

B-1 FOX

1 Robert J. Nelson (State Bar No. 2999217)
2 Caitlin M. Nelson (State Bar No. 335601)
3 Loeff Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
4 San Francisco, CA 94111-3339
Telephone: 415.956.1000
5 Facsimile: 415.956.1008
rnelson@lchb.com
cnelson@lchb.com

6 *Attorneys for Plaintiffs*

Jonathan Lowy (~~FILED~~ Vice pending)
Christa Nicols (~~Superior Court of California,~~
Brady: United Against Gun Violence
840 First Street, NE Suite 400
Washington, DC 20002
Telephone: 202-370-8100
Facsimile: 202-898-8100
jlowy@bradyunited.org
cnicols@bradyunited.org
Deputy
Case Number:

Attorneys for Plaintiffs **34-2021-00302934**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

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

14 Plaintiffs,

15 v.

16 GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET;
17 BLACKHAWK MANUFACTURING
GROUP INC., d/b/a
18 80PERCENTARMS.COM;
19 RYAN BEEZLEY and BOB BEEZLEY,
d/b/a RBTACTICALTOOLING.COM;
20
21 GHOST AMERICA LLC, d/b/a
GHOSTGUNS.COM;
22 GHOST FIREARMS LLC, d/b/a GRID
DEFENSE and GHOSTRIFLES.COM;
23
24 JUGGERNAUT TACTICAL INC., d/b/a
JTACTICAL.COM;
25 MFY TECHNICAL SOLUTIONS LLC,
d/b/a 5DTACTICAL.COM;
26
27 TACTICAL GEAR HEADS LLC, d/b/a
80-LOWER.COM; AR-
15LOWERRECEIVERS.COM; and
28 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 I. 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.

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**
21 **Federal Firearms Laws.**

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

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

27 46. Only FFLs may legally engage in the business of selling firearms. Felons,
28 domestic abusers, the dangerously mentally ill, and certain other categories of people deemed to
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.

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

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

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

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

10 105. Such safety precautions would include, but are not limited to: carefully learning
11 and continually checking relevant state and federal firearms laws regarding assault weapons;
12 never shipping to states where the possession of an AR-15 style weapon created from one of
13 DEFENDANTS’ kits and/or firearms parts would be deemed illegal; and blocking Internet users
14 whose IP addresses indicate that they are located in such states. Additionally, a responsible seller
15 of such products would take steps to verify that only individuals legally permitted to possess
16 firearms and not displaying signs of significant psychological disturbance were buying its
17 products, such as by requiring all transactions to go through a FFL in the buyer’s home state.

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

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

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

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

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;

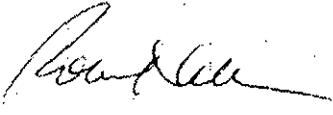
20 10. For attorney’s fees and costs of this suit pursuant to Cal. Code of Civil Procedure
21 § 1021.5; and

22 11. For such other and further relief as this Court deems equitable or appropriate.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 17, 2021

Respectfully submitted,



Robert J. Nelson (State Bar No. 132797)
Caitlin M. Nelson (State Bar No. 335601)
Lief Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415.956.1000
Facsimile: 415.956.1008
rnelson@lchb.com
cnelson@lchb.com

Attorneys for Plaintiffs

/s/ Jonathan Lowy
Jonathan Lowy (*pro hac vice* pending)
Christa Nicols (*pro hac vice* pending)
Brady: United Against Gun Violence
840 First Street, NE Suite 400
Washington, DC 20002
Telephone: 202-370-8100
Facsimile: 202-898-8100
jlowy@bradyunited.org
cnicols@bradyunited.org

Attorneys for Plaintiffs