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9 Attorneys for Petitioners
10 Ghost Firearms, LLC, Thunder Guns, LLC,
11 Ryan Beezley and Bob Beezley,
12 and MFY Technical Solutions, LLC

RECEIVED
Judicial Council of California

FEB 09 2021
Seung Lee Chan
Coordination Attorney

13 JUDICIAL COUNCIL OF CALIFORNIA
14 CHAIR OF THE JUDICIAL COUNCIL

15 FRANCISCO GUDINO CARDENAS, an
16 individual,

17 Plaintiff,

18 v.

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

21 Defendants.

Judicial Council Coordination Proceeding

JCCP NO. **5167**

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

San Bernardino Superior Court Case No. CIV
DS 1935422

**DECLARATION OF SEAN A. BRADY IN
SUPPORT OF PETITION FOR
COORDINATION OF ACTIONS**

[Filed concurrently with the petition for
coordination and memorandum of points of
points and authorities in support thereof]

22 TROY MCFADYEN, in his Individual
23 Capacity, and as Heir at Law and Successor
24 in Interest to MICHELLE MCFADYEN,
25 Deceased; et al.,

26 Plaintiffs,

27 v.

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

Defendants.

1 I, Sean A. Brady, declare as follows:

2 1. I am an attorney at law admitted to practice in the State of California. I am
3 counsel for those bringing this petition, Ghost Firearms, LLC, Thunder Guns, LLC, Ryan Beezley
4 and Bob Beezley, and MFY Technical Solutions, LLC (“Petitioners”). My statements herein are
5 based upon my personal knowledge, except those statements that are based upon information and
6 belief. If I were to be called as a witness, I could and would competently testify under oath as to
7 the matters that I have set forth in this declaration.

8 2. I represent Petitioners in the matter of *Francisco Gudino Cardenas v. Ghost*
9 *Gunner, Inc. et al.*, Case No. 30-2019-01111797-CU-PO-CJC, pending in the Superior Court of
10 Orange County. Petitioners have all been served in that matter. A true and correct copy of the
11 complaint filed by a single plaintiff in that action is attached as **Exhibit A**.

12 3. I also represent Petitioners in the matter of *Troy McFadyen, et al v. Ghost Gunner,*
13 *Inc., et al*, Case No. CIV DS 1935422, pending in the Superior Court of San Bernardino.
14 Petitioners have all been served in that matter. A true and correct copy of the complaint filed by
15 seventeen plaintiffs in that action is attached as **Exhibit B**.

16 4. By order of Judge Gregory H. Lewis of the Orange County Superior Court,
17 Petitioners received permission to file their petition for coordination. In that order, Judge Lewis
18 also stayed the *Cardenas* matter until the Chairperson of the Judicial Council has acted on the
19 petition. Lastly, Judge Lewis confirmed that the *Cardenas* matter is complex despite it being
20 erroneously marked as not complex upon its filing by Plaintiff. A true and correct copy of the
21 minute order permitting the submission of this petition and staying the *Cardenas* matter is
22 attached as **Exhibit C**.

23 5. By order of the Court, the *McFadyen* matter had been stayed until January 25,
24 2021. A true and correct copy of Plaintiff McFadyen’s notice of that order is attached as **Exhibit**
25 **D**. Petitioners intend to request an additional stay in the *McFadyen* matter at the next case
26 management conference, scheduled for February 10, 2021, to halt the case until coordination is
27 decided.

28 ///

1 6. A true and correct copy of the notice of errata filed by Plaintiff Francisco Cardenas
2 on November 22, 2019 is attached as **Exhibit E**.

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

5 8. I am informed and believe and thereon state that no trial is imminent in either of the
6 cases sought to be coordinated.

7 9. The standards for coordination as set forth in Code of Civil Procedure §404 and
8 §404.1 are met by the following circumstances:

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

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

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

25 d) Judicial facilities and resources will be more efficiently utilized if the cases are
26 coordinated because there will be a single judge in a single courtroom hearing the large volume of
27 pretrial motions anticipated in this case, rather than multiple pretrial motions being heard in
28 different courthouses utilizing many hundreds of judge time and staff time, with the attendant risk

1 of inconsistent rulings. Multiple rulings will also generate multiple petitions for appellate review,
2 which can be avoided by coordination.

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

6 10. Of the six named defendants located in California, three are located in Orange
7 County (Blackhawk Manufacturing Group, Inc., Ghost America, LLC, and Juggernaut Tactical,
8 Inc) and three are located in San Bernardino County (Ryan Beezley, Bob, Beezley, and James
9 Tromblee). (See **Exhibits A & B.**)

10 11. I spoke with other defendants in this matter or their counsel to determine if any of
11 them would oppose this petition. Defendants Ghost Gunner, Inc., Defense Distributed, Cody
12 Wilson, James Tromblee, Blackhawk Manufacturing Group, Inc., Juggernaut Tactical, Inc., and
13 Tactical Gear Heads, LLC have confirmed that they do not oppose this application and agree that
14 San Bernardino County is the better venue once the two matters are coordinated into one. The
15 remaining Defendants have not responded as of the filing of this petition.

16 12. Counsel for Plaintiff in the *Cardenas* action indicated that he does not oppose this
17 petition. Mr. Cardenas filed a notice of non-opposition to the motion to permit filing of a petition
18 for coordination in that case in which he agreed coordination is proper. In that notice, he also
19 acknowledged the *Cardenas* matter is indeed complex. A true and correct copy of that notice of
20 non-opposition is attached as **Exhibit F.**

21 13. Counsel for Plaintiffs in the *McFadyen* action have indicated they do not oppose
22 this petition. They filed a notice of non-opposition to the motion to permit filing of a petition for
23 coordination in that case in which they agreed coordination is proper. They pointed out that they
24 believe that the coordinated matter should proceed in Orange County but did not provide any
25 reasons in support of their view. A true and correct copy of that notice of non-opposition is
26 attached as **Exhibit G.**

27 14. The *McFadyen* matter has been assigned to a judge in San Bernardino County
28 Superior Court's Complex Civil Department.

EXHIBIT A

1 GERALD B. SINGLETON (SBN 208783)
2 SINGLETON LAW FIRM
3 450 A Street, 5th Floor
4 San Diego, CA 92101
5 Tel: (619) 586-5820
6 Fax: (619) 255-1515
7 gerald@SLFfirm.com

8 BEN ROSENFELD (SBN 203845)
9 ATTORNEY AT LAW
10 115 ½ Bartlett Street
11 San Francisco, CA 94110
12 Tel: (415) 285-8091
13 Fax: (415) 285-8092
14 ben.rosenfeld@comast.net

15 Attorneys for Plaintiff
16 Francisco Gudino Cardenas

17 IN THE SUPERIOR COURT OF CALIFORNIA
18 FOR THE COUNTY OF ORANGE

19 FRANCISCO GUDINO CARDENAS, an
20 individual

21 Plaintiff,

22 vs.

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

25 DEFENSE DISTRIBUTED d/b/a
26 GHOSTGUNNER.NET

27 CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

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

GHOST FIREARMS LLC, d/b/a GRID

No. 30-2019-01111797-CU-PO-CJC
Judge Derek W. Hunt

COMPLAINT FOR DAMAGES

(DEMAND FOR JURY TRIAL)

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

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

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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.COM;
THUNDER GUNS LLC, d/b/a
THUNDERTACTICAL.COM;
DOES 1-100, Inclusive,
Defendants.

(UNFAIR MARKETING TACTICS)

COMPLAINT AND DEMAND FOR JURY TRIAL

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

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

5 INTRODUCTION

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

16 3. The weapons assembled from DEFENDANTS’ kits and firearms parts are
17 termed “ghost guns.” This name reflects the fact that such weapons lack a serial number
18 unless specifically required by state law and are difficult, if not impossible, for law
19 enforcement to trace back to their manufacturer/seller when recovered from a crime scene.
20

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

24 5. DEFENDANTS further knew that selling these kits and firearm parts violated
25 state and federal statutes applicable to the registration, ownership, sale, and marking of
26 firearms.
27
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1 6. DEFENDANTS refused to use reasonable safety measures that could have
2 limited the risk of their products falling into the hands of such dangerous individuals.

3 7. Instead, DEFENDANTS targeted their business at precisely such individuals
4 by intentionally emphasizing features of their products that make them particularly attractive
5 to such dangerous parties as major selling points. For example, DEFENDANTS intentionally
6 emphasized that 1) their products can be used to assemble untraceable weapons and 2) enable
7 the purchaser to evade background checks and interaction with an FFL.
8

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

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

14 10. DEFENDANTS could have changed their business practices to institute
15 reasonable safety measures to minimize the damage done by the problem they created.
16 Instead DEFENDANTS have continued to choose profits over people and public safety and
17 have doubled down on their dangerous and irresponsible practices. By doing so,
18 DEFENDANTS have and are acting with a reckless disregard, conscious disregard or
19 deliberate indifference to a known and obvious risk that threatens the life and safety of
20 others.
21

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

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

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

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

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

15 JURISDICTION

16 15. This is a civil action for negligence and violations of the California Unfair
17 Competition Law (Cal. Bus. & Prof. Code § § 17200 et seq). This Court has subject matter
18 jurisdiction over this action as the amount of the claims exceeds \$25,000.00
19

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

26 17. PLAINTIFF seeks an award of compensatory damages, punitive damages
27 pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. And Prof. Code
28

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

3 **NOTICE OF RELATED CASE**

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

9 **THE PARTIES**

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

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

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

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

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

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

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

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

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

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

20 27. At all times pertinent hereto, DEFENDANT TACTICAL GEAR HEADS
21 LLC (“TACTICAL GEAR HEADS”), d/b/a 80-LOWER.COM; AR-
22 15LOWERRECEIVERS.COM; and 80LOWERJIG.COM, was an Indiana limited liability
23 company with its principle of business in Indianapolis, County of Marion, State of Indiana
24 and/or in Fishers, County of Hamilton, State of Indiana. At all times pertinent hereto,
25 TACTICAL GEAR HEADS, via its various retail websites, was engaged in the business of
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27
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1 designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
2 “ghost guns,” including AR-15 style “ghost gun” rifles to consumers across the nation,
3 including to consumers within the State of California.

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

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

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

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

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

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

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

25 34. All herein complained actions of DEFENDANTS, and each of them, were
26 done in a conscious disregard and deliberate disregard for the rights and safety of others,
27 and in a willful and reckless manner making the infliction of grievous bodily injury and/or
28

1 death highly probable. DEFENDANTS' conduct was despicable, willful, wanton and
2 malicious within the meaning of California Civil Code §§ 3294, so as to warrant the
3 imposition of punitive and exemplary damages against them in the fullest extent allowed by
4 law. DEFENDANTS and each of them acted in a conscious disregard for the rights and
5 safety of others, in a manner that shocks the conscience, and in a despicable manner
6 sufficient to warrant the imposition of punitive damages against each and every
7 DEFENDANT sued herein.
8

9 **CASE SPECIFIC ALLEGATIONS**

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

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

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

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

19 38. Only FFLs may engage in the business of selling firearms. Felons, domestic
20 abusers, the dangerously mentally ill, and certain other categories of people are deemed to
21 pose too great a danger to themselves or others are prohibited from possessing guns as a
22 matter of federal and/or state law. FFLs are required to conduct background checks on gun
23 buyers to prevent sales to such prohibited purchasers. Firearms sold by FFLs must include
24 stamped serial numbers, to enable accurate record keeping and aid law enforcement in
25 tracing the gun to its initial retail seller if it is later misused in a crime. Such tracing can help
26 identify the chain of possession and ultimate user of such a crime gun.
27
28

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

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

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

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

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

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

23 45. DEFENDANTS, at all times pertinent hereto, manufactured and/or sold
24 “ghost gun” parts that require very limited additional milling before they can be easily
25 combined with other largely unregulated gun parts – which are often included in
26 DEFENDANTS’ assembly kits— to form a fully functioning “ghost gun.”
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1 46. One common “ghost gun” part sold by DEFENDANTS is an 80% receiver,
2 which is designed to fall just outside of the federal definition of a “firearm” so as to evade
3 federally required background checks and other regulations applicable to “firearms.”

4 47. The process of converting such parts into a “ghost gun,” whether it be a semi-
5 automatic handgun or an AR-15 style assault rifle, involves just a few steps.
6 DEFENDANTS’ parts/kits can be used to create a fully functional “ghost gun” in as little as
7 a few minutes without the consumer possessing any specialized skill or abilities.
8

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

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

14 50. DEFENDANTS purposefully chose – and continue to choose-- not to stamp
15 serial numbers on these parts or other parts included in their firearms assembly kits. This
16 means that the “ghost guns” produced from DEFENDANTS’ products cannot be traced back
17 to the initial manufacturer or seller, making it harder to identify the chain of possession and
18 ultimate user of a gun recovered from a crime scene. This makes the parts/kits used to
19 assemble these weapons highly attractive to criminals and illegal gun traffickers.
20

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

26 52. Similarly, because DEFENDANTS’ products were – and continue to be –
27 capable of purchase without the buyer having any interaction with an FFL, these products are
28

1 also attractive and accessible to individuals with psychological or behavioral issues who fear
2 they may not be able to pass muster at a responsible FFL.

3 53. DEFENDANTS were, and still are, well aware that, as a special agent in
4 charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives' ("ATF") Los Angeles
5 field division recently told reporters, "Criminals are making their own weapons because they
6 cannot buy them legally ... or they are paying other people to make those guns for them to
7 get around the gun laws."
8

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

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

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

17 57. DEFENDANTS' marketing to the criminal market includes but is not limited
18 to the following examples:
19

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



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

d. THUNDER GUNS' website states, on a page offering a pack of 5 AR-15 lower receivers, that "[t]hese products are not FFL items." See <https://thundertactical.com/product/80-ar-lower-receiver-5-pack/>.

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

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

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

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

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

9
10 a. In June 2013, John Zawahri went on a shooting spree with a “ghost gun” and
11 killed five people in Santa Monica, California. Zawahri, who had a
12 documented history of mental illness, was a prohibited purchaser and the
13 “ghost gun” he used was an AR-15 style rifle.

14 b. In July 2015, Scott Bertics shot and killed a woman with whom he was
15 involved in a romantic relationship and he then used a second gun to kill
16 himself in Walnut Creek, California. Both of the guns used were “ghost
17 guns.”

18 c. In July 2015, in Stockton, California, gunmen used an AK-47-style “ghost
19 gun” in an attempted bank robbery, and held three people hostage.

20 d. In June 2019, 26-year-old Sacramento Police Officer Tara O’Sullivan was
21 shot and killed with an AR-15 style “ghost gun” rifle while responding to a
22 domestic disturbance call.

23 e. In August 2019, a convicted felon used an AR-15 style “ghost gun” rifle to
24 kill California Highway Patrol officer Andre Moye and wound two of his
25 colleagues, during a freeway shootout in Riverside, California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 79. Prior to the shooting, NEAL was prohibited from possession firearms by one
21 or more court orders. The order(s) required authorities to arrest NEAL if he violated these
22 orders. Multiple PLAINTIFF and/or their loved ones were named as protected parties on one
23 or more of these orders, including PLAINTIFF BOB STEELE and G.E., as well as decedent
24 DIANA STEELE.
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1 80. During his rampage, NEAL was in possession of and used at least two AR-15
2 style semiautomatic rifles. Both of these firearms were “ghost guns.”

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

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

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

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

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

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

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

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

5 88. Upon information and belief, DEFENDANTS also all purposefully targeted a
6 dangerous subclass of California consumers who had no or limited access to these weapons
7 by virtue of disqualifying records, mental illness, and/or relevant legal restrictions.
8

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

13 90. Upon information and belief, there is a substantial probability that one or
14 more of the DEFENDANTS sold NEAL one or more “ghost gun” parts/kits used to assemble
15 the AR-15 style rifles used in the attack, either online or via some other medium, with full
16 knowledge that (1) NEAL was a resident of California, (2) that California prohibits the
17 possession of AR-15 style rifles, and (3) AR-15 style rifles have frequently been used in
18 mass shootings.
19

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

23 92. “Ghost gun” parts/kits that can be used to assemble unserialized AR-15 style
24 rifles are fungible products. Such parts/kits share the same core characteristics and present
25 an equivalent risk of danger to members of the public like PLAINTIFF. These products
26 provide dangerous parties like NEAL with an identical capability to possess untraceable
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1 assault weapons without going through an FFL and in violation of California's assault
2 weapons ban.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 trial.

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

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

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

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

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

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

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

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

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

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

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

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

22 137. As a further direct, proximate, immediate and foreseeable result of the actions
23 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
24 dangerous weapons, PLAINTIFF had to, and will have to in the future, rely on surgeons and
25 other physicians, and undergo other and further expense for his medical care, in amounts
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1 which cannot yet be fully ascertained.

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

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

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

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

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

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

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

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

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

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

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

23 147. Without limitation, the acts of DEFENDANTS as alleged herein caused,
24 created, and continue to maintain a substantial and unreasonable interference with the
25 public's health, safety, convenience, comfort, peace, and use of public property and/or
26 private property. These activities are injurious to health and offensive to the senses so as to
27 interfere with the comfortable enjoyment of life or property in an entire community or
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1 neighborhood. Numerous members of the public are threatened, killed, injured, or are
2 victims of criminal acts as a result of “ghost gun” parts/kits sold by DEFENDANTS.
3 DEFENDANTS’ acts and omissions as alleged herein cause a substantial and unreasonable
4 increase in the number of members of the general public who are threatened, killed, and
5 injured by “ghost guns.”

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

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

17 150. DEFENDANTS’ acts and omissions as alleged herein cause substantial and
18 unreasonable interferences with the public’s health, safety, convenience, comfort, and peace
19 in numerous other ways, including: (a) increasing the number of unlawful possessors of
20 weapons who use these weapons to commit violent crimes against innocent members of the
21 general public; (b) increasing the number and severity of property crimes committed by those
22 in possession of “ghost guns” against innocent members of the general public; (c) increasing
23 the number and severity of incidents in which those in possession of “ghost guns” disturb the
24 peace by being disorderly; and (d) increasing the amount of society’s resources that are
25 diverted toward dealing with the problems associated with the possession of “ghost guns.”
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1 151. DEFENDANTS know or have reason to know that the acts and omissions
2 alleged herein caused substantial and unreasonable interferences with the public's health,
3 safety, convenience, comfort, peace, and use of public facilities. DEFENDANTS' acts and
4 omissions as alleged herein were undertaken with negligent and/or intentional disregard of
5 the rights of the general public. DEFENDANTS knew that they could have taken
6 precautions as outlined above that would have eliminated or minimized the injuries to the
7 general public. Instead they chose not to take those precautions and, in fact, actively
8 exacerbated these risks with the irresponsible marketing campaign described herein in order
9 to maximize their profits.
10

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

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

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

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

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

4 157. PLAINTIFF are informed and believe and thereon allege that defendants and
5 each of their, conduct was done in a conscious disregard and deliberate disregard for the
6 rights and safety of others, including PLAINTIFF, and in a willful and reckless manner
7 making the infliction of grievous bodily injury and/or death highly probable. Defendants
8 conduct was despicable, willful, wanton and malicious within the meaning of California
9 Civil Code §§ 3294, so as to warrant the imposition of punitive and
10 exemplary damages against them in the fullest extent allowed by law.
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12 **CAUSE OF ACTION V: VIOLATION OF BUSINESS AND PROFESSIONS**
13 **CODE SECTION 17200 (AGAINST ALL DEFENDANTS)**
14 **(Unfair and Unlawful Competition in Sales Practices)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11
12 **JURY TRIAL DEMANDED**

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

15 **PRAYER FOR RELIEF**

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

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

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

Respectfully Submitted,



Dated: November 14, 2019

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

EXHIBIT B

1 **DUGAN BARR**State Bar No. 40663
 2 **DOUGLAS MUDFORD**State Bar No. 156392
 3 **ESTEE LEWIS**State Bar No. 268358
 4 **CATIE BARR**State Bar No. 295538
 5 **BRANDON STORMENT**State Bar No. 267260
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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

NOV 14 2019

BY *Alma Vallejo Garcia*
 ALMA VALLEJO GARCIA, DEPUTY

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF CALIFORNIA
IN THE COUNTY OF SAN BERNARDINO

CIV DS 1935422

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

No.

COMPLAINT FOR DAMAGES

(DEMAND FOR JURY TRIAL)

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

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

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

1. NEGLIGENCE

2. NEGLIGENCE PER SE

3. NEGLIGENT ENTRUSTMENT

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

4. PUBLIC NUISANCE

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

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

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

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

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

COMPLAINT AND DEMAND FOR JURY TRIAL

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

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

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INTRODUCTION

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

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

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

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

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

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

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

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

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

11 11. Upon information and belief, all DEFENDANTS designed, advertised, marketed,
12 sold, distributed and/or offered, one or more "ghost gun" kits/parts that could be easily
13 assembled into un-serialized AR-15 style "ghost gun" rifles that are prohibited under
14 California's assault weapons ban to California residents leading up to and/or during November
15 2017.
16

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

17 21. At all times pertinent hereto, PLAINTIFF G.E., an 8-year-old, was a resident of
18 Corning, County of Tehama, State of California. G.E. is currently a resident of Ware, County
19 of Hampshire, State of Massachusetts, and is being represented by his Guardian ad Litem,
20 ALMA FEITELBERG. G.E. was, all relevant times, a protected person pursuant to one or more
21 court orders in effect against NEAL.
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23 22. At all times pertinent hereto, PLAINTIFF M.E., a 10-year-old, was a resident of
24 Rio Linda, County of Sacramento, State of California. M.E. is being represented by her
25 Guardian ad Litem, LATISHA CORNWALL. M.E. remains a resident of the County of
26 Sacramento.
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28 23. BOB STEELE was the surviving husband of decedent, DIANA STEELE, and is

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

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

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

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

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

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

37. At all times pertinent hereto, DEFENDANT BLACKHAWK MANUFACTURING GROUP INC. ("BLACKHAWK"), d/b/a 80PERCENTARMS.COM, was a California domestic corporation, with its principal place of business in the Garden Grove,

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

4 41. At all times pertinent hereto, DEFENDANT JUGGERNAUT TACTICAL INC.
5 ("JUGGERNAUT"), d/b/a JTACTICAL.COM, was a California corporation with its principal
6 place of business in Orange, County of Orange, State of California. At all times pertinent
7 hereto, JUGGERNAUT was engaged in the business of designing, marketing, distributing,
8 manufacturing and selling parts/kits used to assemble "ghost guns," including AR-15 style
9 "ghost gun" rifles to consumers across the nation, including to consumers within the State of
10 California.
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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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14 45. At all times pertinent hereto, DEFENDANT INDUSTRY ARMAMENT INC.
15 ("INDUSTRY ARMAMENT"), d/b/a AMERICANWEAPONSCOMPONENTS.COM, was a
16 Delaware corporation with a principal place of business in Mesa, County of Maricopa, State of
17 Arizona. At all times pertinent hereto, INDUSTRY ARMAMENT was engaged in the business
18 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
19 "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the nation,
20 including to consumers within the State of California.
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22 46. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
23 ("THUNDER GUNS"), d/b/a THUNDERTACTICAL.COM, was a limited liability company
24 registered in Florida with its principal place of business in Daytona Beach, County of Volusia,
25 State of Florida. At all times pertinent hereto, THUNDER TACTICAL was engaged in the
26 business of designing, marketing, distributing, manufacturing and selling parts/kits used to
27 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.

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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 PLAINIFFS as herein alleged.

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

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

CASE SPECIFIC ALLEGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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64. DEFENDANTS thus enabled anyone, including individuals prohibited from possessing any firearms or individuals prohibited from possessing assault weapons by virtue of state law, to build "ghost guns," including but not limited to assault weapons.

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

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

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

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

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

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

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.
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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/>;



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

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

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

COUNT I: NEGLIGENCE (AGAINST ALL DEFENDANTS)

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

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

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

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

116. Upon information and belief, none of these DEFENDANTS had, at the time NEAL purchased the relevant product(s) from the DEFENDANT(s), taken these or other

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.
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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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capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such information, and belief state that this said reduction in earning capacity will continue into the future in an amount which cannot yet be ascertained.

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

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

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

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

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

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

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

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

129. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS and each of their, conduct was done in a conscious disregard and deliberate disregard for the rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS conduct was despicable, willful, wanton and malicious within the meaning of California Civil 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.
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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,

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

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

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

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

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

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.

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

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

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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.
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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.
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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.
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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.
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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
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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.
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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.
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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.
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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
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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.

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.

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

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.

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

COUNT V: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION
17200 (AGAINST ALL DEFENDANTS)
(Unfair and Unlawful Competition in Sales Practices)

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

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

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

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

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

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

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

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

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

COUNT VI: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION
17200 (AGAINST ALL DEFENDANTS)
(Unfair Marketing Tactics)

1. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as though set out in full herein.
2. DEFENDANTS in the course of their retail business of selling ghost guns, engaged in business acts or practices that were unfair, deceptive, or misleading, and which therefore violated Bus. & Prof Code § 17200.
3. Specifically, by employing marketing tactics which emphasized that their products, including banned assault weapons, were untraceable and could be acquired without a background check or an interaction with an FFL, DEFENDANTS intentionally targeted prohibited persons and other dangerous individuals like NEAL. Such tactics and practices were unfair, immoral, unethical, oppressive, and unscrupulous.

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

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

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

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

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

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

4 **PRAYER FOR RELIEF**

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

8 1. For general damages for TROY MCFADYEN, against each DEFENDANT,
9 jointly and severally, in the amount to be proven at trial;

10 2. For special damages for TROY MCFADYEN, against each DEFENDANT,
11 jointly and severally, in the amount to be proved at trial;

12 3. For medical expenses of TROY MCFADYEN, against each DEFENDANT,
13 jointly and severally, according to proof;

14 4. For loss of wages and earning capacity for TROY MCFADYEN, against each
15 DEFENDANT, jointly and severally, in a sum according to proof;

16 5. For General damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW,
17 for the loss of society and companionship of decedent MICHELLE MCFADYEN, against each
18 DEFENDANT, jointly and severally, in the amount to be proven at trial;

19 6. For funeral and burial expenses of MICHELL MCFADYEN, for TROY
20 MCFADYEN, SIA BOW and PHILLIP BOW, against each DEFENDANT, jointly and
21 severally, according to proof;

22 7. For special damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW
23 for future contributions and value of personal services, advice or training as to decedent
24 MICHELLE MCFADYEN, against each DEFENDANT, jointly and severally, according to
25 proof;
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- 1 8. For general damages to BOB STEELE, MICHAEL ELLIOT, G.E., and M.E. for
2 the loss of society and companionship of decedents DANIEL ELLIOTT and DIANA STEELE,
3 against each DEFENDANT, jointly and severally, in the amount to be proven at trial;
- 4 9. For funeral and burial expenses of DANIEL ELLIOTT and DIANA STEELE,
5 against each DEFENDANT, jointly and severally, according to proof;
- 6
7 10. For special damages for BOB STEELE, MICHAEL ELLIOT, G.E., and M.E.,
8 for future contributions and value of personal services, advice or training of decedents DANIEL
9 ELLIOTT and DIANA STEELE, against each DEFENDANT, jointly and severally, according
10 to proof;
- 11 11. For general damages to MARCIA MCHUGH and GRACE MCHUGH for the
12 loss of society and companionship of decedent JOSEPH MCHUGH, against each
13 DEFENDANT, jointly and severally, in the amount to be proven at trial;
- 14
15 12. For funeral and burial expenses of JOSEPH MCHUGH, against each
16 DEFENDANT, jointly and severally, according to proof;
- 17 13. For special damages for MARCIA MCHUGH and GRACE MCHUGH for future
18 contributions and value of personal services, advice or training of decedent JOSEPH
19 MCHUGH, against each DEFENDANT, jointly and severally, according to proof;
- 20
21 14. For general damages for A.H. a minor, against each DEFENDANT, jointly and
22 severally, in the amount to be proven at trial;
- 23 15. For special damages for A.H. a minor, against each DEFENDANT, jointly and
24 severally, in the amount to be proved at trial;
- 25 16. For medical expenses of A.H. a minor, against each DEFENDANT, jointly and
26 severally, according to proof;
- 27
28 17. For loss of earning capacity for A.H. a minor, against each DEFENDANT,

1 jointly and severally, in a sum according to proof;

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

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

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

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

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

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

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

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

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

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

28. For prejudgment interest, as allowed by law;

29. For injunctive relief against DEFENDANTS;

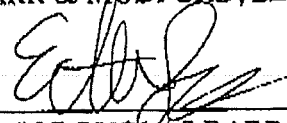
30. For an Order, pursuant to Business and Professions Code Section 17203, that DEFENDANTS be permanently enjoined from committing any unlawful, unfair, or fraudulent acts of unfair competition in Violation of Business and Professions Code Section 17200;

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

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

DATED: November 13, 2019

BARR & MUDFORD, LLP



JOHN DOUGLAS BARR (SBN 40663)
CATHLEEN T BARR (SBN 295538)
ESTEE LEWIS (SBN 268358)
BRANDON STORMENT (SBN 267260)
TROY DOUGLAS MUDFORD (156392)
Attorneys for Plaintiffs

EXHIBIT C

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 01/25/2021 TIME: 10:30:00 AM DEPT: C26

JUDICIAL OFFICER PRESIDING: Gregory H. Lewis
CLERK: B. Chumpitazi
REPORTER/ERM:
BAILIFF/COURT ATTENDANT: Michelle Nevarez

CASE NO: 30-2019-0111797-CU-PO-CJC CASE INIT.DATE: 11/14/2019
CASE TITLE: **Cardenas vs. Ghost Gunner Inc.**
CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT ID/DOCUMENT ID: 73400538

EVENT TYPE: Motion - Other

MOVING PARTY: BOB BEEZLEY, MFY TECHNICAL SOLUTIONS LLC, THUNDER GUNS LLC,
GHOST FIREARMS LLC, RYAN BEEZLEY

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 10/28/2020

APPEARANCES

John P. Cogger from Gordon Rees Scully Mansukhani, LLP present telephonically

Tentative Ruling posted on the Internet .

Defendant submit on the Court's tentative ruling.

The Court confirms the tentative ruling as follows:

Motion to Permit Filing of Petition for Coordination

Moving Party: Defendants Ghost Firearms, LLC, Thunder Guns, LLC, Ryan Beezley, Bob Beezley and MFY Technical Solutions, LLC

Responding Party: All other parties

Ruling: Defendant's Motion to Permit Filing of Petition for Coordination of this action with *McFadyen v. Ghost Gunner*, San Bernardino County Superior Court, CIC DS 1935422 is GRANTED. This action is stayed until the Chairperson of the Judicial Council has acted on the Petition.

Pursuant to *Code Civ. Proc.*, § 404.1, the court finds that standards for coordination have been met. The two cases share common questions of fact and law that predominate and are significant to the litigation. Coordination will promote the convenience of the parties, witnesses and counsel. Coordination will avoid duplicative and inconsistent rulings.

The court further finds that these two actions are complex under the definition of CRC Rule 3.400.

There will be numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve. There will be a large number of witnesses and documentary evidence.

DATE: 01/25/2021
DEPT: C26

MINUTE ORDER

Page 1
Calendar No.

EXHIBIT D

1 DOUGLAS MUDFORDState Bar No. 156392
2 ESTEE LEWISState Bar No. 268358
3 CATIE BARRState Bar No. 295538
4 BRANDON STORMENTState 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

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12
13 **IN THE SUPERIOR COURT OF CALIFORNIA**
14 **IN THE COUNTY OF SAN BERNARDINO**
15

16 TROY MCFADYEN, in his Individual
17 Capacity, and as Heir at Law and Successor
18 in Interest to MICHELLE MCFADYEN,
19 Deceased;

20 PHILLIP BOW and
21 SIA BOW, as Heirs at Law and Successors
22 in Interest to MICHELLE MCFADYEN,
23 Deceased;

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

28 MICHAEL ELLIOTT, Heir at Law and
Successor in Interest to DANIEL LEE
ELLIOT II, Deceased, and
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

No. CIV-DS1935422

**NOTICE OF FURTHER CASE
MANAGEMENT CONFERENCE**

Date : February 10, 2021
Time : 9:00 a.m.
Dept. : S26 w/Hon. David Cohn

1 and Successor in Interest to DANIEL LEE
2 ELLIOT II, Deceased, and
3 DIANA STEELE, Deceased;
4
5 MARCIA MCHUGH, Heir at Law and Successor
6 in Interest to JOSEPH MCHUGH, Deceased;
7
8 GRACE MCHUGH, Heir at Law and Successor
9 in Interest to JOSEPH MCHUGH, Deceased;
10
11 A.H., a Minor, by and through his Guardian ad
12 Litem, MARIA MONROY;
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14 TIFFANY PHOMMATHEP;
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16 JOHN PHOMMATHEP SR.;
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18 J.P. II, a Minor, by and through his Guardian
19 ad Litem, TIFFANY PHOMMATHEP;
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21 J.P., a Minor, by and through his Guardian
22 ad Litem, TIFFANYPHOMMATHEP;
23
24 N.P, a Minor, by and through his Guardian
25 ad Litem, TIFFANYPHOMMATHEP;
26
27 JAMES WOODS, JR.; and
28
JAMES WOODS, SR.

Plaintiffs,

vs.

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

DEFENSE DISTRIBUTED d/b/a
GHOSTGUNNER.NET

CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

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

17 Defendants.

18 **TO ALL PARTIES AND/OR THEIR ATTORNEYS OF RECORD:**

19 **PLEASE TAKE NOTICE** that a **Further Case Management Conference** has been
20 scheduled for **February 10, 2021**, at **9:00 a.m.** in **Department S26** of the above-entitled Court
21 located at 247 W. Third Street, San Bernardino, California.

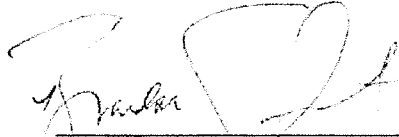
22 **PLEASE TAKE FURTHER NOTICE** that this matter is STAYED pending Plaintiff
23 *Francisco Gudino Cardenas* Motion to Consolidated Actions (*Cardenas v. Ghost Gunner, Inc.*,
24 *Orange County Superior Court Case No. 30-2019-01111797-CU-PO-CJC*), scheduled to be
25 heard on January 25, 2021.
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DATED: December 11, 2020

BARR & MUDFORD, LLP.



BRANDON STORMENT
Attorney for Plaintiffs

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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.

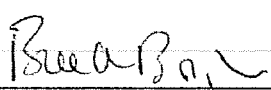
XX On the date indicated below, I served the document(s) designated below on all parties in said action by placing a true copy thereof in a sealed envelope in the designated area for outgoing mail addressed as set forth below:

_____ 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:

XX 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:

NOTICE OF FURTHER CASE MANAGEMENT CONFERENCE

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed December 14, 2020, at Redding, California.



BREE A. BOUGHN

SEE ATTACHED SERVICE LIST

1 Craig J. Mariam
2 John P. Cogger
3 Sebastian M. Van Roundsburg
4 Gordon Rees Scully Mansukhani, LLP
5 633 West Fifth Street, 52nd Floor
6 Los Angeles, CA 90071
7 Email: cmariam@grsm.com
8 Jcogger@grsm.com and
9 sroundsburg@grsm.com
10 Telephone: 213-576-5000
11 Facsimile : 877-306-0043
12 *Attorneys for Defendant, JUGGERNAUT*
13 *TACTICAL, INC.*

9 Craig A. Livingston and
10 Crystal L. Van Der Putten
11 Livingston Law Firm
12 1600 South Main Street, Suite 280
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18 *Attorneys for Defendant,*
19 *TACTICAL GEAR HEADS, LLC*

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25 *Attorneys for Defendants, BLACKHAWK*
26 *MANUFACTURING GROUP, INC.,*
27 *RYAN AND BOB BEEZLEY*
28 *BOB BEEZLEY (R & B TOOL SUPPLY)*
DBA RBTACTICIALTOOLING.COM
GHOST FIREARMS, LLC; MFY TECHNICAL
SOLUTIONS, LLC AND THUNDER GUNS, LLC

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Telephone: 310-649-5772
Facsimile: 310-649-5777
Attorneys for Defendants, DEFENSE
DISTRIBUTED (ERRONEOUSLY SUED AS
GHOST GUNNER, INC. DBA
GHOSTGUNNER.NET; CODY R. WILSON,
CODY WILSON DBA
GHOSTGUNNER.NET)

Christopher Renzulli (Pro Hac Vice)
Howard B. Schilsky (Pro Hac Vice)
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Email: crenzulli@renzullilaw.com
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Facsimile : 914-285-1213
Co-Counsel for Defendant, JUGGERNAUT
TACTICAL, INC.

Courtesy copies to:
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Ben Rosenfeld
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San Francisco, CA 94110
Email: ben.rosenfeld@comcast.net

EXHIBIT E

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8 BEN ROSENFELD (SBN 203845)
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12 Tel: (415) 285-8091
13 Fax: (415) 285-8092
14 ben.rosenfeld@comast.net

15 Attorneys for Plaintiff
16 Francisco Gudino Cardenas

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

FRANCISCO GUDINO CARDENAS, an
individual

Plaintiff,

vs.

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

Defendants.

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

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

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

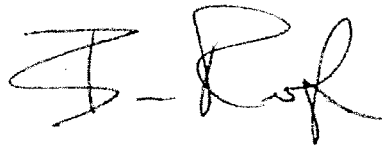
PLEASE TAKE NOTICE: Plaintiff's complaint, filed on November 4, 2019, contains
errata in the Statement of Jurisdiction. Specifically, the venue statement in paragraph 16 should
read (in place of what was typed):

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

Respectfully Submitted,

Ben Rosenfeld, Attorney
Gerald B. Singleton, Attorney



Dated: November 22, 2019

By: Ben Rosenfeld
Attorneys for Plaintiff Cardenas

EXHIBIT F

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9 Attorneys for Plaintiff
Francisco Gudino Cardenas

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN BERNARDINO
13

14 FRANCISCO GUDINO CARDENAS,
15
16 Plaintiff,
17 v.

18 GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; et al.,
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20 Defendants.
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Case No. CIVDS1935422

PLAINTIFF'S NOTICE OF NON-
OPPOSITION TO DEFENDANTS'
MOTION TO PERMIT FILING OF
PETITION FOR COORDINATION OR, IN
THE ALTERNATIVE, TO TRANSFER
AND CONSOLIDATE ACTIONS

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TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

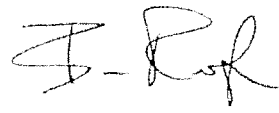
PLEASE TAKE NOTICE: Plaintiff does not oppose defendants' pending Motion to Permit Filing of Petition for Coordination or, in the Alternative, to Transfer and Consolidate Actions, filed in this Court on or about October 28, 2020, and agrees that coordination and or consolidation of the *Cardenas* and *McFadyen*¹ matters in this Court is proper because it will promote the ends of justice under Code of Civil Procedure § 404.1 and promote efficiency.

Despite the initial designation on the Civil Case cover sheet in this matter, plaintiffs also agree that the matter is complex under California Rule of Court 3.400 due to the large number of defendants, large number of plaintiffs (upon coordination/consolidation), and the potential number of witnesses to present and volume of evidence to process.

Therefore, plaintiff respectfully requests that this Court also enter the proposed order and consolidate this matter with *Troy McFadyen, et al v. Ghost Gunner, Inc., et al*, Case No. CIVDS 1935422 and designate the consolidated matter on the complex docket in the Superior Court of Orange County.

Dated: November 19, 2020

BEN ROSENFELD, ATTORNEY
SINGLETON LAW FIRM

By: 
BEN ROSENFELD
Attorney for Plaintiff
Francisco Gudino Cardenas

¹ *Troy McFadyen, et al. v. Ghost Gunner, Inc., et al.*, Case No. CIVDS 1935422 (San Bernadino County Superior Court).

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PROOF OF SERVICE

Cardenas v. Ghost Gunner Inc. et al.
Case No. 30-2019-01111797-CU-PO-CJC (Orange County Superior Court)

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

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

PLAINTIFF'S NOTICE OF NON-OPPOSITION TO DEFENDANTS' MOTION TO PERMIT FILING OF PETITION FOR COORDINATION OR, IN THE ALTERNATIVE, TO TRANSFER AND CONSOLIDATE ACTIONS

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

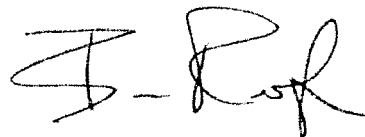
Email (due to Covid19 pandemic)
 U.S.P.S. First Class or Priority Mail
 U.S.P.S. Express Mail
 Personal Delivery
 Facsimile

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jfelton@petitkohn.com

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 19, 2020, at San Francisco, California.



Ben Rosenfeld, Attorney

EXHIBIT G

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DOUGLAS MUDFORD (STATE BAR NO. 156392)
ESTEE LEWIS (STATE BAR NO. 268358)
CATIE BARR (STATE BAR NO. 295538)
BRANDON STORMENT (STATE BAR NO. 267260)
BARR & MUDFORD, LLP
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Facsimile: (530) 243-1648

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

Troy McFadyen; et al.,

Plaintiffs,

v.

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

Defendants.

Case No. CIVDS1935422

**[CORRECTED] NON-OPPOSITION TO
DEFENDANTS MOTION TO PERMIT
FILING OF PETITION FOR
COORDINATION OR, IN THE
ALTERNATIVE, TO TRANSFER AND
CONSOLIDATE ACTIONS**

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD: Plaintiffs
2 do not oppose and, in fact, agree with counsel that coordination of the *Cardenas* and *McFadyen*
3 matters is proper because it will promote the ends of justice under Code of Civil Procedure § 404.1
4 and promote efficiency among the matters. Despite the initial designation on the Civil Case cover
5 sheet for this matter, we also agree the matter is complex under California Rule of Court 3.400 due
6 to the large number of defendants, large number of plaintiffs, and the potential amount of witnesses
7 and evidence to sort through.

8 Therefore, Plaintiffs respectfully request that this court enter the proposed order without
9 delay to consolidate this matter with *Francisco Gudino Cardenas, et al v. Ghost Gunner, Inc., et*
10 *al*, Case No.30-2019-01111797-CU-PO-CJC and designate the consolidated matter for the complex
11 docket in the Superior Court of Orange County. Plaintiffs currently have an upcoming CMC in the
12 *McFayden* matter on December 4, 2020. In order to not waste court resources and time, we would
13 appreciate approving the consolidation and transfer as soon as possible.

14
15 Dated: November 23, 2020

BRANDON STORMENT
Barr & Mudford LLP

16
17
18 By: 

BRANDON STORMENT
Attorneys for Plaintiffs

1 **PROOF OF SERVICE**

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

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

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

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

16 **[CORRECTED] NON-OPPOSITION TO DEFENDANT’S MOTION TO PERMIT FILING**
17 **OF PETITION FOR COORDINATION OR, IN THE ALTERNATIVE, TO TRANSFER AND**
18 **CONSOLIDATE ACTIONS**

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20 John P. Cogger
21 Sebastian M. Van Roundsburg
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*Attorneys for Defendants, Defense
Distributed (erroneously sued as Ghost
Gunner, Inc. dba Ghostgunner.net; Cody R.
Wilson, Cody Wilson dba Ghostgunner.net)*

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24 Crystal L. Van Der Putten
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1 Attorneys for Defendant,
2 Tactical Gear Heads, LLC

*Co-Counsel for Defendant, JUGGERNAUT
TACTICAL, INC.
(VIA REGULAR MAIL ONLY)*

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12 *Attorneys for Defendants, Blackhawk Manufacturing Group, Inc.,*

13 *Ryan and Bob Beezley*

14 *Bob Beezley (R & B Tool Supply)*

15 *dba RBTACTICIALTOOLING.COM*

16 *Ghost Firearms, LLC; MFY Technical Solutions, LLC*

17 *and Thunder Guns, LLC*

18 *Courtesy copies to:*

19 Gerald B. Singleton

20 Singleton Law Firm

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22 San Diego, CA 92101

23 Email: Gerald@SLFfirm.com

24 Ben Rosenfeld

25 115 ½ Bartlett Street

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27 Email: ben.rosenfeld@comcast.net

28
I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed November 23, 2020, at Redding, California.



BREE A. BOUGHN