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6 *Firearms, LLC; MFY Technical*  
*Solutions, LLC; and Thunder Guns, LLC*  
7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN BERNARDINO**

10 TROY MCFADYEN, in his Individual  
Capacity, and as Heir at Law and Successor  
11 in Interest to MICHELLE MCFADYEN,  
Deceased; et al.,

12 Plaintiffs,

13 vs.

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

16 Defendants.  
17  
18  
19  
20

Case No. CIV-DS1935422

**NOTICE OF RULING ON PETITION FOR  
COORDINATION OF ACTIONS**

Complaint Filed: November 14, 2019

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on May 7, 2021, the Petition for Coordination of Actions  
23 brought by Defendants Ghost Firearms, LLC, Thunder Guns, LLC, Ryan Beezley and Bob  
24 Beezley, and MFY Technical Solutions, LLC came for hearing in Department CX104 of the  
25 Superior Court for the County of Orange located at Civil Complex Center, 751 West Santa Ana  
26 Boulevard, Santa Ana, California 92701, the honorable Judge William D. Claster presiding. Sean  
27 A. Brady appeared on behalf Defendants Ghost Firearms, LLC, Thunder Guns, LLC, Ryan  
28 Beezley and Bob Beezley, and MFY Technical Solutions, LLC. Ben Rosenfeld and Brandon

1 Storment appeared on behalf of Plaintiffs. Justin R. Felton appeared on behalf of Defendants  
2 Defense Distributed and Cory R. Wilson.

3 The Court ordered as follows:

- 4 1. Matters will be coordinated in Orange County;
- 5 2. A ruling assigning a specific judge will be issued by the Judicial Council;

6 The Order Granting Petition for Coordination is attached as **Exhibit 1**.

7  
8 Dated: May 10, 2021

**MICHEL & ASSOCIATES, P.C.**

9  
10 

11 Sean A. Brady  
12 *Attorneys for Defendants*  
13 *Ryan Beezley and Bob Beezley; Ghost*  
14 *Firearms, LLC; MFY Technical*  
15 *Solutions, LLC; and Thunder Guns, LLC*

# **EXHIBIT 1**

**MAY 07 2021**

DAVID H. YAMASAKI, Clerk of the Court

BY: CTH, DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE, CIVIL COMPLEX CENTER  
Hon. William D. Claster, Coordination Motion Judge

Coordination Proceeding Special  
Title (Rule 3.550)

GHOST GUNNER FIREARMS CASES

Included actions:

Cardenas v. Ghost Gunner, Inc. dba  
GhostGunner.net, et al.

McFayden, et al. v. Ghost Gunner,  
Inc., dba GhostGunner.net, et al.

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 5167

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
NO. 30-2019-01111797

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
NO. CIVDS193452

**ORDER GRANTING PETITION FOR  
COORDINATION**

Ghost Firearms, LLC; Thunder Gus, LLC; Ryan Beezley; Bob Bezzley; and MFY  
Technical Solutions, LLC ("Petitioners") seek the coordination of the following  
cases (the "Included Actions"):

1. *McFayden, et al. v. Ghost Gunner Inc., et al.*, San Bernardino SC No.

1 CIVDS1935422. It appears undisputed that *McFayden* is pending before a  
2 complex department in San Bernardino.

3  
4 2. *Cardenas v. Ghost Gunner Inc., et al.*, OCSC No. 19-01111797. *Cardenas* is  
5 pending before Judge Lewis in Department C26, but he has designated the  
6 case complex and stayed proceedings to permit the filing of this  
7 coordination petition. (Brady Decl. (ROA 5), Ex. C.) As a result of the stay,  
8 while *Cardenas* has been designated complex, it has not yet been  
9 transferred to a complex department by the Presiding Judge.

10  
11 I. **Background**

12  
13 A. **Factual Allegations**

14  
15 The Included Actions, whose complaints are nearly word-for-word identical  
16 except for details about the plaintiffs, arise from a shooting spree that took place  
17 in Tehama County on November 13 and 14, 2017. During this spree, Kevin Neal  
18 shot numerous victims, some of whom died, and others of whom were injured.  
19 The plaintiffs in the Included Actions are among Neal's surviving victims and the  
20 survivors of those he killed.

21  
22 The Included Actions are less about the shootings themselves than the  
23 weapons used by Neal. Plaintiffs allege that defendants manufacture and  
24 distribute kits and firearms parts that can easily be assembled by a buyer into a  
25 fully functioning firearm. Because defendants do not actually manufacture or  
26 distribute *firearms*, only *firearms parts or kits*, purchasers do not need to pass  
27 background checks or interact with a federal firearms licensee ("FFL," i.e., a  
28 federally authorized gun dealer). Moreover, because defendants only distribute

1 parts or kits, the weapons that buyers eventually assemble do not have traceable  
2 serial numbers unless specifically required by state law. The guns so assembled  
3 are therefore called “ghost guns.”  
4

5 Defendants’ parts and kits allegedly include materials that could be used to  
6 assemble a fully functional AR-15 style “ghost gun.” Plaintiffs allege that Neal  
7 used at least two AR-15 style “ghost guns” in his shooting spree, but because they  
8 lacked serial numbers, it is impossible to tell who manufactured the parts.  
9 Accordingly, plaintiffs bring suit against a number of “ghost gun” manufacturers  
10 and distributors. Plaintiffs further allege that AR-15 style rifles are illegal to  
11 possess in California, that defendants take no steps to prevent the sale of their AR-  
12 15 firearms parts/kits to California residents, and that Neal could not possibly have  
13 acquired an AR-15 style rifle legally from a California FFL. Based on these  
14 allegations, plaintiffs bring claims for negligence, nuisance and UCL violations.  
15

#### 16 **B. Procedural History**

17

18 *Cardenas* and *McFayden* were both filed on the same day. (See Brady Decl.  
19 (ROA 5), Exs. A-B [both file stamped 11/14/19].) *McFayden* was presumably the  
20 first-filed case, because the complaint in *Cardenas* specifically notes *McFayden* as  
21 a related case. (*Id.*, Ex. A, ¶ 18.) No responsive pleadings have been filed in either  
22 case. (*Id.*, ¶ 16.) Some defendants have not yet been served with process. (*Id.*, ¶  
23 9(a).)  
24

25 *McFayden* was assigned to a complex department in San Bernardino  
26 County. (*Id.*, ¶ 14.) *Cardenas* did not designate his case complex in his cover  
27 sheet, so his case was originally assigned to general civil. (*Id.*, ¶ 15.) In October  
28 2020, Petitioners filed a motion in *Cardenas* to either (1) designate the case

1 complex and permit the filing of a coordination petition or (2) keep the case in  
2 general civil and order *McFayden* transferred to Orange County to be consolidated  
3 with *Cardenas*. (Rosenfeld Decl. (included in ROA 8), Ex. 1. Because only non-  
4 complex matters can be consolidated, this relief would have the effect of finding  
5 *McFayden* was not complex.) The plaintiffs in both *Cardenas* and *McFayden* filed  
6 non-oppositions asking the courts to transfer *McFayden* to Orange County to be  
7 consolidated with *Cardenas*. (*Id.*, Ex. 2.)

8  
9 Judge Lewis chose the first alternative. He designated *Cardenas* complex  
10 and allowed the filing of a coordination petition, then stayed proceedings pending  
11 the outcome of the planned petition. (Brady Decl., Ex. C.) Again, because  
12 *Cardenas* is stayed, it has been designated complex but not yet transferred to a  
13 complex department.

14  
15 Petitioners then filed the present petition for coordination, seeking  
16 coordination in San Bernardino County rather than Orange County.

17  
18 **II. Propriety of Coordination**

19  
20 All parties agree coordination is proper. Upon its own review of the papers,  
21 the Court agrees that coordination is proper under the factors listed in CCP §  
22 404.1.

23  
24 **III. Location of Coordinated Proceedings**

25  
26 The parties disagree on where coordinated proceedings should take place.  
27 Petitioners, and the defendants they have been able to contact, favor San  
28 Bernardino County. Plaintiffs favor Orange County. In addition, the *McFayden*

1 plaintiffs propose Sacramento County as an alternate site for coordinated  
2 proceedings, as Sacramento County is comparatively convenient to Tehama  
3 County and has a dedicated complex litigation program judge.

4  
5 In determining the location for coordinated proceedings, the following  
6 factors are to be considered (CRC 3.530(b)):

- 7
- 8 1. The number of included actions in particular locations;
  - 9 2. Whether the litigation is at an advanced stage in a particular court;
  - 10 3. The efficient use of court facilities and judicial resources;
  - 11 4. The locations of witnesses and evidence;
  - 12 5. The convenience of the parties and witnesses;
  - 13 6. The parties' principal places of business;
  - 14 7. The office locations of counsel for the parties; and
  - 15 8. The ease of travel to and availability of accommodations in particular  
16 locations.

17  
18 **A. Number of Included Actions**

19  
20 As between Orange and San Bernardino Counties, this factor is a wash.  
21 Because no action is pending in Sacramento County, it cuts against that venue.  
22

23 **B. Advanced Stage of Litigation; Efficient Use of Court Resources**

24  
25 Petitioners mention this factor in reply. They note that the court in  
26 *McFayden* has already held two case management conferences, so the judge is  
27 more familiar with the case than the yet-to-be-assigned complex judge in  
28 *Cardenas* will be. According to Petitioners, if the coordinated proceedings go



1 forward in Orange County, everything would have to “start from scratch.” (Reply  
2 (ROA 9), p. 4.)  
3

4 The Court is not persuaded by this argument. While it indeed appears no  
5 case management conference has been held in *Cardenas*, responsive pleadings  
6 have yet to be filed in either case. No court has a deep familiarity with the facts  
7 and law that would come from lengthy supervision of a case.  
8

9 Furthermore, this argument appears to contradict the relief sought from  
10 Judge Lewis. If things had progressed so far in *McFayden* that the parties would  
11 be prejudiced by having to start from scratch in Orange County, why would  
12 Petitioners make an alternate request for consolidation in Orange County? Why  
13 not have *Cardenas* transferred to San Bernardino County?  
14

15 The Court finds this factor of little relevance. The two cases are in such  
16 early stages that even sending them to Sacramento County would cause little (if  
17 any) delay or waste of court resources.  
18

19 **C. Location and Convenience of Parties, Witnesses, and Evidence**  
20

21 As to the defendants, these factors favor either Orange County or San  
22 Bernardino County. The in-state defendants have their principal places of business  
23 in those counties, meaning witnesses and documents pertinent to business  
24 operations are most likely located in those counties. (The out-of-state defendants  
25 will be inconvenienced no matter what.)  
26

27 As to the plaintiffs, these factors favor Sacramento County. In terms of the  
28 in-state plaintiffs (again, the out-of-state plaintiffs will be inconvenienced no

1 matter what), only Cardenas and potentially witnesses related to him are in  
2 Southern California. Otherwise, fact witnesses and evidence relating to the  
3 shooting itself (including treating physicians) are most likely to be located in and  
4 around Tehama County. Tehama County, however, does not appear to have a  
5 complex division. The *McFayden* plaintiffs present Sacramento County as the  
6 next-best location.

7  
8 On this record, the Court would ordinarily conclude these factors do not tip  
9 one way or the other. Sacramento County is nearer witnesses and evidence  
10 relating to the shooting itself, while Orange and San Bernardino Counties are  
11 nearer to witnesses and evidence relating to the in-state defendants' operations.  
12 But all Plaintiffs agree Orange County would be convenient, and Petitioners  
13 represented to Judge Lewis that Orange County would be an appropriate location  
14 for future consolidated proceedings. Based on these representations, the Court  
15 finds the parties agree Orange County would be the most convenient for the  
16 parties, the witnesses and the evidence. The Court is not persuaded by  
17 Petitioners' attempt to draw a distinction between "consolidation is proper in  
18 Orange County" and "coordination is proper in San Bernardino County."

19  
20 **D. Location of Counsel**

21  
22 It appears that Plaintiffs' counsel, with the exception of attorney Singleton,  
23 are based in Northern California, making Sacramento County more convenient for  
24 them. Most Defendants' counsel appear to be based in Southern California. (The  
25 exceptions are one firm based in Walnut Creek and one in White Plains, New  
26 York.) Orange or San Bernardino Counties would be more convenient for them.  
27 The Court finds this factor does not lean toward any particular venue.  
28

1           **E.     Ease of Travel and Availability of Accommodations**

2  
3           All three counties have major airports: Santa Ana, Ontario and Sacramento.  
4           Plaintiffs point out, however, that San Bernardino County has less hotel  
5           accommodations available near the courthouse. The Court finds this factor cuts  
6           slightly against San Bernardino County.

7  
8           **IV.   Conclusion**

9  
10          Taking the above into account, the Court orders that the Included Actions  
11          will be coordinated, and that the location of coordinated proceedings will be the  
12          Orange County Superior Court. The Court of Appeal, Fourth District, Division  
13          Three will serve as the reviewing court.

14  
15  
16  
17          Dated: 5-7-21

William D. Claster

18                               Judge William D. Claster  
19                               Coordination Motion Judge  
20  
21  
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27  
28

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Civil Complex Center  
751 W. Santa Ana Blvd  
Santa Ana, CA 92701

**SHORT TITLE:** Ghost Gunner Firearms Cases**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE****CASE NUMBER:**  
**JCCP 5167**

I certify that I am not a party to this cause. I certify that a true copy of the above Order - Other dated 05/07/21 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 5/7/21. Following standard court practice the mailing will occur at Sacramento, California on 5/10/21.

CHAIR, JUDICIAL COUNCIL OF CALIFORNIA  
ATTN: APPELLATE COURT SERVICES (CIVIL  
CASE COORDINATION)  
455 GOLDEN GATE AVE, 5TH FLOOR  
SAN FRANCISCO, CA. 94102-2688

Clerk of the Court, by: , Deputy

I certify that I am not a party to this cause. I certify that the following document(s), Order - Other dated 05/07/21, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on May 7, 2021, at 1:52:18 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

On May 10, 2021, I served the foregoing document(s) described as:

on the interested parties in this action by placing  
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☒ a true and correct copy  
thereof by the following means, addressed as follows:

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

  
Laura Palmerin

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