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Attorneys for Defendants and Petitioners
Blackhawk Manufacturing Group, Inc.; Ryan Beezley and Bob Beezley; Ghost Firearms, LLC;
MFY Technical Solutions, LLC; and Thunder Guns, LLC

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

Coordination Proceeding Special Title (Rule 3.550)

GHOST GUNNER FIREARMS CASES

Included actions:

Cardenas v. Ghost Gunner, Inc., d/b/a GhostGunner.net, et al., Orange County Superior Court Case No. 30-2019-01111797-CU-PO-CJC

McFadyen v. Ghost Gunner, Inc. d/b/a Ghost Gunner.net, et al., San Bernardino Superior Court Case No. CIVDS1935422

KELLEY and DENNIS O’SULLIVAN, in their Individual Capacity and KELLY O’SULLIVAN as Administrator of the Estate of TARA O’SULLIVAN, Deceased,

Plaintiffs,

vs.

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

Defendants.

Case No. 5167

Assigned to the Honorable William D. Claster as Coordination Trial Judge, Dept. No. CX104

DECLARATION OF SEAN A. BRADY IN SUPPORT OF PETITION FOR INCLUSION OF ADD-ON CASE IN THE GHOST GUNNER FIREARMS CASES, JUDICIAL COUNCIL COORDINATED PROCEEDING NO. 5167

[Filed concurrently with the Petition for Inclusion of Add-On Case and Memorandum of Points and Authorities in Support Thereof]

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 the following defendants in this coordinated proceeding: Blackhawk Manufacturing
4 Group, Inc.; Ryan Beezley and Bob Beezley; Ghost Firearms, LLC; MFY Technical Solutions,
5 LLC; and Thunder Guns, LLC. My statements herein are based upon my personal knowledge,
6 except those statements that are based upon information and belief. If I were to be called as a
7 witness, I could and would competently testify under oath as to the matters that I have set forth in
8 this declaration.

9 2. I am also counsel for defendants Blackhawk Manufacturing Group, Inc.; Ryan
10 Beezley; Bob Beezley; Ghost Firearms, LLC; MFY Technical Solutions, LLC; Thunder Guns,
11 LLC; James Madison Tactical, Inc.; JSD Supply; and Matrix Arms in the matter of *Kelley*
12 *O'Sullivan, et al. v. Ghost Gunner, Inc., et al.*, Case No. 34-2021-00302934-CU-PO-GDS
13 ("*O'Sullivan*"), pending in the Superior Court of Sacramento County. A true and correct copy of
14 the operative complaint in *O'Sullivan* is attached as **Exhibit A**.

15 3. A true and correct copy of the complaint filed in *Francisco Gudino Cardenas v.*
16 *Ghost Gunner, Inc. et al.*, Case No. 30-2019-01111797-CU-PO-CJC is attached as **Exhibit B**.

17 4. A true and correct copy of the complaint filed in *Troy McFadyen, et al v. Ghost*
18 *Gunner, Inc., et al*, Case No. CIV DS 1935422 is attached as **Exhibit C**.

19 5. Other than the referenced matters, I am unaware of any other actions pending in the
20 state sharing a common question of law or fact with these actions.

21 6. I am informed and believe and thereon state that no trial is imminent in the
22 *O'Sullivan* matter nor in the *Ghost Gunner Firearms Cases*.

23 7. A true and correct copy of the May 7, 2021 Order Granting Petition for
24 Coordination of the *Ghost Gunner Firearms Cases* is attached as **Exhibit D**.

25 8. The standards for coordination as set forth in Code of Civil Procedure §404 and
26 §404.1 are met for adding on *O'Sullivan* to this coordinated matter, by the following
27 circumstances:

28 ///

1 a) The *O'Sullivan* matter is complex, as defined by California Rule of Court
2 3.400, because it will involve time-consuming motions which raise difficult legal issues. There
3 will likely be a large number of witnesses and evidence to sort through, given the number of
4 defendants in the matter, and several defendants intend to file demurrers and/or anti-SLAPP
5 motions. Similarly, the case will involve the management of a large number of separately
6 represented parties, I am aware of at least five separate counsel. Finally, the matter is of course
7 likely to involve coordination, as is plain by this very petition. Further, plaintiffs in *O'Sullivan*
8 indicated it is complex on their civil case cover sheet, (*see* Exhibit A), and the Presiding Judge of
9 the Superior Court of California for the County of Sacramento has deemed it complex. A true and
10 correct copy of the notice and order of complex case determination is attached as **Exhibit E**.

11 b) Coordination is also proper under §404.1 because significant common
12 questions of law predominate, given that the complaints are largely verbatim except for the details
13 of each incident, the nearly identical causes of action, and mostly the same named defendants.

14 c) The convenience of the parties will be served by the coordination of responsive
15 pleadings, written discovery and depositions of both lay and expert witnesses, as well as the
16 creation of a common depository of relevant documents, and dispositive motions.

17 d) Judicial facilities and resources will be more efficiently utilized if the cases are
18 coordinated because there will be a single judge in a single courtroom hearing the large volume of
19 pretrial motions anticipated in this case, rather than multiple pretrial motions being heard in
20 different courthouses requiring countless extra time from judges and staff, with the attendant risk
21 of inconsistent rulings. Multiple rulings will also generate multiple petitions for appellate review,
22 which can be avoided by coordination.

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

26 9. I spoke with other defendants in this matter or their counsel to determine if any of
27 them would oppose this petition. Defendants Ghost Gunner, Inc., Defense Distributed, Cody
28 Wilson, James Tromblee, Juggernaut Tactical, Inc., and Tactical Gear Heads, LLC have

1 confirmed that they do not oppose this application. None of the defendants in *O'Sullivan* that my
2 office represents opposes this petition for coordination. I also spoke with counsel for defendant
3 WM. C. Anderson, Inc., who does not oppose this petition for coordination. Counsel for
4 Polymer80 in the *O'Sullivan* matter indicated that it would not oppose coordination through
5 discovery but reserved the right to oppose coordination for dispositive motion purposes because,
6 due to an oversight, I did not contact Polymer80's counsel in the *O'Sullivan* matter until 4:00pm
7 today to seek his position on this petition; he understandably needed more time to consider his
8 client's position before taking a position and intends to weigh in with this court as he deems
9 appropriate for his client. The remaining Defendants have not responded to inquiries as of the
10 filing of this petition.

11 10. In their most recent joint case management statement in the *Ghost Gunner*
12 *Firearms Cases*, Plaintiffs wrote that they "are willing to discuss with Defendants and the
13 Plaintiffs in the *O'Sullivan* case...whether some coordinated discovery across the *O'Sullivan* case
14 makes sense." A true and correct copy of the case management statement is attached as **Exhibit**
15 **F**.

16 11. The litigation in both *O'Sullivan* and the *Ghost Gunner Firearms Cases* is in the
17 very early stages, with no responsive pleadings yet filed by any defendant in any of the matters,
18 and the matters in the *Ghost Gunner Firearms Cases* have effectively remain stayed since their
19 inception. Currently, the cases remain stayed pursuant to Judge Claster's August 13, 2021 order
20 that the stay will continue so long as the petition to coordinate *O'Sullivan* is filed by September
21 10, 2021, which it now has been. Per the order, the stay will now continue until the *O'Sullivan*
22 add-on petition is ruled on. No discovery has yet been commenced in either matter for any of the
23 three related cases.

24 12. *O'Sullivan* is likewise stayed until September 30, 2021 to allow time for service on
25 all of the Defendants, as agreed in a joint stipulation that was approved by the *O'Sullivan* court on
26 August 16, 2021. A true and correct copy of this signed stipulation and order is attached as
27 **Exhibit G**.

28 ///

13. I met and conferred with counsel for all Plaintiffs in both the *Ghost Gunner Firearms Cases* and *O'Sullivan*, and they informed me that all Plaintiffs intend to oppose the petition to coordinate *O'Sullivan* as an add-on case.

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

Executed this 10th day of September 2021, at Long Beach, California.

[Signature]

Sean A. Brady, Declarant

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Robert J. Nelson (State Bar No. 2999217)

Lieff Cabraser Heimann & Bernstein, LLP

275 Battery Street, 29th Floor, San Francisco, CA 94111-3339

TELEPHONE NO.: 415.956.1000

FAX NO. (Optional): 415.956.1008

ATTORNEY FOR (Name): Kelley and Denis O'Sullivan

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

STREET ADDRESS: 720 9th Street

MAILING ADDRESS: 720 9th Street

CITY AND ZIP CODE: Sacramento, CA 95814

BRANCH NAME: Civil

CASE NAME:

O'Sullivan v. Ghost Gunner Inc., et al.

FOR COURT USE ONLY

FILED

Superior Court Of California,
Sacramento

06/17/2021

apenn

By _____, Deputy

Case Number:

34-2021-00302934

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000)

Complex Case Designation

☐ Counter ☐ JoinderFiled with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)☐ Uninsured motorist (46)

Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)☐ Product liability (24)☐ Medical malpractice (45)☒ Other PI/PD/WD (23) Non

PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)☐ Civil rights (08)☐ Defamation (13)☐ Fraud (16)☐ Intellectual property (19)☐ Professional negligence (25)☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)☐ Rule 3.740 collections (09)☐ Other collections (09)☐ Insurance coverage (18)☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)☐ Wrongful eviction (33)☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)☐ Residential (32)☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)☐ Petition re: arbitration award (11)☐ Writ of mandate (02)☐ Other judicial review (39)Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)☐ Antitrust/Trade regulation (03)☐ Construction defect (10)☐ Mass tort (40)☐ Securities litigation (28)☐ Environmental/Toxic tort (30)☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)☐ Other petition (not specified above) (43)2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:a. ☒ Large number of separately represented partiesd. ☒ Large number of witnessesb. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolvee. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal courtc. ☐ Substantial amount of documentary evidencef. ☐ Substantial postjudgment judicial supervision3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): 5

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 6/17/21

Robert J. Nelson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/
Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of
Emotional Distress
Negligent Infliction of
Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/
Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse
Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

B-1 FOX

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Deputy
Case Number:

Attorneys for Plaintiffs

34-2021-00302934

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

KELLEY and DENIS O'SULLIVAN, in
their Individual Capacity and KELLY
O'SULLIVAN as Administrator of the
Estate of TARA O'SULLIVAN, Deceased,

Plaintiffs,

v.

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;

COMPLAINT

(DEMAND FOR JURY TRIAL)

CAUSES OF ACTION:

- 1. NEGLIGENCE**
- 2. NEGLIGENCE PER SE**
- 3. NEGLIGENT ENTRUSTMENT**
- 4. PUBLIC NUISANCE**
- 5. VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17200, ET SEQ. (UNFAIR AND UNLAWFUL BUSINESS PRACTICES)**

1 JAMES TROMBLEE, JR., d/b/a
2 USPATRIOTARMORY.COM;
3 INDUSTRY ARMAMENT INC., d/b/a
4 AMERICANWEAPONSCOMPONENTS.
5 THUNDER GUNS LLC, d/b/a
6 THUNDERTACTICAL.COM;
7 POLYMER80, INC., d/b/a
8 POLYMER80.COM and P80 TACTICAL;
9 JSD SUPPLY, d/b/a JSDSUPPLY.COM
10 and 80PERCENTGUYS.COM;
11 JAMES MADISON TACTICAL LLC,
12 d/b/a
13 JAMESMADISONTACTICAL.COM;
14 WM. C. ANDERSON, INC., d/b/a
15 ANDERSONMANUFACTURING.COM;
16 MATRIX ARMS, d/b/a
17 MATRIXARMS.COM;
18 M-16 PARTS SUPPLY LLC, d/b/a M-
19 16PARTS.COM; and
20 DOES 1-50,

21 Defendants.

22 COMPLAINT

23 1. COME NOW PLAINTIFFS KELLEY AND DENIS O'SULLIVAN, in their
24 Individual Capacity and KELLY O'SULLIVAN as Administrator of the Estate of TARA
25 O'SULLIVAN ("O'SULLIVAN" or "OFFICER O'SULLIVAN"), Deceased, by and through
26 their attorneys of record ("PLAINTIFFS"), and allege the following against DEFENDANTS
27 GHOST GUNNER INC., d/b/a GHOSTGUNNER.NET; BLACKHAWK MANUFACTURING
28 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

1 SDTACTICAL.COM; TACTICAL GEAR HEADS LLC, d/b/a 80-LOWER.COM, AR-
2 15LOWERRECEIVERS.COM, and 80LOWERJIG.COM; JAMES TROMBLEE, JR., d/b/a
3 USPATRIOTARMORY.COM; INDUSTRY ARMAMENT INC., d/b/a
4 AMERICANWEAPONSCOMPONENTS.COM; THUNDER GUNS LLC, d/b/a
5 THUNDERTACTICAL.COM; POLYMER80, INC., d/b/a POLYMER80.COM and P80
6 TACTICAL; JSD SUPPLY, d/b/a JSDSUPPLY.COM and 80PERCENTGUYS.COM; JAMES
7 MADISON TACTICAL LLC, d/b/a JAMESMADISONTACTICAL.COM; WM. C.
8 ANDERSON, INC., d/b/a ANDERSONMANUFACTURING.COM; MATRIX ARMS, d/b/a
9 MATRIXARMS.COM; M-16 PARTS SUPPLY LLC, d/b/a M-16PARTS.COM; and DOES 1-50
10 ("DEFENDANTS").

11 INTRODUCTION

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

20 2. The weapons assembled from DEFENDANTS' kits and/or parts are termed "ghost
21 guns." This name reflects the fact that such weapons generally lack a serial number, and are
22 difficult—if not impossible—for law enforcement to trace back to their manufacturer and/or
23 seller when recovered from a crime scene.

24 3. DEFENDANTS knew when they entered this business that they would be
25 supplying firearms to those who would not be allowed to purchase firearms from an FFL,
26 including criminals, violent persons, and other individuals whose possession of firearms pose an
27 unacceptably high threat of injury or death to members of the public.
28

1 4. DEFENDANTS further knew that selling these kits and/or parts violated state and
2 federal statutes regarding the registration, ownership, sale, and marketing of firearms.

3 5. DEFENDANTS failed to use reasonable safety measures that could have limited
4 the risk of their products falling into the hands of such dangerous individuals.

5 6. Instead, DEFENDANTS targeted their business toward precisely such individuals
6 by intentionally emphasizing features of their products that make them attractive to such
7 individuals as major selling points. For example, DEFENDANTS intentionally emphasized that
8 their products can be used to assemble untraceable weapons, and enable purchasers to evade
9 background checks and interaction with a FFL.

10 7. DEFENDANTS chose profits over people and public safety, and launched and
11 maintained their businesses in the unreasonably dangerous manner described herein.

12 8. Since DEFENDANTS launched their "ghost guns" businesses, they have learned
13 with certainty that their firearms are a massive and growing source of the crime guns that are
14 claiming innocent lives in California and elsewhere.

15 9. DEFENDANTS could have changed their business practices to employ reasonable
16 safety measures to minimize the damage their products cause. Instead, DEFENDANTS have
17 doubled down on their despicable, willful, wanton, and malicious conduct. By doing so,
18 DEFENDANTS have and are acting with a conscious disregard to a known and obvious risk that
19 threatens the life and safety of others.

20 10. Upon information and belief, all DEFENDANTS designed, advertised, marketed,
21 sold, distributed, and/or offered, one or more "ghost gun" kits and/or parts that could be easily
22 assembled into un-serialized high-powered "ghost gun" rifles.

23 11. PLAINTIFFS bring this suit because their beloved daughter TARA O'SULLIVAN
24 was killed as a direct, foreseeable, and proximate result of DEFENDANTS' despicable, willful,
25 wanton, and malicious conduct.

26 12. Specifically, PLAINTIFFS' 26-year-old daughter, Sacramento Police Officer
27 TARA O'SULLIVAN, was killed while on duty by one or more "ghost guns" wielded by a
28 dangerous Sacramento resident, ADEL SAMBRANO RAMOS ("RAMOS"). RAMOS' criminal

1 record for domestic violence and active warrant at the time of the shooting likely would have
2 barred him from legally purchasing a firearm in California, and his status as a California resident
3 would have barred him from legally purchasing an assault weapon. Nevertheless, one or more
4 DEFENDANTS sold "ghost gun" kits and/or parts to RAMOS prior to June 19, 2019, and
5 RAMOS used DEFENDANTS' products to assemble at least three unserialized automatic
6 machine guns and three unserialized semi-automatic assault rifles.

7 13. On June 19, 2019, Sacramento Police, including OFFICER O'SULLIVAN,
8 responded to a domestic disturbance call at a residence in Sacramento, California. As OFFICER
9 O'SULLIVAN was helping a woman safely remove belongings from the residence, RAMOS
10 opened fire, hitting OFFICER O'SULLIVAN and forcing the other police officers to retreat. For
11 nearly an hour, shots continued to fall around OFFICER O'SULLIVAN as she lay injured at the
12 scene, awaiting rescue from her fellow police officers who were held at bay and unable to assist
13 her because of the ongoing and persistent "ghost gun" fire. OFFICER O'SULLIVAN, who had
14 long dreamed of serving the people of Sacramento as a peace officer, died later that evening, less
15 than one year after her graduation from the police academy.

16 14. DEFENDANTS, upon information and belief, continue to offer "ghost gun"
17 products to California residents using marketing strategies and business practices that are
18 identical or essentially the same as those used during and before OFFICER O'SULLIVAN's
19 death in June 2019.

20 15. PLAINTIFFS now seek to hold DEFENDANTS accountable for their reckless
21 business practices, in the memory of their beloved daughter and to prevent further loss of life.

22 16. PLAINTIFFS will make all reasonable efforts through discovery and use of
23 experts to make a good faith determination as to which of DEFENDANTS' "ghost gun" products
24 killed TARA O'SULLIVAN. However, if it is not possible to make such a determination,
25 PLAINTIFFS respectfully request that in the event that they prove that one or more
26 DEFENDANTS manufactured and/or sold the "ghost gun" kits and/or parts that killed TARA
27 O'SULLIVAN, but cannot prove which Defendants' product(s) caused this harm, the court award
28 damages consistent with each DEFENDANT's market share at the time of the shooting. On

1 information and belief, DEFENDANTS together comprise a substantial share of the national
2 "ghost gun" market.

3 17. PLAINTIFFS' claims are timely brought. In response to the ongoing pandemic,
4 the Judicial Council of California issued Emergency Rule 9, which provides: "Notwithstanding
5 any other law, the statutes of limitations and repose for civil causes of action that exceed 180 days
6 are tolled from April 6, 2020, until October 1, 2020." Each cause of action asserted by
7 PLAINTIFFS has a statute of limitation in excess of 180 days, such that all counts in this
8 Complaint are tolled for approximately six months pursuant to the Rule. Even without these
9 additional 180 days, this suit is brought within all applicable statutes of limitation.

10 JURISDICTION

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

14 19. Venue is proper in this court because TARA O'SULLIVAN was killed by
15 RAMOS using DEFENDANTS' products while she was on duty in Sacramento County,
16 California.

17 20. PLAINTIFFS seek an award of compensatory damages, as well as punitive
18 damages pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. & Prof.
19 Code §§ 17200, *et seq.*, injunctive and declaratory relief, costs and expenses, and reasonable
20 attorney's fees under Cal. Code of Civil Procedure § 1021.5.

21 PARTIES

22 21. At all times pertinent hereto, PLAINTIFFS KELLEY AND DENIS
23 O'SULLIVAN were residents of Martinez, California. PLAINTIFFS are the surviving parents of
24 TARA O'SULLIVAN, deceased. PLAINTIFFS KELLEY AND DENIS O'SULLIVAN bring
25 this action in their individual capacity, and PLAINTIFF KELLEY O'SULLIVAN brings this
26 action as Administrator of the Estate of TARA O'SULLIVAN. TARA O'SULLIVAN lived in
27 Sacramento, California at the time of her death.

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

13 23. At all times pertinent hereto, DEFENDANT BLACKHAWK
14 MANUFACTURING GROUP INC. ("BLACKHAWK"), d/b/a 80PERCENTARMS.COM, was a
15 California domestic corporation, with its principal place of business in Garden Grove, California.
16 At all times pertinent hereto, BLACKHAWK was engaged in the business of designing,
17 marketing, distributing, manufacturing and/or selling kits and/or firearms parts used to assemble
18 "ghost guns," including AR-15 style "ghost gun" rifles, to consumers across the nation, including
19 to consumers within the State of California.

20 24. At all times pertinent hereto, DEFENDANTS RYAN BEEZLEY and BOB
21 BEEZLEY have maintained addresses in Apple Valley, California and were doing business as
22 RBTACTICALTOOLING.COM. At all times pertinent hereto, RBTACTICALTOOLING.COM
23 has maintained a business address in Apple Valley, California. At all times pertinent hereto,
24 RBTACTICALTOOLING.COM was engaged in the business of designing, marketing,
25 distributing, manufacturing and/or selling kits and/or firearms parts used to assemble "ghost
26 guns," including AR-15 style "ghost gun" rifles, to consumers across the nation, including to
27 consumers within the State of California.
28

1 25. At all times pertinent hereto, DEFENDANT GHOST AMERICA LLC ("GHOST
2 AMERICA"), d/b/a GHOSTGUNS.COM, was a California limited liability company with its
3 principal place of business in Yorba Linda, California. At all times pertinent hereto, GHOST
4 AMERICA was engaged in the business of designing, marketing, distributing, manufacturing
5 and/or selling kits and/or firearms parts used to assemble "ghost guns," including AR-15 style
6 "ghost gun" rifles, to consumers across the nation, including to consumers within the State of
7 California.

8 26. At all times pertinent hereto, GHOST FIREARMS LLC ("GHOST FIREARMS"),
9 d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability company registered in
10 Florida with its principal place of business in Daytona Beach, Florida. At all times pertinent
11 hereto, GHOST FIREARMS was engaged in the business of designing, marketing, distributing,
12 manufacturing and/or selling kits and/or firearms parts used to assemble "ghost guns," including
13 AR-15 style "ghost gun" rifles, to consumers across the nation, including to consumers within the
14 State of California.

15 27. At all times pertinent hereto, DEFENDANT JUGGERNAUT TACTICAL INC.
16 ("JUGGERNAUT"), d/b/a JTACTICAL.COM, was a California corporation with its principal
17 place of business in Orange, California. At all times pertinent hereto, JUGGERNAUT was
18 engaged in the business of designing, marketing, distributing, manufacturing and/or selling kits
19 and/or firearms parts used to assemble "ghost guns," including AR-15 style "ghost gun" rifles, to
20 consumers across the nation, including to consumers within the State of California.

21 28. At all times pertinent hereto, DEFENDANT MFY TECHNICAL SOLUTIONS
22 LLC ("MFY TECHNICAL"), d/b/a 5DTACTICAL.COM, was a Massachusetts limited liability
23 company with its principal place of business in Westborough, Massachusetts. At all times
24 pertinent hereto, MFY TECHNICAL was engaged in the business of designing, marketing,
25 distributing, manufacturing and/or selling kits and/or firearms parts used to assemble "ghost
26 guns," including AR-15 style "ghost gun" rifles, to consumers across the nation, including to
27 consumers within the State of California.

1 29. At all times pertinent hereto, DEFENDANT TACTICAL GEAR HEADS LLC
2 ("TACTICAL GEAR HEADS"), d/b/a 80-LOWER.COM; AR-15LOWERRECEIVERS.COM;
3 and 80LOWERJIG.COM, was an Indiana limited liability company with its principal place of
4 business in Indianapolis, Indiana and/or in Fishers, Indiana. At all times pertinent hereto,
5 TACTICAL GEAR HEADS, via its various retail websites, was engaged in the business of
6 designing, marketing, distributing, manufacturing and/or selling kits and/or firearms parts used to
7 assemble "ghost guns," including AR-15 style "ghost gun" rifles, to consumers across the nation,
8 including to consumers within the State of California.

9 30. At all times pertinent hereto, DEFENDANT JAMES TROMBLEE, JR., has
10 maintained a mailing address in Apple Valley, California. Upon information and belief,
11 TROMBLEE began doing business as USPATRIOTARMORY.COM on April 25, 2014.
12 USPATRIOTARMORY.COM has maintained a business and mailing address in Apple Valley,
13 California. At all times pertinent hereto, USPATRIOTARMORY.COM was engaged in the business
14 of designing, marketing, distributing, manufacturing and/or selling kits and/or firearms parts used
15 to assemble "ghost guns," including AR-15 style "ghost gun" rifles, to consumers across the
16 nation, including to consumers within the State of California.

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

24 32. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
25 ("THUNDER GUNS"), d/b/a THUNDERTACTICAL.COM, was a limited liability company
26 registered in Florida with its principal place of business in Daytona Beach, Florida. At all times
27 pertinent hereto, THUNDER TACTICAL was engaged in the business of designing, marketing,
28 distributing, manufacturing and/or selling kits and/or firearms parts used to assemble "ghost

1 guns," including AR-15 style "ghost gun" rifles, to consumers across the nation, including to
2 consumers within the State of California.

3 33. At all times pertinent hereto, DEFENDANT POLYMER80, INC.
4 ("POLYMER80"), d/b/a POLYMER80.COM and P80 TACTICAL, was a Nevada corporation
5 with its principal place of business in Dayton, Nevada. At all times pertinent hereto,
6 POLYMER80 was engaged in the business of designing, marketing, distributing, manufacturing
7 and/or selling kits and/or firearms parts used to assemble "ghost guns," including AR-15 style
8 "ghost gun" rifles, to consumers across the nation, including to consumers within the State of
9 California.

10 34. At all times pertinent hereto, DEFENDANT JSD SUPPLY ("JSD SUPPLY"),
11 d/b/a JSDSUPPLY.COM and 80PERCENTGUYS.COM, was a Pennsylvania corporation with its
12 principal place of business in Butler, Pennsylvania. At all times pertinent hereto, JSD SUPPLY
13 was engaged in the business of designing, marketing, distributing, manufacturing and/or selling
14 kits and/or firearms parts used to assemble "ghost guns," including AR-15 style "ghost gun"
15 rifles, to consumers across the nation, including to consumers within the State of California.

16 35. At all times pertinent hereto, DEFENDANT JAMES MADISON TACTICAL
17 LLC ("JAMES MADISON TACTICAL"), d/b/a JAMESMADISONTACTICAL.COM, was a
18 Washington corporation with its principal place of business in Richland, Washington. At all
19 times pertinent hereto, JAMES MADISON TACTICAL was engaged in the business of
20 designing, marketing, distributing, manufacturing and/or selling kits and/or firearms parts used to
21 assemble "ghost guns," including AR-15 style "ghost gun" rifles, to consumers across the nation,
22 including to consumers within the State of California.

23 36. At all times pertinent hereto, DEFENDANT WM. C. ANDERSON, INC.,
24 ("ANDERSON MANUFACTURING"), d/b/a ANDERSONMANUFACTURING.COM, was a
25 Kentucky corporation with its principal place of business in Hebron, Kentucky. At all times
26 pertinent hereto, ANDERSON MANUFACTURING was engaged in the business of designing,
27 marketing, distributing, manufacturing and/or selling kits and/or firearms parts used to assemble
28

1 "ghost guns," including AR-15 style "ghost gun" rifles, to consumers across the nation, including
2 to consumers within the State of California.

3 37. At all times pertinent hereto, DEFENDANT MATRIX ARMS ("MATRIX
4 ARMS"), d/b/a MATRIXARMS.COM, was a New Hampshire corporation with its principal
5 place of business in Claremont, New Hampshire. At all times pertinent hereto, MATRIX ARMS
6 was engaged in the business of designing, marketing, distributing, manufacturing and/or selling
7 kits and/or firearms parts used to assemble "ghost guns," including AR-15 style "ghost gun"
8 rifles, to consumers across the nation, including to consumers within the State of California.

9 38. At all times pertinent hereto, DEFENDANT M-16 PARTS SUPPLY LLC ("M-16
10 PARTS"), d/b/a M-16PARTS.COM, was a Florida corporation with its principal place of
11 business in Old Town, Florida. At all times pertinent hereto, M-16 PARTS was engaged in the
12 business of designing, marketing, distributing, manufacturing and/or selling kits and/or firearms
13 parts used to assemble "ghost guns," including AR-15 style "ghost gun" rifles, to consumers
14 across the nation, including to consumers within the State of California.

15 39. DEFENDANTS DOE ONE through DOE ONE HUNDRED ("DOE
16 DEFENDANTS") are sued herein under fictitious names. PLAINTIFFS assert that DOE
17 DEFENDANTS are engaged in the business of designing, marketing, distributing, manufacturing
18 and/or selling kits and/or firearms parts used to assemble "ghost guns," including AR-15 style
19 "ghost gun" rifles, to consumers across the nation, including to consumers within the State of
20 California. PLAINTIFFS do not at this time know the true names or capacities of said DOE
21 DEFENDANTS, but pray that the same may be alleged herein should that information be
22 ascertained.

23 40. The true names or capacities, whether individual, corporate, associate or
24 otherwise, of DEFENDANT DOES ONE through ONE HUNDRED, inclusive, are unknown to
25 PLAINTIFFS, who therefore sue said DEFENDANTS by such fictitious names. PLAINTIFFS
26 are informed and believe and thereon allege that each of the DEFENDANTS designated herein as
27 a DOE is negligently, intentionally, or in some other manner, responsible for the events and
28

1 happenings herein referred to and negligently, intentionally, or in some other manner, caused
2 injury and damages proximately thereby to the PLAINTIFFS as herein alleged.

3 41. DEFENDANTS were all actively engaged in the business of designing, marketing,
4 distributing, manufacturing and/or selling these products to California residents leading up to and
5 during June of 2019, while emphasizing features of their products that made them particularly
6 attractive to dangerous actors like RAMOS.

7 42. All actions of DEFENDANTS were done with a conscious disregard and
8 deliberate disregard for the rights and safety of others, and in a willful and reckless manner
9 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS'
10 conduct was despicable, willful, wanton, and malicious within the meaning of California Civil
11 Code § 3294, so as to warrant the imposition of punitive and exemplary damages against them in
12 the fullest extent allowed by law. DEFENDANTS acted in a conscious disregard for the rights
13 and safety of others, in a manner that shocks the conscience, and in a despicable manner
14 sufficient to warrant the imposition of punitive damages against each and every DEFENDANT
15 sued herein.

16 **FACTUAL ALLEGATIONS**

17 43. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint
18 as if fully set forth here and further allege as follows:

19 **I. The "Ghost Gun" Industry Knowingly and Negligently Arms Criminals and Other** 20 **Dangerous Persons Like Ramos, and Intentionally Circumvents California and** **Federal Firearms Laws.**

21 44. Every year in America, firearms are used to commit over 500,000 crimes, and over
22 100,000 people are shot (40,000 or more fatally). This means that more than 100 people in
23 America are killed every day as a result of firearms use.

24 45. Federal and state laws recognize the grave risk posed by firearms in the wrong
25 person's hands, and, as a result, regulate and restrict their sale and possession in numerous ways.

26 46. Only FFLs may legally engage in the business of selling firearms. Felons,
27 domestic abusers, the dangerously mentally ill, and certain other categories of people deemed to
28 pose too great a danger to themselves or others are prohibited from possessing guns as a matter of

1 federal and California law. FFLs are required to conduct background checks on gun buyers to
2 prevent sales to such prohibited purchasers. Firearms sold by FFLs must include stamped serial
3 numbers, to enable accurate record keeping and aid law enforcement in tracing the gun to its
4 initial retail seller if it is later misused in a crime. Such tracing can help identify the chain of
5 possession and ultimate user of such a crime gun.

6 47. FFLs are also required to exercise common sense in protecting the public by
7 refusing firearms sales—even where a buyer passes a background check—if the buyer is
8 displaying disturbing or erratic behavior suggesting a significant psychological disturbance.
9 FFLs always retain discretion to refuse a firearms sale for any reason.

10 48. FFLs must carefully learn and comply with all federal laws, as well as the laws of
11 the state in which they reside and, for certain sales to residents of other states, the laws of those
12 states. Some states, including California, prohibit sales of military-style assault weapons like
13 AR-15 style rifles.

14 49. DEFENDANTS sought, and continue to seek, to undermine and circumvent these
15 federal and state public safety laws.

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

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

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

26 53. DEFENDANTS, at all times pertinent hereto, manufactured and/or sold “ghost
27 gun” parts that require minimal additional milling before they can be easily combined with other
28

1 largely unregulated gun parts—often included in DEFENDANTS’ assembly kits—to form a fully
2 functioning “ghost gun.”

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

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

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

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

15 58. DEFENDANTS purposefully chose and continue to choose not to stamp serial
16 numbers on these or other parts included in their firearms assembly kits. This means that the
17 “ghost guns” produced from DEFENDANTS’ products cannot be traced back to the initial
18 manufacturer and/or seller, making it harder to identify the chain of possession and ultimate user
19 of a gun recovered from a crime scene. This makes DEFENDANTS’ products even more
20 dangerous to the public.

21 59. Because DEFENDANTS’ products were and continue to be readily available
22 online for purchase without a background check, they are especially attractive to criminals,
23 domestic abusers, and other dangerous individuals who would otherwise be prevented from
24 purchasing a firearm due to their inability to pass a background check.

25 60. Similarly, because DEFENDANTS’ products were and continue to be capable of
26 purchase without any interaction between the buyer and a FFL, these products are also attractive
27 and accessible to individuals with dangerous psychological or behavioral issues who know or
28 who fear they may not be able to pass muster at a responsible FFL.

1 61. As a special agent in charge of the Bureau of Alcohol, Tobacco, Firearms and
2 Explosives' ("ATF") Los Angeles field division told reporters in 2018, "Criminals are making
3 their own weapons because they cannot buy them legally . . . or they are paying other people to
4 make those guns for them to get around the gun laws."¹ Gun violence prevention advocates have
5 continued to sound the alarm regarding the proliferation of these products and the grave public
6 safety risk that they pose, particularly in vulnerable communities.²

7 62. DEFENDANTS were and still are aware that the proliferation of "ghost guns"
8 poses a serious public safety risk. Nevertheless, DEFENDANTS intentionally targeted and
9 continue to target precisely the criminals and other dangerous parties described above.

10 63. In their marketing and advertising, DEFENDANTS affirmatively emphasize as a
11 major selling point the untraceable nature of "ghost guns" due to the absence of a serial number.
12 DEFENDANTS also affirmatively emphasize as major selling points the fact that their products
13 can be purchased without a background check or interaction with a FFL.

14 64. DEFENDANTS' marketing to the criminal market includes but is not limited to
15 the following examples:

16 a. RBTACTICALTOOLING.COM emphasizes the untraceable nature of its
17 products. See <https://www.rbtacticaltooling.com/> ("Building the lower receiver, [sic] yourself
18 legally prevents the requirement of a government traceable serial number. The lack of a serial
19 number on your lower receiver prevents a tyrannical state government from knowing you even
20 have it. If they don't know you have it, they can't take it!")

21 b. BLACKHAWK's webpage for AR-15 80% lower receivers states: "If
22 you've been looking at building an AR-15 rifle, but you don't want to deal with the hassle of an
23 FFL, or you want a project to complete at home, then you've been looking for an 80% AR-15
24 lower receiver. Because it's not a completed firearm, an AR-15 80 lower can ship directly to your
25

26 ¹ Richard Winton, L.A. Gangs stockpile untraceable 'ghost guns' that members make themselves,
27 Los Angeles Times, July 6, 2018, available at <https://www.latimes.com/local/lanow/la-me-la-gangsters-homemade-guns-20180706-story.html>.

28 ² See Abene Clayton, *Ordered online, assembled at home: the deadly toll of California's 'ghost guns'*, The Guardian, May 18, 2021, available at <https://www.theguardian.com/us-news/2021/may/18/california-ghost-guns-deadly-toll>.

1 doorstep, and requires no background check provided that you finish the last 20% out yourself.”
2 See <https://www.80percentarms.com/ar-15-80-lower-receivers/>.

3 c. INDUSTRY ARMAMENT’s website states, on a page listing an AR-15
4 receiver for sale, that “[t]he purchase of this component does not constitute the purchase of a
5 firearm and as such does not require a FFL for transfer.” See
6 <https://americanweaponscomponents.com/product/poly80-g150-p2-ar-15-receiver-kit>.

7 d. Until April 2021, a Q & A section on one of TACTICAL GEAR HEAD’s
8 retail websites stated: “An AR-15 built using an 80% lower [receiver] will have no serialization
9 or paperwork attached to it by default. Therefore, it is typically impossible to determine the
10 firearm’s origin or history.” See [https://web.archive.org/web/20201021221553/https://www.80-](https://web.archive.org/web/20201021221553/https://www.80-lower.com/faqs/)
11 [lower.com/faqs/](https://web.archive.org/web/20201021221553/https://www.80-lower.com/faqs/). The site further emphasized that a purchaser need not interact with a FFL to
12 acquire its kits and/or firearms parts and make a “ghost gun” AR-15 style rifle. See
13 [https://web.archive.org/web/20201112010134/https://www.80-lower.com/products/ar-15-build-](https://web.archive.org/web/20201112010134/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/)
14 [kit-5-56mm-nato-16-melonite-barrel-classic-a2-handguard-w-80-lower-1-7-twist/](https://web.archive.org/web/20201112010134/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/).

15 e. M-16 PARTS’ web page for an AR-15 compatible 80% lower receiver
16 makes clear to purchasers that it requires little work to finish, and yet is not a “firearm” requiring
17 the purchaser to go through a FFL: “80 percent complete - No FFL required, these are not lower
18 receivers but are 80% complete until the following are completed. . . . [detailing 5 simple steps
19 and how to carry them out].” See [https://www.m-16parts.com/contents/en-us/p136_80-percent-](https://www.m-16parts.com/contents/en-us/p136_80-percent-lower-receiver.html)
20 [lower-receiver.html](https://www.m-16parts.com/contents/en-us/p136_80-percent-lower-receiver.html).

21 65. The above examples are illustrative rather than exhaustive. Upon information and
22 belief, they are also identical to or essentially the same as DEFENDANTS’ marketing tactics for
23 “ghost gun” kits and/or parts that can be assembled into AR-15 style “ghost gun” assault style
24 rifles during the relevant time period.

25 66. Sales of “ghost gun” kits and/or parts have increased significantly in recent years.
26 Not surprisingly, the use of “ghost guns” in crimes has also increased exponentially.

27 67. According to the ATF, as many as 30 percent of all guns now recovered at
28 California crime scenes are untraceable “ghost guns.”

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

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

6 b. In July 2014, gunmen in Stockton, California used an AK-47-style “ghost
7 gun” in an attempted bank robbery, where three people were held hostage.

8 c. In July 2015, Scott Bertics shot and killed a woman with whom he was
9 romantically involved, and then used a second gun to kill himself in Walnut Creek, California.
10 Both guns used were “ghost guns.”

11 d. In November 2017, Kevin Neal went on a shooting spree across Tehama
12 County, California, using AR-15 style “ghost guns” that left five people dead and eighteen
13 injured.

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

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

19 70. AR-15 style rifles are prohibited assault weapons under California law. *See* Cal.
20 Pen. Code § 30510(a)(5) (assault weapons include semiautomatic rifles within the “Colt AR-15
21 series”); § 30510(f) (“As used in this section, ‘series’ includes all other models that are only
22 variations, with minor differences, of those models listed in subdivision (a), regardless of the
23 manufacturer.”); § 30605(a) (criminalizing possession of an assault weapon).

24 71. Federal law requires all FFLs—even those outside of a purchaser’s state—to
25 comply with the laws of a purchaser’s state when selling long guns like AR-15 style rifles. *See*
26 18 U.S.C. § 922(b)(3).

27 72. “Ghost gun” kits and/or parts enable dangerous people in California like RAMOS
28 to obtain such banned weapons.

1 73. In September 2020, then-California Attorney General Xavier Becerra filed a
2 lawsuit demanding that ATF correct its interpretation of what qualifies as a firearm to make
3 “ghost guns” subject to the same regulations as other firearms. In a press release, Becerra stated:
4 “Ghost guns are untraceable weapons that have been used in mass shootings throughout the
5 country and right here in California—from Santa Monica in 2013, to Tehama County in 2017,
6 and at Saugus High School just last year. We can’t afford to wait for another tragedy to happen
7 before we take action. It’s time for ATF to prioritize the safety of our communities by calling
8 these products what they are: firearms, and regulating them accordingly.”³

9 74. In April 2021, the Biden administration called on the Department of Justice to
10 issue a proposed rule to stop the proliferation of ghost guns. The White House commented: “We
11 are experiencing a growing problem: criminals are buying kits containing nearly all of the
12 components and directions for finishing a firearm within as little as 30 minutes and using these
13 firearms to commit crimes. When these firearms turn up at crime scenes, they often cannot be
14 traced by law enforcement due to the lack of a serial number.”⁴ Upon issuing the proposed rule,
15 which would modernize the definition of “framer or receiver” to close the regulatory loophole
16 that “ghost guns” exploit, the Department noted that law enforcement recovered more than
17 23,000 unserialized firearms from potential crime scenes between 2016 and 2020.⁵

18 75. DEFENDANTS could have taken steps to avoid supplying individuals in
19 California with prohibited assault weapons and/or violating various federal firearms laws. Below
20 is a non-exhaustive list of feasible steps that a reasonable and law-abiding company would have
21 taken to avoid undermining California law and/or federal law:

22
23 ³ *Attorney General Becerra and Giffords Law Center Lead Lawsuit Demanding the Trump*
24 *Administration Address the Threat of Unregulated Ghost Guns*, Press Release, September 29,
25 2020, available at <https://oag.ca.gov/news/press-releases/attorney-general-becerra-and-giffords-law-center-lead-lawsuit-demanding-trump>.

26 ⁴ *Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public*
27 *Health Epidemic*, Press Release, April 7, 2021, available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/>.

28 ⁵ *Justice Department Proposes New Regulation to Update Firearm Definitions*, Press Release, May 7, 2021, available at <https://www.justice.gov/opa/pr/justice-department-proposes-new-regulation-update-firearm-definitions>.

1 a. DEFENDANTS could have blocked Internet Protocol ("IP") so that
2 Internet users located in California could not access their websites and/or the portions of their
3 websites listing products enabling the assembly of AR-15 style "ghost gun" rifles;

4 b. DEFENDANTS could have refused to ship such products to California
5 because possession of assault weapons is illegal in California;

6 c. DEFENDANTS could have required that their products only be transferred
7 through a sale carried out by a FFL;

8 d. DEFENDANTS could have required that only individuals who could
9 legally purchase and possess firearms could purchase their products; and

10 e. DEFENDANTS could have included serial numbers on their products.

11 76. Upon information and belief, none of the DEFENDANTS took these, or any other
12 reasonable safety precautions, to prevent dangerous California residents from violating California
13 and/or federal law and endangering the safety of others with "ghost guns" made from
14 DEFENDANTS' products.

15 77. Instead, upon information and belief, all of the DEFENDANTS intentionally
16 targeted California consumers to increase sales.

17 78. For example, Cody Wilson of DEFENSE DISTRIBUTED/GHOST GUNNER
18 stated that he aimed to undermine gun violence prevention legislation, and in particular,
19 California's regulatory regime. Wilson, shortly after the Tehama attack in 2017, confirmed that
20 much of DEFENSE DISTRIBUTED/GHOST GUNNER's business comes from California.

21 79. Similarly, on its website, BLACKHAWK specifically emphasizes that "it is 100%
22 legal for you to purchase, complete, and own an 80% firearm in the Golden State." See
23 <https://www.80percentarms.com/pages/faq.html>.

24 80. Upon information and belief, these and other DEFENDANTS were all
25 intentionally designing, advertising, manufacturing, marketing and/or selling ghost gun kits
26 and/or firearms parts designed and intended to be assembled into AR-15 style rifles to California
27 consumers like RAMOS.
28

1 81. As noted above, DEFENDANTS also purposefully emphasized features of their
2 products they knew to be particularly attractive to criminals and dangerous parties like RAMOS,
3 such as their untraceable nature and the absence of a background check or interaction with a FFL.

4 82. DEFENDANTS knew that "ghost guns" are frequently used by criminals and
5 dangerous individuals and have continued to gain additional knowledge confirming this.

6 83. Upon information and belief, DEFENDANTS have, nevertheless, failed to change
7 their reckless and unlawful business practices.

8 **II. "Ghost Guns" Were Used to Harm PLAINTIFFS and OFFICER O'SULLIVAN.**

9 84. On June 19, 2019, 26-year-old Sacramento Police Officer TARA O'SULLIVAN
10 was fatally shot in the line of duty by RAMOS while she was responding to a domestic
11 disturbance call at a residence in Sacramento, California. OFFICER O'SULLIVAN was helping
12 a woman remove belongings from the residence when RAMOS opened fire. Because RAMOS
13 continued to shoot at police after OFFICER O'SULLIVAN was hit, it took approximately forty
14 minutes for OFFICER O'SULLIVAN to be removed from the scene. During this time, OFFICER
15 O'SULLIVAN was in great pain, distress, and fear for her life, as gunfire continued to surround
16 her while she awaited rescue. After being shot a second time, OFFICER O'SULLIVAN
17 succumbed to her injuries. Nearly eight hours after the attack began, RAMOS surrendered and
18 was taken into custody.

19 85. Photos released by the Sacramento Police Department show that RAMOS had
20 barricaded the front door to the residence, indicating that the attack was likely premeditated.
21 RAMOS had also strategically placed four firearms, including two AR-15 style "ghost gun"
22 semiautomatic rifles built on unfinished 80% lower receivers, throughout the residence. RAMOS
23 fired all four firearms at officers during the course of the attack.

24 86. Following the attack, law enforcement seized a substantial amount of "ghost gun"
25 equipment from the residence, indicating that RAMOS was manufacturing "ghost guns" in his
26 garage as an unofficial business at the time of the attack.

27 87. Prior to the shooting, RAMOS would likely not have been able to legally purchase
28 a firearm. RAMOS had prior arrests for domestic violence, driving under the influence, and

1 misdemeanor battery, and an active warrant for battery at the time of the shooting. RAMOS had
2 also been subject to domestic violence restraining orders in 2004 and 2007, under which he was
3 required to transfer firearms in his possession to law enforcement.

4 88. Further, upon information and belief, RAMOS could not have legally acquired an
5 AR-15 style rifle like those utilized in the attack from a FFL either inside or outside of California,
6 because of his status as a California resident and California's ban on the possession of assault
7 weapons.

8 89. Upon information and belief, at the time of the shooting, RAMOS' "ghost guns"
9 lacked any identifying serial numbers.

10 90. It is unknown how and where RAMOS acquired the "ghost gun" kits and/or parts
11 used to assemble the weapons used in the attack. Given DEFENDANTS' actions, it may be
12 impossible to determine the exact manufacturer(s) and/or seller(s) of the "ghost gun" kits and/or
13 parts RAMOS used to assemble the AR-15 style "ghost gun" rifles used in the attack.

14 91. The above discussion is not intended to be an exhaustive listing of the reasons why
15 RAMOS could not have purchased a serialized, fully assembled AR-15 style rifle from a FFL.
16 Various other California or federal firearms restrictions may also have blocked such a sale,
17 including RAMOS' exhibiting erratic or otherwise suspicious behavior at the time of an
18 attempted purchase.

19 92. RAMOS was only able to acquire his arsenal of weapons through the negligence
20 of DEFENDANTS. Had DEFENDANTS complied with the law and relevant standards of care,
21 RAMOS would not have been able to use "ghost guns" to murder TARA O'SULLIVAN and
22 harm PLAINTIFFS.

23 **III. DEFENDANTS Are Substantial Players in the "Ghost Gun" Industry, A Market**
24 **Involving Fungible, Dangerous Goods.**

25 93. Upon information and belief, DEFENDANTS were all intentionally making,
26 marketing, and/or selling "ghost gun" kits and/or parts designed and intended to be assembled
27 into AR-15 style rifles in California leading up to and at the time of RAMOS' purchase of the
28 relevant "ghost gun" kits and/or parts.

1 94. Upon information and belief, DEFENDANTS also all purposefully targeted
2 dangerous persons who had no or limited access to these weapons by virtue of disqualifying
3 records, mental illness, and/or relevant legal restrictions.

4 95. Upon information and belief, DEFENDANTS, in the aggregate, were responsible
5 for manufacturing and/or selling a substantial percentage of all "ghost gun" kits and/or parts
6 enabling assembly of AR-15 style "ghost gun" rifles which entered California leading up to and
7 during June 2019.

8 96. Upon information and belief, there is a substantial probability that one or more of
9 the DEFENDANTS sold RAMOS one or more "ghost gun" kits and/or parts used to assemble the
10 AR-15 style rifles used in the attack, either online or via some other medium, with full knowledge
11 that (1) RAMOS was a resident of California, (2) that California prohibits the possession of AR-
12 15 style rifles, and (3) AR-15 style rifles have frequently been used in mass shootings.

13 97. Upon information and belief, there is a substantial probability that one or more of
14 the DEFENDANTS shipped one or more "ghost gun" kits and/or parts used to assemble the
15 weapons used in the OFFICER O'SULLIVAN attack to RAMOS' California residence.

16 98. "Ghost gun" kits and/or parts that can be used to assemble unserialized AR-15
17 style rifles are fungible products. Such kits and/or firearms parts share the same core
18 characteristics and present an equivalent risk of danger to members of the public like
19 PLAINTIFFS and OFFICER O'SULLIVAN. These products provide dangerous persons like
20 RAMOS the ability to possess untraceable assault weapons without going through a FFL.

21 99. Had one or more DEFENDANTS complied with the law and relevant standards of
22 care, RAMOS would never have obtained access to their inherently dangerous products.

23 100. Without access to DEFENDANTS' products, RAMOS could not have assembled
24 his "ghost guns" and could not have used them to harm PLAINTIFFS and OFFICER
25 O'SULLIVAN.

26 101. RAMOS' misuse of these assembled products was particularly foreseeable to
27 DEFENDANTS because RAMOS fell within the group of dangerous persons specifically targeted
28 by DEFENDANTS.

COUNT I: NEGLIGENCE (AGAINST ALL DEFENDANTS)

102. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint as if fully set forth here and further allege as follows:

103. A seller of “ghost gun” kits and/or parts —particularly kits and/or firearms parts intended to be assembled into highly dangerous AR-15 style weapons commonly used in criminal activity—owes a standard of care to the general public when selling such items.

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

105. 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 DEFENDANTS’ kits and/or firearms parts would be deemed illegal; and blocking Internet users whose IP addresses indicate that they are located in 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 a FFL in the buyer’s home state.

106. Upon information and belief, none of these DEFENDANTS had, at the time RAMOS purchased the relevant product(s) from the DEFENDANT(s), taken these or other reasonable safety precautions which would have blocked RAMOS’ purchase of the relevant products.

107. DEFENDANTS’ violation of the above standards of care proximately caused PLAINTIFFS’ harm by granting RAMOS access to highly lethal weapons he could not have legally acquired.

108. Had RAMOS been denied access to the kits and/or firearms parts used to make his two AR-15 style “ghost gun” rifles, he could not have used these weapons to harm PLAINTIFFS.

109. As a direct, proximate, immediate and foreseeable result of the actions and conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal and dangerous

1 weapons, TARA O'SULLIVAN was fatally injured, and endured great pain and suffering before
2 succumbing to her injuries.

3 110. As a further direct, proximate, immediate and foreseeable result of the actions and
4 conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal, and
5 dangerous weapons, TARA O'SULLIVAN suffered damage to her clothing and other personal
6 property at the scene of the crime.

7 111. As a further direct, proximate, immediate and foreseeable result of the actions and
8 conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal and dangerous
9 weapons, TARA O'SULLIVAN required critical emergency medical care prior to her death, and
10 incurred expenses for such care.

11 112. As a further direct, proximate, immediate and foreseeable result of the actions and
12 conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal and dangerous
13 weapons, PLAINTIFFS incurred funeral and burial expenses for their beloved daughter, TARA
14 O'SULLIVAN.

15 113. As a further, direct, proximate and foreseeable result of the aforementioned
16 actions, and conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal
17 and dangerous weapons, PLAINTIFFS lost future contributions and the value of the personal
18 services of their beloved daughter, TARA O'SULLIVAN.

19 114. As a further, direct, proximate and foreseeable result of the aforementioned
20 actions, and conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal
21 and dangerous weapons,, PLAINTIFFS have suffered, and will continue to suffer, great anguish
22 for the preventable, tragic killing of their daughter, TARA O'SULLIVAN.

23 115. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS which granted RAMOS access to highly lethal, illegal
25 and dangerous weapons, PLAINTIFFS were compelled to retain legal counsel to protect their
26 rights.

27 116. DEFENDANTS' negligence, as set forth above, was a direct and substantial factor
28 in causing PLAINTIFFS' harm.

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

7 118. PLAINTIFFS are informed and believe and thereon allege that each
8 DEFENDANT sells the type of AR-15 "ghost gun" product(s) that killed TARA O'SULLIVAN.
9 Accordingly, PLAINTIFFS demand damages from each DEFENDANT that is unable to prove
10 that they did not manufacture or sell the specific "ghost gun" product(s) which killed TARA
11 O'SULLIVAN, in an amount consistent with each DEFENDANT's market share at the time of
12 the shooting.

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

15 119. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint
16 as if fully set forth here and further allege as follows:

17 120. RAMOS' purchase of "ghost gun" kits and/or parts and the use of them to
18 assemble 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).

23 121. DEFENDANTS are manufacturers and/or sellers of "ghost gun" kits and/or parts
24 that intentionally targeted, and continue to target, the California market and ship "ghost gun" kits
25 and/or parts designed for assembly into AR-15 style rifles to California consumers like RAMOS.
26 DEFENDANTS did 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

1 122. DEFENDANTS are therefore responsible to PLAINTIFFS as knowing
2 accomplices, for their consumers' direct violations of, at minimum, California's ban on the
3 possession of 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 a
5 crime, who by the operation of other provisions of this code are principals therein, shall hereafter
6 be prosecuted, tried and punished as principals"); § 27(a)(1) (California has jurisdiction over
7 crimes where at least part of the offense takes place within the state).

8 123. DEFENDANTS may also be responsible, either directly or as an accomplice, for
9 violation one or more additional state or federal firearms laws, including, but not limited to,
10 various provisions of the Gun Control Act of 1968 and/or the National Firearms Act. For
11 example, the Gun Control Act prohibits licensed firearms dealers from selling firearms to
12 consumers where the consumers' purchase or possession of such firearm violates state law, 18
13 U.S.C. § 922(b)(2), prohibits licensed firearms dealers from selling machineguns to members of
14 the general public who have not undergone the required registration process, 18 U.S.C. §
15 922(b)(4), and prohibits anyone without a license from engaging in the business of importing,
16 manufacturing, or dealing in firearms, 18 U.S.C. § 922(a)(1)(A). See also 26 U.S.C.A. § 5845
17 (defining "machinegun" as "any weapon which shoots, is designed to shoot, or can be readily
18 restored to shoot, automatically more than one shot, without manual reloading, by a single
19 function of the trigger").

20 124. In addition to these laws explicitly referencing firearms, DEFENDANTS also
21 violated California statutes prohibiting unfair, immoral and reckless business practices and the
22 creation and maintenance of public nuisances, as discussed further below. See Cal. Bus. & Prof
23 Code §§ 17200, *et seq.*; Cal. Civ. Code §§ 3479, 3480.

24 125. Whichever DEFENDANT or DEFENDANTS are responsible, either directly or as
25 an accomplice, for selling RAMOS one or more "ghost gun" kits and/or parts in violation of one
26 or more statutes including, at minimum, California's assault weapons ban, breached the standard
27 of care imposed by statute.
28

1 126. This violation proximately caused PLAINTIFFS' harm by providing RAMOS
2 access to highly lethal weapons that he could not have legally acquired in California.

3 127. Had RAMOS been denied access to the "ghost gun" kits and/or parts used to make
4 his two AR-15 style "ghost gun" rifles, he could not have used these weapons to harm
5 PLAINTIFFS.

6 128. As a direct, foreseeable, and proximate result of and foreseeable result of the
7 actions and conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal,
8 and dangerous weapons, PLAINTIFFS suffered damages as described above in paragraphs 109-
9 18.

10 129. DEFENDANTS' negligence, as set forth above, was a substantial factor in causing
11 PLAINTIFFS' harm.

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

19 131. PLAINTIFFS are informed and believe and thereon allege that each
20 DEFENDANT sells the type of AR-15 compatible "ghost gun" product(s) that killed TARA
21 O'SULLIVAN. Accordingly, PLAINTIFFS demand damages from each DEFENDANT who is
22 unable to prove that it did not manufacture or sell the specific "ghost gun" product(s) which killed
23 OFFICER O'SULLIVAN, in an amount consistent with each DEFENDANT's market share at the
24 time of the shooting.

25 **COUNT III: NEGLIGENT ENTRUSTMENT (AGAINST ALL DEFENDANTS)**

26 132. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint
27 as if fully set forth here and further allege as follows:
28

1 133. Upon information and belief, DEFENDANTS purposefully targeted residents of
2 states like California with strict gun violence prevention regimes, like California, who were
3 seeking to bypass the laws of their home state.

4 134. By targeting and supplying dangerous individuals already showing contempt for
5 the rule of law and disrespect towards the safety rules accepted by their communities,
6 DEFENDANTS were purposefully selling to a class of purchasers who were inherently showing a
7 high likelihood of misusing their "ghost gun" kits and/or parts in a dangerous manner that would
8 cause harm to third parties like PLAINTIFFS.

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

13 136. Additionally or alternatively, by marketing and selling "ghost gun" product(s) to
14 consumers that DEFENDANTS knew sought to avoid interaction with FFLs and compliance with
15 relevant federal and state firearm regulations, DEFENDANTS negligently entrusted their
16 product(s).

17 137. This violation of relevant standards of care proximately caused PLAINTIFFS'
18 harm by granting RAMOS access to highly lethal weapons that he could not have legally acquired
19 in California.

20 138. Had RAMOS been denied access to the "ghost gun" kits and/or parts he used to
21 assemble his two AR-15 style "ghost gun" rifles, he could not have used these weapons to harm
22 PLAINTIFFS.

23 139. As a direct, foreseeable, and proximate result of and foreseeable result of the
24 actions and conduct of DEFENDANTS, which granted RAMOS access to highly lethal, illegal,
25 and dangerous weapons, PLAINTIFFS suffered damages as described above in paragraphs 109–
26 18.

27 140. DEFENDANTS' negligent entrustment of the dangerous instrumentalities, as set
28 forth above, was a substantial factor in causing PLAINTIFFS' harm.

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

8 142. PLAINTIFFS are informed and believe and thereon allege that each
9 DEFENDANT sells the type of AR-15 compatible "ghost gun" product(s) that killed TARA
10 O'SULLIVAN. Accordingly, PLAINTIFFS demand damages from each DEFENDANT who is
11 unable to prove that it did not manufacture or sell the specific "ghost gun" product(s) which killed
12 TARA O'SULLIVAN, in an amount consistent with each DEFENDANT's market share at the
13 time of the shooting.

14 **COUNT IV: PUBLIC NUISANCE (AGAINST ALL DEFENDANTS)**

15 143. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint
16 as if fully set forth here and further allege as follows:

17 144. In addition to using DEFENDANTS' product(s) to kill OFFICER O'SULLIVAN,
18 law enforcement believe that RAMOS may have been manufacturing other "ghost guns" in his
19 garage as an unofficial business at the time of the attack.

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

26 146. Without limitation, the acts of DEFENDANTS as alleged herein caused, created,
27 and continue to maintain a substantial and unreasonable interference with the public's health,
28 safety, convenience, comfort, peace, and use of public property and/or private property. These

1 activities are injurious to health and offensive to the senses so as to interfere with the comfortable
2 enjoyment of life or property in an entire community or neighborhood. Numerous members of
3 the public are threatened, killed, injured, or are victims of criminal acts as a result of "ghost gun"
4 kits and/or parts sold by DEFENDANTS. DEFENDANTS' acts and omissions as alleged herein
5 cause a substantial and unreasonable increase in the number of members of the general public
6 who are threatened, killed, and injured by "ghost guns."

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

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

18 149. DEFENDANTS' acts and omissions as alleged herein cause substantial and
19 unreasonable interferences with the public's health, safety, convenience, comfort, and peace in
20 numerous other ways, including: (a) increasing the number of unlawful possessors of weapons
21 who use these weapons to commit violent crimes against innocent members of the general public;
22 (b) increasing the number and severity of property crimes committed by those in possession of
23 "ghost guns" against innocent members of the general public; (c) increasing the number and
24 severity of incidents in which those in possession of "ghost guns" disturb the peace by being
25 disorderly; and (d) increasing the amount of society's resources that are diverted toward dealing
26 with the problems associated with the possession of "ghost guns."

27 150. DEFENDANTS know or have reason to know that the acts and omissions alleged
28 herein caused substantial and unreasonable interferences with the public's health, safety,

1 convenience, comfort, peace, and use of public facilities. DEFENDANTS' acts and omissions as
2 alleged herein were undertaken with negligent and/or intentional disregard of the rights of the
3 general public. DEFENDANTS knew that they could have taken precautions as outlined above
4 that would have eliminated or minimized the injuries to the general public. Instead, they chose
5 not to take those precautions and, in fact, actively exacerbated these risks with the irresponsible
6 marketing campaign described herein in order to maximize their profits.

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

13 152. The manner in which DEFENDANTS make, sell, and market their products has no
14 social utility. Even if it did, the seriousness of DEFENDANTS' interference with the rights of
15 the public and harm DEFENDANTS cause far outweighs any social utility associated with
16 DEFENDANTS' conduct.

17 153. DEFENDANTS' unlawful, negligent and/or intentional creation and maintenance
18 of the public nuisance directly and proximately caused significant harm, including serious
19 physical injury and associated harm to PLAINTIFFS that is different from the harm suffered by
20 other members of the public, including loss of enjoyment of life, as well as damages set forth in
21 paragraphs 109-118 above, all to their detriment in an amount to be determined at a trial of this
22 matter.

23 154. PLAINTIFFS have not, at any time, consented to DEFENDANTS' conduct.

24 155. At all times herein mentioned, DEFENDANTS had notice and knowledge that
25 their actions created a public nuisance.

26 156. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS'
27 conduct was in conscious and deliberate disregard for the rights and safety of others, including
28 PLAINTIFFS, and in a willful and reckless manner making the infliction of grievous bodily

1 injury and/or death highly probable. DEFENDANTS' conduct was despicable, willful, wanton,
2 and 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 law.

4 157. PLAINTIFFS also seek appropriate injunctive relief in order to abate the nuisance
5 that DEFENDANTS have created by causing the proliferation of "ghost guns" and the
6 corresponding public safety crisis in the California.

7 158. PLAINTIFFS are informed and believe and thereon allege that each
8 DEFENDANT sells the type of AR-15 compatible "ghost gun" product(s) that killed TARA
9 O'SULLIVAN. Accordingly, PLAINTIFFS demand damages from each DEFENDANT who is
10 unable to prove that it did not manufacture or sell the specific "ghost gun" product(s) which killed
11 TARA O'SULLIVAN, in an amount consistent with each DEFENDANT's market share at the
12 time of the shooting.

13 **COUNT V: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17200,**
14 ***ET SEQ. (AGAINST ALL DEFENDANTS)***
(Unfair and Unlawful Business Practices)

15 159. PLAINTIFFS incorporate by reference all previous paragraphs of this Complaint
16 as if fully set forth here and further allege as follows:

17 160. 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, and
19 which therefore violated Bus. & Prof Code §§ 17200, *et seq.*

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

24 162. By supplying dangerous persons capable of misusing DEFENDANTS' "ghost
25 gun" kits and/or parts in a manner that would cause serious or deadly harm to third parties like
26 PLAINTIFFS, DEFENDANTS engaged in business practices that were unlawful, immoral,
27 unethical, oppressive, and unscrupulous.

163. DEFENDANTS also intentionally targeted prohibited purchasers and other dangerous individuals like RAMOS by employing marketing tactics which emphasized that their “ghost gun” products, including illegal assault weapons, were untraceable and could be acquired without a background check or an interaction with a FFL. These business practices were unlawful, immoral, unethical, oppressive, and unscrupulous.

164. 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, *et seq.*, as described in this Complaint.

165. To prevent their unjust enrichment, DEFENDANTS should be required, pursuant to Business and Professions Code §§ 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, as well as appropriate injunctive relief, and attorney's fees and costs.

166. PLAINTIFFS are informed and believe and thereon allege that each DEFENDANT sells the type of AR-15 compatible "ghost gun" product(s) that killed O'SULLIVAN. Accordingly, PLAINTIFFS demand damages from each DEFENDANT that is unable to prove that it did not manufacture or sell the specific "ghost gun" product(s) which killed O'SULLIVAN, in an amount consistent with each DEFENDANT's market share at the time of the shooting.

PRAYER FOR RELIEF

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

1. For general damages for TARA O'SULLIVAN, for her pain and suffering prior to her death, against each DEFENDANT, jointly and severally, in an amount to be determined at trial;

1 2. For special damages for TARA O'SULLIVAN, for the loss of clothing and
2 personal property damaged during the homicide, against each DEFENDANT, jointly and
3 severally, in a sum according to proof;

4 3. For special damages for TARA O'SULLIVAN, for medical expenses incurred
5 prior to her death, against each DEFENDANT, jointly and severally, in a sum according to proof;

6 4. For special damages for PLAINTIFFS, for funeral and burial expenses for TARA
7 O'SULLIVAN, against each DEFENDANT, jointly and severally, in a sum according to proof;

8 5. For special damages for PLAINTIFFS, for future contributions and value of
9 personal services as to TARA O'SULLIVAN, against each DEFENDANT, jointly and severally,
10 in a sum according to proof;

11 6. For punitive damages for PLAINTIFFS, against each DEFENDANT, in an amount
12 appropriate to punish each DEFENDANT and deter others from engaging in similar misconduct;

13 7. For an Order, pursuant to Business and Professions Code Section 17203, that each
14 DEFENDANT be permanently enjoined from committing any unlawful, unfair, or fraudulent acts
15 of unfair competition in Violation of Business and Professions Code Sections 17200, *et seq.*;

16 8. For further appropriate injunctive relief against each DEFENDANT, including but
17 not limited to implementation of responsible business practices to protect public safety and to
18 abate the public nuisance created by their "ghost gun" products.;

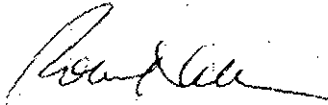
19 9. For prejudgment interest, as allowed by law;

20 10. For attorney's fees and costs of this suit pursuant to Cal. Code of Civil Procedure
21 § 1021.5; and

22 11. For such other and further relief as this Court deems equitable or appropriate.
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1 Dated: June 17, 2021

Respectfully submitted,

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Attorneys for Plaintiff
Francisco Gudino Cardenas

IN THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF ORANGE

FRANCISCO GUDINO CARDENAS, an
individual

Plaintiff,

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;

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

DEFENSE and GHOSTRIFLES.COM;

(UNFAIR MARKETING TACTICS)

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.

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

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

22 5. DEFENDANTS further knew that selling these kits and firearm parts violated
23 state and federal statutes applicable to the registration, ownership, sale, and marking of
24 firearms.
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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 8. DEFENDANTS chose profits over people and public safety, and launched and
9 maintained their business in the unreasonably dangerous manner described herein.

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

13 10. DEFENDANTS could have changed their business practices to institute
14 reasonable safety measures to minimize the damage done by the problem they created.
15 Instead DEFENDANTS have continued to choose profits over people and public safety and
16 have doubled down on their dangerous and irresponsible practices. By doing so,
17 DEFENDANTS have and are acting with a reckless disregard, conscious disregard or
18 deliberate indifference to a known and obvious risk that threatens the life and safety of
19 others.
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21 11. Upon information and belief, all DEFENDANTS designed, advertised,
22 marketed, sold, distributed and/or offered, one or more “ghost gun” kits/parts that could be
23 easily assembled into un-serialized AR-15 style “ghost gun” rifles that are prohibited under
24 California’s assault weapons ban to California residents leading up to and/or during
25 November 2017.

26 12. PLAINTIFF brings this suit because he was shot and injured as a direct,
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foreseeable, and proximate result of DEFENDANTS' negligent, reckless, and intentionally unlawful actions.

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

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

15. 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

16. 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.

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

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.
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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

13 26. At all times pertinent hereto, DEFENDANT MFY TECHNICAL
14 SOLUTIONS LLC (“MFY TECHNICAL”), d/b/a 5DTACTICAL.COM, was a
15 Massachusetts limited liability company with its principal place of business in
16 Westborough, County of Worcester, State of Massachusetts. At all times pertinent hereto,
17 MFY TECHNICAL was engaged in the business of designing, marketing, distributing,
18 manufacturing and selling parts/kits used to assemble “ghost guns,” including AR-15 style
19 “ghost gun” rifles to consumers across the nation, including to consumers within the State of
20 California.
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22 27. At all times pertinent hereto, DEFENDANT TACTICAL GEAR HEADS
23 LLC (“TACTICAL GEAR HEADS”), d/b/a 80-LOWER.COM; AR-
24 15LOWERRECEIVERS.COM; and 80LOWERJIG.COM, was an Indiana limited liability
25 company with its principle of business in Indianapolis, County of Marion, State of Indiana
26 and/or in Fishers, County of Hamilton, State of Indiana. At all times pertinent hereto,
27 TACTICAL GEAR HEADS, via its various retail websites, was engaged in the business of
28

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, USPATRIOTARMY.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
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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 PLAINTIFFS
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
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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**
and Federal Firearms Laws

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

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

18 38. Only FFLs may engage in the business of selling firearms. Felons, domestic
19 abusers, the dangerously mentally ill, and certain other categories of people are deemed to
20 pose too great a danger to themselves or others are prohibited from possessing guns as a
21 matter of federal and/or state law. FFLs are required to conduct background checks on gun
22 buyers to prevent sales to such prohibited purchasers. Firearms sold by FFLs must include
23 stamped serial numbers, to enable accurate record keeping and aid law enforcement in
24 tracing the gun to its initial retail seller if it is later misused in a crime. Such tracing can help
25 identify the chain of possession and ultimate user of such a crime gun.
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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 48. DEFENDANTS thus enabled anyone, including individuals prohibited from
9 possessing any firearms or individuals prohibited from possessing assault weapons by virtue
10 of state law, to build “ghost guns,” including but not limited to assault weapons.

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

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

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

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

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

59. 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.

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

61. “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.
- b. In July 2015, Scott Bertics shot and killed a woman with whom he was involved in a romantic relationship and he then used a second gun to kill himself in Walnut Creek, California. Both of the guns used were “ghost guns.”
- c. In July 2015, in Stockton, California, gunmen used an AK-47-style “ghost gun” in an attempted bank robbery, and held three people hostage.
- d. In June 2019, 26-year-old Sacramento Police Officer Tara O’Sullivan was shot and killed with an AR-15 style “ghost gun” rifle while responding to a domestic disturbance call.
- e. In August 2019, a convicted felon used an AR-15 style “ghost gun” rifle to kill California Highway Patrol officer Andre Moye and wound two of his colleagues, during a freeway shootout in Riverside, California.

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

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

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

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

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

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

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

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

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

73. Similarly, on its website, BLACKHAWK specifically emphasizes that “in our home state of California, as well as almost every other state in the U.S., it is legal to build 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.
25
26
27
28

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

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

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

21 92. “Ghost gun” parts/kits that can be used to assemble unserialized AR-15 style
22 rifles are fungible products. Such parts/kits share the same core characteristics and present
23 an equivalent risk of danger to members of the public like PLAINTIFF. These products
24 provide dangerous parties like NEAL with an identical capability to possess untraceable
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28

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
23 104. As a further direct, proximate, immediate and foreseeable result of the actions
24 and conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and
25 dangerous weapons, PLAINTIFF had to, and will have to in the future, rely on surgeons and
26 other physicians, and undergo other and further expense for his medical care, in amounts
27 which cannot yet be fully ascertained.
28

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).

8
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
18 118. Whichever DEFENDANT or DEFENDANTS are responsible, either directly
19 or as an accomplice, for selling NEAL one or more "ghost gun" parts/kits in violation of one
20 or more statutes including, at minimum, California's assault weapons ban, breached the
21 standard of care imposed by statute.

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

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

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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27
28

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

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

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
28

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

12 149. DEFENDANTS’ acts and omissions as alleged herein substantially and
13 unreasonably (a) increase the number of “ghost guns” in and on public facilities, including on
14 public highways and walkways; (b) increase the degree to which unlawful possessors in and
15 on public facilities, including on highways and walkways, are illegally armed with weapons;
16 and (c) allow for banned assault weapons to be present in California, including on public
17 highways and walkways.
18

19 150. DEFENDANTS’ acts and omissions as alleged herein cause substantial and
20 unreasonable interferences with the public’s health, safety, convenience, comfort, and peace
21 in numerous other ways, including: (a) increasing the number of unlawful possessors of
22 weapons who use these weapons to commit violent crimes against innocent members of the
23 general public; (b) increasing the number and severity of property crimes committed by those
24 in possession of “ghost guns” against innocent members of the general public; (c) increasing
25 the number and severity of incidents in which those in possession of “ghost guns” disturb the
26 peace by being disorderly; and (d) increasing the amount of society’s resources that are
27 diverted toward dealing with the problems associated with the possession of “ghost guns.”
28

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.
11

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
26
27
28

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
Code § 1431.2(b)(2);
 - 21 b Compensatory damages for past medical expenses;
 - 22 c Compensatory damages for future medical expenses and medical monitoring;
 - 23 d Compensatory damages for past and future wage loss and loss of earning
24 capacity;
 - 25 e Compensatory damages for damage to or destruction of personal property;
 - 26 f Punitive (exemplary) damages;
 - 27 g Incidental damages;
 - 28 h Presumed damages;

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

9 Respectfully Submitted,

10 

11 Dated: November 14, 2019

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

EXHIBIT C

1 DUGAN BARRState Bar No. 40663
 2 DOUGLAS MUDFORDState Bar No. 156392
 3 ESTEE LEWISState Bar No. 268358
 4 CATIE BARRState Bar No. 295538
 5 BRANDON STORMENTState 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
 in Interest to MICHELLE MCFADYEN,
 14 Deceased;

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

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

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

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

27 M.E., a Minor, by and through her Guardian ad
 28 Litem, LATISHA CORNWALL, Heir at Law
 and Successor in Interest to DANIEL LEE

No.

COMPLAINT FOR DAMAGES

(DEMAND FOR JURY TRIAL)

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

1. NEGLIGENCE

2. NEGLIGENCE PER SE

3. NEGLIGENT ENTRUSTMENT

4. PUBLIC NUISANCE

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

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

1 ELLIOT II, Deceased, and
2 DIANA STEELE, Deceased;

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

5 GRACE MCHUGH, Heir at Law and Successor
6 in Interest to JOSEPH MCHUGH, Deceased;

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

9 TIFFANY PHOMMATHEP;

10 JOHN PHOMMATHEP SR.;

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

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

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

17 JAMES WOODS, JR.; and

18 JAMES WOODS, SR.

19 Plaintiffs,

20 vs.

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

23 DEFENSE DISTRIBUTED d/b/a
24 GHOSTGUNNER.NET

25 CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

GHOST AMERICA LLC, d/b/a

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

20 **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,
25
26
27
28

1 PLAINTIFFS demand a jury trial.

2 **INTRODUCTION**

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

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

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

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

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

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

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

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

4 10. DEFENDANTS could have changed their business practices to institute
5 reasonable safety measures to minimize the damage done by the problem they created. Instead
6 DEFENDANTS have continued to choose profits over people and public safety and have
7 doubled down on their dangerous and irresponsible practices. By doing so, DEFENDANTS
8 have and are acting with a reckless disregard, conscious disregard or deliberate indifference to a
9 known and obvious risk that threatens the life and safety of others.
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.
28

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

JURISDICTION

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

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

3. PLAINTIFFS seek an award of compensatory damages, punitive damages pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. And Prof. Code § 17200, injunctive and declaratory relief, costs and expenses, and reasonable attorney's fees.

THE PARTIES

15. At all times pertinent hereto, PLAINTIFF TROY MCFADYEN was a resident of Cottonwood, County of Shasta, State of California. TROY MCFADYEN is the surviving spouse of MICHELLE MCFADYEN, deceased. TROY MCFADYEN brings this action in his individual capacity as a victim and as the heir of MICHELLE MCFADYEN, deceased.

16. At all times pertinent hereto, PLAINTIFF PHILLIP BOW was a resident of the Santa Rosa, County of Sonoma, State of California. PHILLIP BOW is the surviving adult son of MICHELLE MCFADYEN, deceased.

17. At all times pertinent hereto, PLAINTIFF SIA BOW was a resident of Redding,

1 County of Shasta, State of California. SIA BOW is the surviving adult daughter of MICHELLE
2 MCFADYEN, deceased.

3 18. At all times pertinent hereto, TROY MCFADYEN, PHILLIP BOW and SIA
4 BOW, were the surviving heirs of decedent MICHELLE MCFADYEN, based on California
5 intestacy laws.

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

13 20. At all times pertinent hereto, PLAINTIFF MICHAEL ELLIOT was a resident of
14 the Mayville, County of Traill, State of North Dakota.

15 21. At all times pertinent hereto, PLAINTIFF G.E., an 8-year-old, was a resident of
16 Corning, County of Tehama, State of California. G.E. is currently a resident of Ware, County
17 of Hampshire, State of Massachusetts, and is being represented by his Guardian ad Litem,
18 ALMA FEITELBERG. G.E. was, all relevant times, a protected person pursuant to one or more
19 court orders in effect against NEAL.

20 22. At all times pertinent hereto, PLAINTIFF M.E., a 10-year-old, was a resident of
21 Rio Linda, County of Sacramento, State of California. M.E. is being represented by her
22 Guardian ad Litem, LATISHA CORNWALL. M.E. remains a resident of the County of
23 Sacramento.

24 23. BOB STEELE was the surviving husband of decedent, DIANA STEELE, and is
25
26
27
28

1 an heir to decedent DIANA STEELE. DIANA STEELE was also, at all relevant times, a
2 protected person pursuant to one or more court orders in effect against NEAL.

3 24. At all times pertinent hereto, MICHAEL ELLIOT, G.E. and M.E., were the
4 surviving children and heirs of decedent DANIEL ELLIOTT II, and the additional heirs of their
5 grandmother, DIANA STEELE, based on California intestacy laws.
6

7 25. At all times pertinent hereto, PLAINTIFF MARCIA MCHUGH was a resident
8 of the City of Corning, County of Tehama, State of California, and is the surviving mother, who
9 was dependent on JOSEPH MCHUGH.

10 26. At all times pertinent hereto, PLAINTIFF GRACE MCHUGH was a resident of
11 the Ceres, County of Stanislaus, State of California, and is the surviving adult daughter of
12 JOSEPH MCHUGH.
13

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.
21

22 30. At all times pertinent hereto, PLAINTIFF JOHN PHOMMATHEP is and was a
23 resident of Corning in the County of Tehama, State of California.

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

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

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

3 33. At all times pertinent hereto, PLAINTIFF N.P., a minor is and was a resident of
4 Corning in the County of Tehama, State of California. N.P. is being represented by his
5 Guardian ad Litem, TIFFANY PHOMMATHEP.
6

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

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

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

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

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

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

21 40. At all times pertinent hereto, GHOST FIREARMS LLC ("GHOST
22 FIREARMS"), d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability
23 company registered in Florida with its principal place of business in Daytona Beach, County of
24 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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13 45. At all times pertinent hereto, DEFENDANT INDUSTRY ARMAMENT INC.
14 ("INDUSTRY ARMAMENT"), d/b/a AMERICANWEAPONSCOMPONENTS.COM, was a
15 Delaware corporation with a principal place of business in Mesa, County of Maricopa, State of
16 Arizona. At all times pertinent hereto, INDUSTRY ARMAMENT was engaged in the business
17 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
18 "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the nation,
19 including to consumers within the State of California.
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21 46. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
22 ("THUNDER GUNS"), d/b/a THUNDERTACTICAL.COM, was a limited liability company
23 registered in Florida with its principal place of business in Daytona Beach, County of Volusia,
24 State of Florida. At all times pertinent hereto, THUNDER TACTICAL was engaged in the
25 business of designing, marketing, distributing, manufacturing and selling parts/kits used to
26 assemble "ghost guns," including AR-15 style "ghost gun" rifles to consumers across the
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1 nation, including to consumers within the State of California.

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

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

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

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

4 CASE SPECIFIC ALLEGATIONS

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

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

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

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

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

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

26 56. A FFL must carefully learn and comply with all federal laws, as well as the laws
27 of the state in which it resides and, for certain sales to residents of other states, the laws of those
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1 states. Some states, like California, prohibit sales of military-style assault weapons like AR-15
2 style rifles.

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

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

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

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

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

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

22 63. The process of converting such parts into a “ghost gun,” whether it be a semi-
23 automatic handgun or an AR-15 style assault rifle, involves just a few steps. DEFENDANTS’
24 parts/kits can be used to create a fully functional “ghost gun” in as little as a few minutes without
25 the consumer possessing any specialized skill or abilities.
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1 64. DEFENDANTS thus enabled anyone, including individuals prohibited from
2 possessing any firearms or individuals prohibited from possessing assault weapons by virtue of
3 state law, to build "ghost guns," including but not limited to assault weapons.

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

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

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

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

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

25 70. DEFENDANTS intentionally targeted and continue to target precisely the
26 criminals and other dangerous parties described above.
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1 71. In their marketing and advertising, DEFENDANTS purposefully emphasize the
2 untraceable nature of "ghost guns" due the absence of a serial number as a major selling point.

3 72. In their marketing and advertising, DEFENDANTS purposefully emphasize the
4 fact that their products can be purchased without a background check or interaction with an FFL
5 as major selling points.
6

7 73. DEFENDANTS' marketing to the criminal market includes but is not limited to
8 the following examples:

- 9 a. RBTACTICALTOOLING.COM emphasizes that its products allow the
10 production of unserialized weapons. See
11 <https://www.rbtacticaltooling.com/about/>. One of its AR-15 receivers includes a
12 stamp of an individual giving the middle finger to law enforcement personnel who
13 would be looking for a serial number to trace a "ghost gun" recovered from a
14 crime scene See <https://www.rbtacticaltooling.com/product/magpul-lower-receiver-ar-15/>:



- 22 b. A Q & A section on one of TACTICAL GEAR HEAD's retail websites includes
23 this disclosure: "An AR-15 built using an 80% lower [receiver] will have no
24 serialization or paperwork attached to it by default. Therefore, it is typically
25 impossible to determine the firearm's origin or history." See <https://www.80-lower.com/faqs/>. The site further emphasizes that a purchaser need not interact
26 with an FFL to acquire its parts/kits and make a "ghost gun" AR-15 style rifle.
27 See <https://www.80-lower.com/products/ar-15-build-kit-5-56mm-nato-16-melonite-barrel-classic-a2-handguard-w-80-lower-1-7-twist/>:
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- c. INDUSTRY ARMAMENT's website states, on a page listing an AR-15 receiver for sale, that "[t]he purchase of this component does not constitute the purchase of a firearm and as such does not require a FFL for transfer." See <https://americanweaponscomponents.com/product/80-ar-15-forged-anodized-lower-receiver>.
- d. THUNDER GUNS' website states, on a page offering a pack of 5 AR-15 lower receivers, that "[t]hese products are not FFL items." See <https://thundertactical.com/product/80-ar-lower-receiver-5-pack/>.

74. The above examples are illustrative rather than exhaustive. Upon information and belief, they are also identical to or essentially the same as DEFENDANTS' marketing tactics for "ghost gun" parts/kits that can be assembled into AR-15 style "ghost gun" rifles during the relevant time period.

75. Sales of "ghost gun" parts/kits have increased significantly in recent years. Not surprisingly, the use of "ghost guns" in crimes has also increased exponentially.

76. According to ATF, 30 percent of all guns recovered at California crime scenes are now untraceable "ghost guns."

77. "Ghost guns" – and, in particular, AR-15 style "ghost gun" rifles—have been used in many incidents of violence in California. For example:

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

- 1 b. In July 2015, Scott Bertics shot and killed a woman with whom he was involved
2 in a romantic relationship and he then used a second gun to kill himself in Walnut
3 Creek, California. Both of the guns used were "ghost guns."
4 c. In July 2015, in Stockton, California, gunmen used an AK-47-style "ghost gun" in
5 an attempted bank robbery, and held three people hostage.
6 d. In June 2019, 26-year-old Sacramento Police Officer Tara O'Sullivan was shot
7 and killed with an AR-15 style "ghost gun" rifle while responding to a domestic
8 disturbance call.
9 e. In August 2019, a convicted felon used an AR-15 style "ghost gun" rifle to kill
10 California Highway Patrol officer Andre Moye and wound two of his colleagues,
11 during a freeway shootout in Riverside, California.

12 78. Upon information and belief, DEFENDANTS were aware of one or all of these
13 and other incidents involving the unlawful use of "ghost guns."

14 79. AR-15 style rifles are, and were, prohibited assault weapons under California law.
15 *See* Cal. Pen. Code § 30510(a)(5) (assault weapons include semiautomatic rifles within the "Colt
16 AR-15 series"); § 30510(f) ("As used in this section, 'series' includes all other models that are
17 only variations, with minor differences, of those models listed in subdivision (a), regardless of
18 the manufacturer."); § 30605(a) (criminalizing possession of an assault weapon).

19 80. Federal law requires all FFLs—even those outside of a purchaser's state—to
20 comply with the laws of a purchaser's state when selling long guns like AR-15 style rifles. *See*
21 18 U.S.C. § 922(b)(3).

22 81. California's ban on AR-15 style rifles is a reasonable and responsible reaction to
23 the grave threat that AR-15 style weapons pose to the health and safety of Californians. These
24 types of weapons are favored by mass shooters. As illustrative examples, in addition to this case,
25 the shooters in the Aurora, Colorado movie theater shooting in July 2012, the Newtown,
26 Connecticut elementary school shooting in December 2012, and the aforementioned Santa
27 Monica, California shooting in June 2013, all used AR-15 style rifles.

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

1 83. "Ghost gun" parts/kits enable dangerous people in California like NEAL to
2 obtain such banned weapons.

3 84. In September 2019, New York Attorney General Letitia James announced that she
4 had ordered 16 websites to immediately stop selling products enabling the assembly of "ghost
5 guns" in New York. Attorney General James acknowledged the reality that "ghost guns" had
6 been providing the means to violate the state's assault weapons ban, stating: "There is only one
7 purpose for the products that these companies are selling — to manufacture illegal and deadly
8 assault weapons." James went on to note that "[t]he proliferation of these types of weapons has
9 not only caused indescribable suffering across the country, but gravely endangers every New
10 Yorker." DEFENDANTS' business practices similarly undermine California's assault weapons
11 ban and endanger every Californian.

12 85. DEFENDANTS could have taken steps to avoid supplying individuals in
13 California with prohibited assault weapons and/or violating various federal firearms laws.
14 Below is a non-exhaustive list of feasible steps that a reasonable and law-abiding company
15 would have taken to avoid undermining California law and/or federal law:

- 16 a. DEFENDANTS could have blocked Internet Protocol ("IP") addresses associated
17 with California from accessing their websites and/or the portions of their websites
18 listing products enabling the assembly of AR-15 style "ghost gun" rifles;
- 19 b. DEFENDANTS could have refused to ship such products to California;
- 20 c. DEFENDANTS could have required that their products only be transferred
21 through a sale carried out by an FFL;
- 22 d. DEFENDANTS could have required that only individuals who could legally
23 purchase and possess firearms could purchase their products; and
- 24 e. DEFENDANTS could have included serial numbers on their products.

25 86. Upon information and belief, none of the DEFENDANTS took these, or any other
26 reasonable safety precautions, to prevent dangerous California residents from violating
27 California and/or federal law and endangering the safety of others with "ghost guns" produced
28 from DEFENDANTS products.

1 87. Instead, upon information and belief, all of the DEFENDANTS intentionally
2 targeted California consumers.

3 88. For example, Cody Wilson of DEFENSE DISTRIBUTED/GHOST GUNNER
4 stated that he aimed to undermine gun violence prevention legislation, and in particular,
5 California's regulatory regime. Wilson, shortly after the Tehama attack in 2017, confirmed that
6 much of DEFENSE DISTRIBUTED/GHOST GUNNER's business comes from California.

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

10 90. Upon information and belief, these and other DEFENDANTS were all
11 intentionally designing, advertising, manufacturing, marketing and/or selling ghost guns
12 parts/kits designed and intended to be assembled into AR-15 style rifles to California consumers
13 like NEAL.

14 91. DEFENDANTS also, as noted above, purposefully emphasized features of their
15 products they knew to be particularly attractive to criminals and dangerous parties like NEAL—
16 such as their untraceability and the absence of a background check or interaction with a FFLs.

17 92. DEFENDANTS knew that "ghost guns" are frequently used by criminals and
18 dangerous individuals and have continued to gain additional knowledge of this reality.

19 93. Upon information and belief, DEFENDANTS have, nevertheless, not changed
20 their reckless and unlawful business practices.

21 **B. "Ghost Guns" Were Used To Harm PLAINTIFFS**

22 94. On November 13-14, 2017, NEAL engaged in a rampage shooting spree spanning
23 across multiple locations in Tehama County, California which left PLAINTIFFS and/or their
24 loved ones wounded or killed.

25 95. Prior to the shooting, NEAL was prohibited from possession firearms by one or
26 more court orders. The order(s) required authorities to arrest NEAL if he violated these orders.
27 Multiple PLAINTIFFS and/or their loved ones were named as protected parties on one or more
28

1 of these orders, including PLAINTIFFS BOB STEELE and G.E., as well as decedent DIANA
2 STEELE.

3 96. During his rampage, NEAL was in possession of and used at least two AR-15
4 style semiautomatic rifles. Both of these firearms were "ghost guns."

5 97. Upon information and belief, at the time of the shooting, NEAL's "ghost guns"
6 lacked any identifying serial numbers.

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

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

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

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

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

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

26 103. Upon information and belief, DEFENDANTS were all intentionally
27 making/marketing/selling "ghost guns" parts/kits designed and intended to be assembled into
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1 AR-15 style rifles into California leading up to and at the time of NEAL's purchase of the
2 relevant "ghost gun" parts/kits.

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

6 105. Upon information and belief, DEFENDANTS, in aggregate, were responsible for
7 manufacturing and/or selling a substantial percentage of all "ghost gun" parts/kits enabling
8 assembly of AR-15 style "ghost gun" rifles which entered into California leading up to and
9 during November 2017.

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

15 107. Upon information and belief, there is a substantial probability that one or more of
16 the DEFENDANTS shipped one or more "ghost gun" parts/kits used to assemble the weapons
17 used in the attack to NEAL's California residence.

18 108. "Ghost gun" parts/kits that can be used to assemble unserialized AR-15 style
19 rifles are fungible products. Such parts/kits share the same core characteristics and present an
20 equivalent risk of danger to members of the public like PLAINTIFFS. These products provide
21 dangerous parties like NEAL with an identical capability to possess untraceable assault weapons
22 without going through an FFL and in violation of California's assault weapons ban.

23 109. Had these one or more DEFENDANTS complied with the law and relevant
24 standards of care, NEAL would never have had access to the relevant products. Any and all
25 DEFENDANTS named herein could and should have made, sold, distributed and/or marketed
26 their products with greater precautions to (1) make it more difficult for California consumers to
27 use their products to produce dangerous weapons that violated California law and (2) to make it
28

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

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

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

8 **COUNT I: NEGLIGENCE (AGAINST ALL DEFENDANTS)**

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

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

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

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

25 116. Upon information and belief, none of these DEFENDANTS had, at the time
26 NEAL purchased the relevant product(s) from the DEFENDANT(s), taken these or other
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1 reasonable safety precautions which would have blocked NEAL's purchase of the relevant
2 products.

3 117. DEFENDANTS' violation of the above standards of care proximately caused
4 PLAINTIFFS' harm by granting NEAL access to highly lethal weapons he could not have
5 legally acquired.

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

8 119. As a direct, proximate, immediate and foreseeable result of the actions and
9 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
10 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
11 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
12 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
13 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
14 Court.
15

16 120. As a further direct, proximate, immediate and foreseeable result of the actions and
17 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and dangerous
18 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
19 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
20 to hire physicians and surgeons and undergo other and further expense as and for their medical
21 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
22 this Complaint for Damages to allege such amount when it becomes more certain.
23

24 121. As a further direct, proximate, immediate and foreseeable result of the actions and
25 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal, and dangerous
26 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR,
27 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
28

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

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

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

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

23 125. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
25

1 highly lethal, illegal and dangerous weapons, PLAINTIFF TIFFANY PHOMMATHEP suffered
2 serious and grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer
3 the loss of love, companionship, comfort, care, assistance, protection, affection, society, child-
4 rearing, marital relations, and moral support that TIFFANY PHOMMATHEP would have
5 provided had this incident now occurred.
6

7 126. As a further, direct, proximate and foreseeable result of the aforementioned
8 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
9 highly lethal, illegal and dangerous weapons, PLAINTIFFS have suffered, and will continue to
10 suffer in the future, consequential damages and other incidental damages and out-of-pocket
11 expenses, all to PLAINTIFFS' general damages in a sum to be determined at the time of trial.
12

13 127. As a further, direct, proximate and foreseeable result of the aforementioned
14 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
15 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
16 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
17 PLAINTIFFS for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at
18 the time of trial.
19

20 128. DEFENDANTS, and each of their negligence, as set forth above, was a
21 substantial factor in causing PLAINTIFFS' harm.
22

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

1 in the fullest extent allowed by law.

2 130. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS,
3 and each of them, are negligent or in some other way responsible for acts of which PLAINTIFFS
4 are unaware. PLAINTIFFS will seek leave of Court to amend this Complaint for Damages at
5 such time as PLAINTIFFS discover the other acts of said DEFENDANTS constituting said
6 liability.
7

8 **COUNT II: NEGLIGENCE PER SE FOR VIOLATION OF CALIFORNIA AND/OR**
9 **FEDERAL FIREARMS LAWS (AGAINST ALL DEFENDANTS)**

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

12 132. NEAL's purchase of "ghost gun" parts/kits and the use of them to assemble AR-
13 15 style rifles violated California's assault weapons ban. See Cal. Pen. Code § 30510(a)(5)
14 (assault weapons include semiautomatic rifles within the "Colt AR-15 series"); § 30510(f) ("As
15 used in this section, 'series' includes all other models that are only variations, with minor
16 differences, of those models listed in subdivision (a), regardless of the manufacturer."); §
17 30605(a) (criminalizing possession of an assault weapon).

18 133. DEFENDANTS are manufacturer/sellers of "ghost gun" parts/kits who
19 intentionally targeted -- and continue to target -- the California market and ship "ghost gun"
20 parts/kits designed for assembly into AR-15 style rifles to California consumers like NEAL.
21 DEFENDANTS did so, and continue to do so, with the knowledge and intention that those
22 consumers will use these products to assemble weapons prohibited under California law.

23 134. All of the DEFENDANTS are, thus, responsible as knowing accomplices, for
24 their consumers' direct violations of, at minimum, California's ban on the possession of assault
25 weapons. See Cal. Pen. Code § 31 (anyone who "aid[s] and abet[s]" in the commission of an
26 offense is a principal); § 971 ("all persons concerned in the commission of a crime, who by the
27 operation of other provisions of this code are principals therein, shall hereafter be prosecuted,
28

1 tried and punished as principals"); § 27(a)(1) (California has jurisdiction over crimes where at
2 least part of the offense takes place within the state).

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

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

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

14 138. This violation proximately caused PLAINTIFFS' harm by providing NEAL
15 access to highly lethal weapons that he could not have legally acquired in California.

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

18 140. As a direct, proximate, immediate and foreseeable result of the actions and
19 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
20 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
21 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
22 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
23 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
24 Court, including, but not limited to,

25 141. As a further direct, proximate, immediate and foreseeable result of the actions and
26 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
27
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1 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
2 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
3 to hire physicians and surgeons and undergo other and further expense as and for their medical
4 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
5 this Complaint for Damages to allege such amount when it becomes more certain.
6

7 142. As a further direct, proximate, immediate and foreseeable result of the actions and
8 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
9 weapons, plaintiff, TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR and
10 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
11 capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such
12 information, and belief state that this said reduction in earning capacity will continue into the
13 future in an amount which cannot yet be ascertained.
14

15 143. As a further direct, proximate, immediate and foreseeable result of the actions and
16 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
17 weapons, DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH
18 MCHUGH, were fatally shot, all to PLAINTIFFS' damage in an amount greatly in excess of the
19 minimum jurisdiction of this Court.
20

21 144. As a further direct, proximate, immediate and foreseeable result of the actions and
22 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
23 weapons, PLAINTIFFS, TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
24 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
25 MCHUGH have been deprived of the care, comfort, society and support of their loved ones,
26 DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH MCHUGH,
27 all to PLAINTIFFS' damage in an amount greatly in excess of the minimum jurisdiction of this
28

1 Court.

2 145. As a further direct, proximate, immediate and foreseeable result of the actions and
3 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
4 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
5 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
6 MCHUGH have incurred funeral and burial expenses in an amount subject to proof at the time of
7 trial of this matter.
8

9 146. As a further, direct, proximate and foreseeable result of the aforementioned
10 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
11 highly lethal, illegal and dangerous weapons, plaintiff TIFFANY PHOMMATHEP suffered
12 serious and grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer
13 the loss of love, companionship, comfort, care, assistance, protection, affection, society, child-
14 rearing, marital relations, and moral support that TIFFANY PHOMMATHEP would have
15 provided had this incident now occurred.
16

17 147. As a further, direct, proximate and foreseeable result of the aforementioned
18 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
19 highly lethal, illegal and dangerous weapons, PLAINTIFFS have suffered, and will continue to
20 suffer in the future, consequential damages and other incidental damages and out-of-pocket
21 expenses, all to PLAINTIFFS' general damages in a sum to be determined at the time of trial.
22

23 148. As a further, direct, proximate and foreseeable result of the aforementioned
24 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
25 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
26 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
27 plaintiffs for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at the
28

1 time of trial.

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

4 150. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
5 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
6 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
7 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
8 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
9 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
10 in the fullest extent allowed by law.
11

12 151. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS,
13 and each of them, are negligent or in some other way responsible for acts of which PLAINTIFFS
14 are unaware. PLAINTIFFS will seek leave of Court to amend this Complaint for Damages at
15 such time as PLAINTIFFS discover the other acts of said DEFENDANTS constituting said
16 liability.
17

18 **COUNT III: NEGLIGENT ENTRUSTMENT (AGAINST ALL DEFENDANTS)**

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

21 153. Upon information and belief, DEFENDANTS purposefully targeted residents of
22 states with strict gun violence prevention regimes, like California, who were seeking to bypass
23 the laws of their home state.
24

25 154. By targeting and supplying dangerous individuals already showing contempt for
26 the rule of law and disrespect towards the safety rules accepted by their communities,
27 DEFENDANTS were purposefully selling to a class of purchasers who were inherently showing
28

1 a high likelihood of misusing their "ghost gun" parts/kits in a dangerous manner that would
2 cause harm to third parties like PLAINTIFFS.

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

7 156. This violation of relevant standards of care proximately caused PLAINTIFFS'
8 harm by granting NEAL access to highly lethal weapons that he could not have legally acquired
9 in California.

10 157. Had NEAL been denied access to the "ghost gun" parts/kits he used to assemble
11 his two AR-15 style "ghost gun" rifles, he could not have used these weapons to harm
12 PLAINTIFFS.

13 158. As a direct, proximate, immediate and foreseeable result of the actions and
14 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
15 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.
16 a minor, N.P. a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were injured
17 and suffered grievous and permanent injuries to their physical, mental, emotional and nervous
18 systems, all to their detriment in an amount greatly in excess of the minimum jurisdiction of this
19 Court, including, but not limited to,
20

21 159. As a further direct, proximate, immediate and foreseeable result of the actions and
22 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
23 weapons, PLAINTIFFS TROY MCFADYN, TIFFANY PHOMMATHEP, J.P., II, a minor, J.P.,
24 a minor, N.P., a minor, A.H., a minor, JAMES WOOD JR and JAMES WOOD SR. were forced
25 to hire physicians and surgeons and undergo other and further expense as and for their medical
26 care, all in an amount which cannot yet be ascertained. PLAINTIFFS will seek leave to amend
27 this Complaint for Damages to allege such amount when it becomes more certain.
28

1 160. As a further direct, proximate, immediate and foreseeable result of the actions and
2 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
3 weapons, plaintiff, TROY MCFADYN, TIFFANY PHOMMATHEP, JAMES WOOD JR and
4 JAMES WOOD SR. and A.H., a minor, have lost wages or been greatly reduced in their working
5 capacity and/or future working capacity. PLAINTIFFS are informed and believe and, on such
6 information, and belief state that this said reduction in earning capacity will continue into the
7 future in an amount which cannot yet be ascertained.
8

9 161. As a further direct, proximate, immediate and foreseeable result of the actions and
10 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
11 weapons, DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH
12 MCHUGH, were fatally shot, all to PLAINTIFFS' damage in an amount greatly in excess of the
13 minimum jurisdiction of this Court.
14

15 162. As a further direct, proximate, immediate and foreseeable result of the actions and
16 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
17 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
18 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
19 MCHUGH have been deprived of the care, comfort, society and support of their loved ones,
20 DANNY ELLIOTT II, DIANA STEELE, MICHELLE MCFADYEN, and JOSEPH MCHUGH,
21 all to PLAINTIFFS' damage in an amount greatly in excess of the minimum jurisdiction of this
22 Court.
23

24 163. As a further direct, proximate, immediate and foreseeable result of the actions and
25 conduct of DEFENDANTS, which granted NEAL access to highly lethal, illegal and dangerous
26 weapons, PLAINTIFFS TROY MCFADYEN, PHILLIP BOW, SIA BOW, BOB STEELE,
27 MICHAEL ELLIOTT, G.E., a minor, M.E., a minor, MARCIA MCHUGH, and GRACE
28

1 MCHUGH have incurred funeral and burial expenses in an amount subject to proof at the time of
2 trial of this matter.

3 164. As a further, direct, proximate and foreseeable result of the aforementioned
4 actions, and conduct of DEFENDANTS and each of them, which granted NEAL access to highly
5 lethal, illegal and dangerous weapons, plaintiff TIFFANY PHOMMATHEP suffered serious and
6 grievous injuries, which has caused her husband, JOHN PHOMMATHEP to suffer the loss of
7 love, companionship, comfort, care, assistance, protection, affection, society, child-rearing,
8 marital relations, and moral support that TIFFANY PHOMMATHEP would have provided had
9 this incident now occurred.
10

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

17 166. As a further, direct, proximate and foreseeable result of the aforementioned
18 actions, and conduct of DEFENDANTS, and each of them, which granted NEAL access to
19 highly lethal, illegal and dangerous weapons, PLAINTIFFS were compelled to retain legal
20 counsel to protect their rights. Therefore, DEFENDANTS, and each of them, are liable to
21 plaintiffs for those attorney's fees incurred by PLAINTIFFS in a sum to be determined at the
22 time of trial.
23

24 167. DEFENDANTS negligent entrustment of the dangerous instrumentalities, as set
25 forth above, was a substantial factor in causing PLAINTIFFS' harm.

26 168. PLAINTIFFS are informed and believe and thereon allege that DEFENDANTS
27 and each of their, conduct was done in a conscious disregard and deliberate disregard for the
28

1 rights and safety of others, including PLAINTIFFS, and in a willful and reckless manner
2 making the infliction of grievous bodily injury and/or death highly probable. DEFENDANTS
3 conduct was despicable, willful, wanton and malicious within the meaning of California Civil
4 Code §§ 3294, so as to warrant the imposition of punitive and exemplary damages against them
5 in the fullest extent allowed by law.
6

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

12 **COUNT IV: PUBLIC NUISANCE (AGAINST ALL DEFENDANTS)**

13 170. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
14 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
28

1 herein cause a substantial and unreasonable increase in the number of members of the general
2 public who are threatened, killed, and injured by "ghost guns."

3 173. The acts and omissions of DEFENDANTS, as alleged herein, substantially and
4 unreasonably interfere with the public's use of public facilities, including the use of public
5 highways and walkways. Public highways and walkways are made substantially and
6 unreasonably unsafe because of the presence of ghost guns intentionally, negligently and
7 unlawfully supplied by DEFENDANTS.

8 174. DEFENDANTS' acts and omissions as alleged herein substantially and
9 unreasonably (a) increase the number of "ghost guns" in and on public facilities, including on
10 public highways and walkways; (b) increase the degree to which unlawful possessors in and on
11 public facilities, including on highways and walkways, are illegally armed with weapons; and (c)
12 allow for banned assault weapons to be present in California, including on public highways and
13 walkways.

14 175. DEFENDANTS' acts and omissions as alleged herein cause substantial and
15 unreasonable interferences with the public's health, safety, convenience, comfort, and peace in
16 numerous other ways, including: (a) increasing the number of unlawful possessors of weapons
17 who use these weapons to commit violent crimes against innocent members of the general
18 public; (b) increasing the number and severity of property crimes committed by those in
19 possession of "ghost guns" against innocent members of the general public; (c) increasing the
20 number and severity of incidents in which those in possession of "ghost guns" disturb the peace
21 by being disorderly; and (d) increasing the amount of society's resources that are diverted toward
22 dealing with the problems associated with the possession of "ghost guns."

23 176. DEFENDANTS know or have reason to know that the acts and omissions alleged
24 herein caused substantial and unreasonable interferences with the public's health, safety,
25 convenience, comfort, peace, and use of public facilities. DEFENDANTS' acts and omissions
26 as alleged herein were undertaken with negligent and/or intentional disregard of the rights of the
27 general public. DEFENDANTS knew that they could have taken precautions as outlined above
28 that would have eliminated or minimized the injuries to the general public. Instead they chose

1 not to take those precautions and, in fact, actively exacerbated these risks with the irresponsible
2 marketing campaign described herein in order to maximize their profits.

3 177. DEFENDANTS' interference with the public's health, safety, convenience,
4 comfort, peace, and use of public facilities is unreasonable, unlawful, substantial, significant,
5 continuing, and long-lasting. This interference, is annoying, offensive, and disturbing to an
6 ordinary person. The interference is not insubstantial or fleeting, and involves deaths and serious
7 injuries suffered by many people and a severe disruption of public health, peace, order, and
8 safety.

9 178. The manner in which DEFENDANTS make, sell, and market their products has
10 no social utility. Even if it did, the seriousness of their interference with the rights of the public
11 and harm they cause far outweighs any social utility associated with DEFENDANTS' conduct.

12 179. DEFENDANTS' unlawful, negligent and/or intentional creation and maintenance
13 of the public nuisance directly and proximately caused significant harm, including serious
14 physical injury and associated harm to PLAINTIFFS that is different from the harm suffered by
15 other members of the public, including loss of enjoyment of life, as well as those damages set
16 forth in paragraphs 121-131 above, all to their damage in an amount to be determined at a trial of
17 this matter.

18 180. PLAINTIFFS have not, at any time, consented to DEFENDANTS' conduct.

19 181. At all times herein mentioned, DEFENDANTS had notice and knowledge that
20 their actions created a public nuisance.

21 182. 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
27
28

1 extent allowed by law.

2 **COUNT V: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION**

3 **17200 (AGAINST ALL DEFENDANTS)**

4 **(Unfair and Unlawful Competition in Sales Practices)**

5
6 183. PLAINTIFFS hereby incorporate by reference all preceding paragraphs as
7 though set out in full herein.

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

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

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

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

23
24 188. Further, upon information and belief, had DEFENDANTS not violated
25 California's prohibition on such unethical and unlawful marketing and business practices, NEAL
26 could not have acquired the parts/kits used to assemble his AR-15 style "ghost gun" rifles or
27 used these items to harm PLAINTIFFS.

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

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

8 190. To prevent their unjust enrichment, DEFENDANTS and each of them, should be
9 required, pursuant to Business and Professions Code sections 17200, et seq, to disgorge their ill-
10 gotten gains for the purpose of making full restitution to PLAINTIFFS as a consequence of
11 DEFENDANTS unlawful and unfair activities, injunctive relief, as well as all attorney's fees
12 and costs.
13

14 **COUNT VI: VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION**

15 **17200 (AGAINST ALL DEFENDANTS)**

16 **(Unfair Marketing Tactics)**

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

19 2. DEFENDANTS in the course of their retail business of selling ghost guns,
20 engaged in business acts or practices that were unfair, deceptive, or misleading, and which
21 therefore violated Bus. & Prof Code § 17200.
22

23 3. Specifically, by employing marketing tactics which emphasized that their
24 products, including banned assault weapons, were untraceable and could be acquired without a
25 background check or an interaction with an FFL, DEFENDANTS intentionally targeted
26 prohibited persons and other dangerous individuals like NEAL. Such tactics and practices were
27 unfair, immoral, unethical, oppressive, and unscrupulous.
28

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

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

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

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

26 8. To prevent their unjust enrichment, DEFENDANTS and each of them, should be
27 required, pursuant to Business and Professions Code sections 17200, et seq, to disgorge their ill-
28

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

4 **PRAYER FOR RELIEF**

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

- 8 1. For general damages for TROY MCFADYEN, against each DEFENDANT,
9 jointly and severally, in the amount to be proven at trial;
- 10 2. For special damages for TROY MCFADYEN, against each DEFENDANT,
11 jointly and severally, in the amount to be proved at trial;
- 12 3. For medical expenses of TROY MCFADYEN, against each DEFENDANT,
13 jointly and severally, according to proof;
- 14 4. For loss of wages and earning capacity for TROY MCFADYEN, against each
15 DEFENDANT, jointly and severally, in a sum according to proof;
- 16 5. For General damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW,
17 for the loss of society and companionship of decedent MICHELLE MCFADYEN, against each
18 DEFENDANT, jointly and severally, in the amount to be proven at trial;
- 19 6. For funeral and burial expenses of MICHELL MCFADYEN, for TROY
20 MCFADYEN, SIA BOW and PHILLIP BOW, against each DEFENDANT, jointly and
21 severally, according to proof;
- 22 7. For special damages for TROY MCFADYEN, SIA BOW and PHILLIP BOW
23 for future contributions and value of personal services, advice or training as to decedent
24 MICHELLE MCFADYEN, against each DEFENDANT, jointly and severally, according to
25 proof;
26
27
28

1 8. For general damages to BOB STEELE, MICHAEL ELLIOT, G.E., and M.E. for
2 the loss of society and companionship of decedents DANIEL ELLIOTT and DIANA STEELE,
3 against each DEFENDANT, jointly and severally, in the amount to be proven at trial;

4 9. For funeral and burial expenses of DANIEL ELLIOTT and DIANA STEELE,
5 against each DEFENDANT, jointly and severally, according to proof;

6 10. For special damages for BOB STEELE, MICHAEL ELLIOT, G.E., and M.E.,
7 for future contributions and value of personal services, advice or training of decedents DANIEL
8 ELLIOTT and DIANA STEELE, against each DEFENDANT, jointly and severally, according
9 to proof;

10 11. For general damages to MARCIA MCHUGH and GRACE MCHUGH for the
11 loss of society and companionship of decedent JOSEPH MCHUGH, against each
12 DEFENDANT, jointly and severally, in the amount to be proven at trial;

13 12. For funeral and burial expenses of JOSEPH MCHUGH, against each
14 DEFENDANT, jointly and severally, according to proof;

15 13. For special damages for MARCIA MCHUGH and GRACE MCHUGH for future
16 contributions and value of personal services, advice or training of decedent JOSEPH
17 MCHUGH, against each DEFENDANT, jointly and severally, according to proof;

18 14. For general damages for A.H. a minor, against each DEFENDANT, jointly and
19 severally, in the amount to be proven at trial;

20 15. For special damages for A.H. a minor, against each DEFENDANT, jointly and
21 severally, in the amount to be proved at trial;

22 16. For medical expenses of A.H. a minor, against each DEFENDANT, jointly and
23 severally, according to proof;

24 17. For loss of earning capacity for A.H. a minor, against each DEFENDANT,
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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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1 similar misconduct;

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

3 29. For injunctive relief against DEFENDANTS;

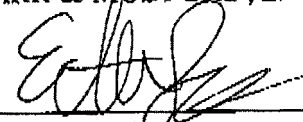
4 30. For an Order, pursuant to Business and Professions Code Section 17203, that
5 DEFENDANTS be permanently enjoined from committing any unlawful, unfair, or fraudulent
6 acts of unfair competition in Violation of Business and Professions Code Section 17200;
7

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

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

10
11 DATED: November 13, 2019

BARR & MUDFORD, LLP



12
13 JOHN DOUGLAS BARR (SBN 40663)

14 CATHLEEN T BARR (SBN 295538)

15 ESTEE LEWIS (SBN 268358)

16 BRANDON STORMENT (SBN 267260)

17 TROY DOUGLAS MUDFORD (156392)

18 Attorneys for Plaintiffs
19
20
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22
23
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25
26
27
28

EXHIBIT D

MAY 07 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: CTH, DEPUTY

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

Coordination Proceeding Special
Title (Rule 3.550)

GHOST GUNNER FIREARMS CASES

Included actions:

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

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

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 5167

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
NO. CIVDS193452

**ORDER GRANTING PETITION FOR
COORDINATION**

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

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

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

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

10
11 I. **Background**

12
13 A. **Factual Allegations**

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

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

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

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

16 **B. Procedural History**

17

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

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

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

9 Judge Lewis chose the first alternative. He designated *Cardenas* complex
10 and allowed the filing of a coordination petition, then stayed proceedings pending
11 the outcome of the planned petition. (Brady Decl., Ex. C.) Again, because
12 *Cardenas* is stayed, it has been designated complex but not yet transferred to a
13 complex department.
14

15 Petitioners then filed the present petition for coordination, seeking
16 coordination in San Bernardino County rather than Orange County.
17

18 **II. Propriety of Coordination**

19

20 All parties agree coordination is proper. Upon its own review of the papers,
21 the Court agrees that coordination is proper under the factors listed in CCP §
22 404.1.
23

24 **III. Location of Coordinated Proceedings**

25

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

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

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

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

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

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

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

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

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

3
4 The Court is not persuaded by this argument. While it indeed appears no
5 case management conference has been held in *Cardenas*, responsive pleadings
6 have yet to be filed in either case. No court has a deep familiarity with the facts
7 and law that would come from lengthy supervision of a case.

8
9 Furthermore, this argument appears to contradict the relief sought from
10 Judge Lewis. If things had progressed so far in *McFayden* that the parties would
11 be prejudiced by having to start from scratch in Orange County, why would
12 Petitioners make an alternate request for consolidation in Orange County? Why
13 not have *Cardenas* transferred to San Bernardino County?

14
15 The Court finds this factor of little relevance. The two cases are in such
16 early stages that even sending them to Sacramento County would cause little (if
17 any) delay or waste of court resources.

18
19 **C. Location and Convenience of Parties, Witnesses, and Evidence**

20
21 As to the defendants, these factors favor either Orange County or San
22 Bernardino County. The in-state defendants have their principal places of business
23 in those counties, meaning witnesses and documents pertinent to business
24 operations are most likely located in those counties. (The out-of-state defendants
25 will be inconvenienced no matter what.)

26
27 As to the plaintiffs, these factors favor Sacramento County. In terms of the
28 in-state plaintiffs (again, the out-of-state plaintiffs will be inconvenienced no

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

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

19
20 **D. Location of Counsel**

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

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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

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

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

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

Clerk of the Court, by:  , Deputy

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

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Clerk of the Court, by:  , Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

EXHIBIT E



Superior Court of California, County of Sacramento
720 Ninth Street Sacramento, CA 95814-1380 (916)
874-5522—Website www.saccourt.ca.gov

NOTICE AND ORDER OF COMPLEX CASE DETERMINATION

Case Title: D'Sullivan vs Ghost Gunner Case Number: 2021-302934

Having reviewed and considered the pleadings on file, the court orders:

- ☒ **THE CASE IS DEEMED COMPLEX** and assigned to the Honorable JUDITH
presiding in Complex Case Management Department 40 for case management pursuant to California Rules of
Court 3.750, et seq. The case is also pre-assigned for trial, and any motions for consolidation, severance, bifurcation,
intervention and to continue trial shall be heard in such department unless otherwise ordered. This is a limited
purpose assignment under California Rule of Court 3.734. Law and motion matters shall be heard in Departments
53/54 per Local Rule 2.30, et seq., unless otherwise directed by the Complex Case Management Department.

This action involves one or more of the following:

- | | |
|---|---|
| <input type="checkbox"/> Antitrust or trade regulation claims. | <input type="checkbox"/> Claims involving mass torts. |
| <input type="checkbox"/> Construction defect claims involving many parties or structures. | <input type="checkbox"/> Claims involving class actions. |
| <input type="checkbox"/> Securities claims or investment losses involving many parties. | <input type="checkbox"/> Insurance coverage claims arising out of any of the claims listed above. |
| <input type="checkbox"/> Environmental or toxic tort claims involving many parties. | |

The action is likely to involve:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve. | <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court. |
| <input checked="" type="checkbox"/> Management of a large number of witnesses or a substantial amount of documentary evidence. | <input type="checkbox"/> Substantial post judgment judicial supervision. |
| <input type="checkbox"/> Management of a large number of separately represented parties. | <input type="checkbox"/> Other: _____ |

Government Code section 70616 establishes the fees for complex cases. Pursuant to Government Code section 70616, any non-exempt party who has appeared in this action, but who has not paid the required complex case fee, is ordered to pay the fee to the clerk within ten calendar days of the filing of this order. Failure to pay the required fees shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties (Cal. Gov. Code § 70616(g)).

☐ **THE CASE IS DECLARED NOT COMPLEX**

Any complex case fees that the parties have previously paid pursuant to 70616(a) or (b) shall be reimbursed upon submission of a refund request together with a copy of this minute order by the paying party to the Court's Civil General Civil Processing Unit. It may be submitted by mail or placed in one of the Civil Drop Boxes located in Room 102 and the lobby of the Gordon D. Schaber Courthouse at 720 9th Street, Sacramento CA 95814.

The plaintiff is directed to serve all other parties with a copy of this order.

Date: 8/4/2021

Signed: _____

Presiding Judge of the Superior Court
of California, County of Sacramento

EXHIBIT F

1 AMY K. VAN ZANT (STATE BAR NO. 197426)
avanzant@orrick.com
2 SHAYAN SAID (STATE BAR NO. 331978)
ssaid@orrick.com
3 ANNA Z. SABER (STATE BAR NO. 324628)
annasaber@orrick.com
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
5 Menlo Park, CA 94025-1015
Telephone: +1 650 614 7400
6 Facsimile: +1 650 614 7401

7 Attorneys for Plaintiffs
Francisco Gudino Cardenas and McFayden, et al.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ORANGE

12 FRANCISCO GUDINO CARDENAS, an
individual, and

13 TROY MCFAYDEN, in his Individual Capacity,
14 and as Heir at Law and Successor in Interest to
MICHELLE MCFADYEN, Deceased, ET AL.

15 Plaintiffs,

16 v.

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

19 DEFENSE DISTRIBUTED d/b/a
20 GHOSTGUNNER.NET

21 CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

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

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

27 JUGGERNAUT TACTICAL INC., d/b/a
28 JTACTICAL.COM;

Case No. JCCP 5167

**PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: August 13, 2021
Time: 1:30pm
Dept.: CX 102
Judge: Hon. William D. Claster

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MFY TECHNICAL SOLUTIONS LLC, d/b/a
5DTACTICAL.COM;

TACTICAL GEAR HEADS LLC, d/b/a 80-
LOWER.COM; AR-
15LOWERRECEIVERS.COM; and
80LOWERJIG.COM;

JAMES TROMBLEE, JR., d/b/a
USPATRIOTARMORY.COM;

INDUSTRY ARMAMENT INC., d/b/a
AMERICANWEAPONSCOMPONENTS.CO
M;

THUNDER GUNS LLC, d/b/a
THUNDERTACTICAL.COM;

DOES 1-100, Inclusive

Defendants.

1 Pursuant to this Court's Order Setting Preliminary Trial Conference of July 6, 2021,
2 Plaintiffs hereby submit the following memorandum:

3 These two coordinated cases with claims for negligence, public nuisance, and unfair
4 competition are brought on behalf of the victims and family members of a horrific mass shooting
5 that occurred in Rancho Tehama Reserve in November 2017. Plaintiffs' claims, essentially, are
6 that Defendants make and sell "ghost gun" kits to supply criminals, gun traffickers who arm
7 criminals, and other persons ineligible to possess or own guns with gun kits that enable a
8 purchaser to easily assemble a gun that will have no serial numbers and will be unregistered and
9 therefore essentially untraceable. As a result, the Defendants enable purchasers to evade federal,
10 state, and local gun laws and regulations designed to ensure that guns are not in the hands of
11 felons or the mentally disturbed and that weapons will be traceable if used in a crime.

12 Defendants' negligent and unlawful conduct caused Plaintiffs' injuries by supplying the
13 man who shot them or their loved ones. Plaintiffs allege that the Tehama Ranch perpetrator (who
14 does not deserve the notoriety of being named here) purchased gun parts and/or gun kits from one
15 or more of the Defendants leading up to and/or during November 2017 and used those parts
16 and/or kits to assemble at least two AR-15 style "ghost gun" rifles. Because Defendants' parts
17 and kits are designed to be fungible and are expressly marketed by Defendants as untraceable,
18 Plaintiffs are pursuing a market share theory of liability.

19 Plaintiffs' cases have been pending for nearly *two years* already without a single answer
20 or motion to dismiss filed by any of the thirteen named Defendants and with no discovery
21 allowed to go forward due to stays imposed following service of all named Defendants. Even so,
22 Plaintiffs—like Defendants—agree that the present coordinated cases should proceed together in
23 an orderly and efficient manner. Defendants should coordinate their motions and discovery
24 requests to submit one joint submission wherever that is possible. In addition, Plaintiffs are
25 willing to discuss with Defendants and the Plaintiffs in the *O'Sullivan* case (a recently filed case
26 pending in Sacramento Superior Court against some of the same named Defendants in the present
27 matters for their role in supplying the gun parts for the gun used to kill a 21-year-old Sacramento
28 law enforcement officer) whether some coordinated discovery across the *O'Sullivan* case makes

1 sense.

2 Plaintiffs have patiently waited to prosecute their claims and promptly agreed to
3 coordination of the *Cardenas* and *McFayden* cases at Defendants' request. Now that the cases
4 have been coordinated and assigned to the present court, Defendants seek to further delay
5 resolution of Plaintiffs' claims on the merits by proposing that the pending matters be further
6 stayed pending an extended briefing round of demurrers and further coordinated with the
7 *O'Sullivan* litigation, an entirely different case, involving entirely different plaintiffs, different
8 counsel for plaintiffs, and different facts. Plaintiffs are committed to working with Defendants to
9 streamline and minimize burdens on the parties and on the Court's resources wherever reasonable
10 and practical. But that willingness to cooperate should not be used as the justification to further
11 delay the prosecution of these two cases that have already languished for some two years. Further
12 delay of discovery and prosecution of the cases on the merits could result in justice so delayed as
13 to potentially be justice denied. The Plaintiffs deserve timely resolution of their claims, whatever
14 that resolution might be.

15 There will be complex and novel legal theories at issue in these coordinated matters and
16 they will be addressed in due course. But it is time to begin discovering the truth about
17 Defendants' conduct, and that includes taking discovery without further delay. Plaintiffs
18 therefore respectfully submit the following proposed schedule and case management proposals
19 pursuant to California Rule of Court 3.541.

20 **1. Appointment of Liaison Counsel**

21 To the extent liaison counsel is required for Plaintiffs, Plaintiffs appoint Amy K. Van Zant
22 of Orrick, Herrington, & Sutcliffe LLP as plaintiffs' Lead and Liaison Counsel. Ms. Van Zant
23 can be reached at:

24 **Amy K. Van Zant**
25 Orrick, Herrington & Sutcliffe LLP
26 1000 Marsh Road
27 Menlo Park, CA 94025-1015
28 Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401
E-mail: avanzant@orrick.com

1 Plaintiffs defer taking a position on the appointment of liaison counsel for Defendants
2 until all Defendants have made a proposal.

3 **2. Proposed Timetable for Motions Filing**

4 Plaintiffs propose the following schedule for discovery, motion practice, pre-trial, and trial
5 submissions based on a trial date 18-months from the CMC:

6 Event	7 Proposed Deadline
8 Fact Discovery	
9 Deadline for Serving Written and Document Discovery	5/6/2022
10 Deadline to File Discovery Motions on Written and Document Discovery	5/15/2022
11 Close of Fact Discovery	7/15/2022
12 Deadline to File Discovery Motions on Fact Depositions	7/22/2022
13 Expert Discovery	
14 Initial Expert Disclosures	8/19/2022
15 Rebuttal Expert Disclosures	9/23/2022
16 Close of Expert Discovery	10/14/2022
17 Dispositive & Pre-Trial Motions	
18 Deadline for Counsel to make Appearances for all Defendants	8/27/2021
19 Deadline to Answer or File Demurrer (with oppositions and replies due in accordance with the California Rules of Court)	9/17/2021
20 Deadline for Filing Opening Briefs on Dispositive Motions (with oppositions and replies due in accordance with the California Rules of Court)	11/18/2022
21 Hearing on Dispositive Motions	12/16/2022
22 Pre-Trial & Trial	
23 Meet and Confer re Pre-Hearing Statement	2/24/2023
24 Pre-Trial Filings, including Pre-Hearing Statement, Exhibit List, Motions in Limine, and Witness List	3/10/2023
25 Oppositions to Motions in Limine	3/31/2023
26 Pre-Trial Conference	4/14/2023
27 Trial – Estimated at 15 Court Days	5/15/2023- 6/2/2023
28 Post-Trial Briefs	7/10/2023

1 **3. Proposed Discovery Schedule**

2 Currently, the cases originally filed in San Bernardino are stayed pursuant to the Court's
3 order in the lead up to coordination proceedings. The Cardenas matter, originally in Orange
4 County, was stayed only pending the determination of Defendants' petition for coordination. *See*
5 10/29/20 Minute Order. Because these complaints have been pending for nearly two years, and
6 have been served on all Defendants, discovery should commence immediately, per the proposed
7 schedule in Section 2, *supra*.

8 **4. Method and Schedule for the Submission of Preliminary Legal Questions**

9 Plaintiffs propose that the parties conduct a videoconference within 60 days of the CMC
10 to be attended by at least Plaintiffs' Lead Counsel and Defendants' Lead and Liaison Counsel to
11 the Court during which the parties will confer and identify a joint list of preliminary legal
12 questions to be submitted by October 29, 2021.

13 **5. Establish a Central Depository to Receive and Maintain Evidentiary Material and**
14 **not Required to be Served on all Parties**

15 Plaintiffs will meet and confer with Defendants on the establishment of a central
16 repository for evidentiary material not required to be served on all parties.

17 **6. Proposed Stipulations**

18 Plaintiffs propose that the parties stipulate to a Protective Order based on Los Angeles
19 Superior Court Model Protective Order. Plaintiffs further propose stipulations on discovery limits
20 as follows:

- 21 • Special interrogatories: 30 coordinated interrogatories each for
22 Plaintiffs/Defendants and 5 individual interrogatories per individual
23 plaintiff/defendant
- 24 • Form interrogatories: A single coordinated set shall be served by the Defendants
25 on each Plaintiff and a single coordinated set shall be served by the Plaintiffs on
26 each Defendant.
- 27 • Requests for production/inspection: 30 coordinated RFPs each for
28 Plaintiffs/Defendants and 5 individual RFPs per individual plaintiff/defendant

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- Fact depositions: 15 coordinated depositions each for Plaintiffs/Defendants and 2 depositions per individual plaintiff/defendant

The parties shall be permitted to exceed the discovery limits by stipulation or upon a showing of good cause to the Court.

Respectfully submitted.

Dated: August 6, 2021

AMY K. VAN ZANT
SHAYAN SAID
ANNA Z. SABER
Orrick, Herrington & Sutcliffe LLP

By: /s/ Amy K. Van Zant

AMY K. VAN ZANT
Attorneys for Plaintiff
Francisco Gudino Cardenas
McFayden, et al.

4142-8673-7200

EXHIBIT G

FILED/ENDORSED

AUG 16 2021

By K. Madden, Deputy Clerk

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Attorneys for Defendants Ryan Beezley and Bob Beezley,
 Thunder Guns, LLC, Ghost Firearms, LLC, and
 Polymer80, Inc.

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SACRAMENTO**

KELLEY and DENNIS O'SULLIVAN, in
 their Individual Capacity and KELLY
 O'SULLIVAN as Administrator of the
 Estate of TARA O'SULLIVAN, Deceased,

Plaintiffs,

vs.

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

Defendants.

Case No. 34-2021-00302934-CU-PO-GDS

*[Assigned to the Honorable Judge Russell L.
 Hom; Dept. 47]*

JOINT STIPULATION AND ~~PROPOSED~~ ORDER TO STAY CASE

Complaint Filed: June 17, 2021

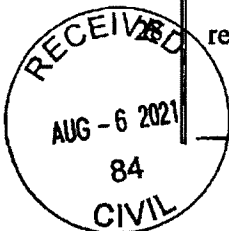
Defendants Ryan Beezley, Bob Beezley, Ghost Firearms, LLC, Thunder Guns, LLC, and
 Polymer80, Inc., and Plaintiffs, by and through their respective counsel of record, hereby
 stipulate:

WHEREAS, on June 17, 2021, Plaintiffs filed their complaint alleging five causes of
 action against eighteen named defendants;

WHEREAS, as of August 4, 2021, while most defendants have been served in this matter,
 a few defendants have yet to receive service, despite diligent efforts to do so;

WHEREAS, the responsive pleading deadline for some defendants is approaching, while
 those defendants that have yet to receive service do not currently have a deadline to file a
 responsive pleading;

BY FAX



1 WHEREAS, in some cases, multiple defendants are represented by the same counsel;

2 WHEREAS, the parties are in agreement that given the large number of named defendants
3 and that most will have different service dates once they are served, differing responsive pleading
4 deadlines are not in the interests of the parties nor in the interests of judicial economy should
5 multiple defendants pursue demurrers or motions to strike;

6 WHEREAS, counsel for other defendants who have been served or are otherwise aware of
7 the Complaint have been notified of this requested stipulation and have either expressed support
8 for it or no objections to it;

9 THEREFORE, the parties jointly request that this matter be stayed for 45 days, during
10 which time plaintiffs will continue to try to perfect service and defendants shall organize
11 themselves and consider ways to efficiently present their defense of the suit, including by, for
12 example, the filing of joint responsive pleadings. The parties will also meet and confer on
13 establishing a schedule for the filing of responsive pleadings. If the parties are unable to stipulate
14 to a schedule, they will request a case management conference with this Court to ensure that the
15 case moves forward in a timely fashion.

16 IT IS SO STIPULATED.

17

18 Dated: August 4, 2021

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MICHEL & ASSOCIATES, P.C.



Sean A. Brady

*Attorneys for Defendants Ryan Beezley and Bob
Beezley, Thunder Guns, LLC, Ghost Firearms,
LLC, and Polymer80, Inc.*

Dated: August 4, 2021

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP



Caitlin M. Nelson

Attorneys for Plaintiffs

1 **PROPOSED ORDER**

2 Pursuant to the Parties' stipulation and good cause shown, it is hereby ORDERED that:

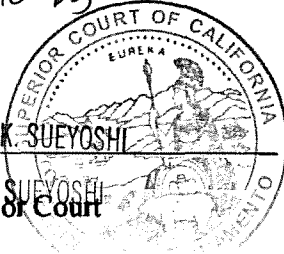
3 This matter is stayed for 45 days, during which time plaintiffs will continue to perfect
4 service on all defendants, defendants will meet and confer with one another on ways to coordinate
5 the filing of joint responsive pleadings to the Complaint, and the parties will propose a briefing
6 schedule applicable to all defendants for the filing of pleadings responsive to the Complaint. If the
7 parties are not able to stipulate to a briefing schedule, they will request a case management
8 conference with this Court to ensure that the case moves forward in a timely fashion.

9 Briefing schedules for law & motion matters must be approved
10 by the law & motion dept. This dept will set CMC by
11 **IT IS SO ORDERED.** separate order

12 Dated: AUG 16 2021

JUDGE RICHARD K. SUEYOSHI

JUDGE RICHARD K. SUEYOSHI
Judge of the Superior Court



1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF SACRAMENTO

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On August 4, 2021, I served the foregoing document(s) described as:

8 **JOINT STIPULATION AND [PROPOSED] ORDER TO STAY CASE**

9 on the interested parties in this action by placing
10 [] the original
11 [X] a true and correct copy
12 thereof by the following means, addressed as follows:

13 Robert J. Nelson
14 rmelson@lchb.com
15 Caitlin M. Nelson
16 cnelson@lchb.com
17 Lieff Cabraser Heimann & Bernstein, LLP
18 275 Battery Street, 29th Floor
19 San Francisco, CA 94111-3339
20 Tel.: (415) 956-1000
21 *Attorneys for Plaintiffs.*

22 X **(BY MAIL)** As follows: I am "readily familiar" with the firm's practice of collection and
23 processing correspondence for mailing. Under the practice it would be deposited with the
24 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
25 California, in the ordinary course of business. I am aware that on motion of the party
26 served, service is presumed invalid if postal cancellation date is more than one day after
27 date of deposit for mailing an affidavit.

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

Executed on August 4, 2021, at Long Beach, California.

24 
25 Laura Palmerin