5000  
Facsimile : 877-306-0043  
*Attorneys for Defendant, JUGGERNAUT  
TACTICAL, INC.*

Christopher Renzulli (Pro Hac Vice)  
Howard B. Schilsky (Pro Hac Vice)  
Renzulli Law Firm, LLP  
One North Broadway, Suite 1005  
White Plains, NY 10601  
Telephone: 914-285-0700  
Facsimile : 914-285-1213  
*Co-Counsel for Defendant, ,  
JUGGERNAUT TACTICAL, INC.  
(VIA REGULAR MAIL ONLY)*

Sean A. Brady  
Michel & Associates, P.C. Attorneys at Law  
180 East Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
Email: [www.michellawyers.com](http://www.michellawyers.com)  
Telephone: 562-216-4444  
Facsimile : 562-216-4445  
*Attorneys for Defendants, Ryan Beezley and  
Bob Beezley (R & B Tool Supply)  
dba RBTACTICIALTOOLING.COM*

1 I declare under penalty of perjury, under the laws of the State of California, that the  
2 foregoing is true and correct. Executed September 22, 2020, at Redding, California.

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4   
5 JENNI L. RITTER  
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