

1 GERMAIN D. LABAT (SBN 203907)
germain.labat@gmlaw.com
2 PUNEET BHULLAR (SBN 329733)
puneet.bhullar@gmlaw.com
3 GREENSPOON MARDER LLP
4 1875 Century Park East, Suite 1900
Los Angeles, California 90067
5 Telephone: (323) 880-4520
Facsimile: (954) 771-9264

6 JAMES J. McGUIRE (New York SBN 2106664)
7 (Admitted Pro Hac Vice)
james.mcguire@gmlaw.com
8 MICHAEL MARRON (New York SBN 5146352)
9 (Pro Hac Vice Application Forthcoming)
michael.marron@gmlaw.com
10 GREENSPOON MARDER LLP
590 Madison Avenue, Suite 1800
11 New York, New York 10022
12 Telephone: (212) 524-5040
Facsimile: (212) 524-5050

13 Counsel to Defendant
14 Polymer80, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF ORANGE**

17 FRANCISCO GUDINO CARDENAS, an
individual; and
18 TROY MCFADYEN, in his Individual Capacity,
and as Heir at Law and Successor in Interest to
19 MICHELLE MCFADYEN, Deceased, ET AL.

20 Plaintiffs,

21 vs.

22 GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; DEFENSE
23 DISTRIBUTED d/b/a GHOSTGUNNER.NET;
24 CODY WILSON d/b/a GHOSTGUNNER.NET;
BLACKHAWK MANUFACTURING GROUP
25 INC., d/b/a 80PERCENTARMS.COM; RYAN
BEEZLEY and BOB BEEZLEY d/b/a
26 RBTACTICALTOOLING.COM; GHOST
AMERICA LLC, d/b/a GHOSTGUNS.COM;
27 GHOST GUNS LLC, d/b/a GRID DEFENSE and
GHOSTRIFLES.COM; JUDGGERNAUT
28 TACTICAL INC. d/b/a JTACTICAL.COM; MFY
TECHNICAL SOLUTIONS LLC, d/b/a

Case No. JCCP 5167

**[Coordinated Cases CIVDS 1935422, date
filed 11/14/2019, and 30-2019-01111797-
CU-PO-CJC, date filed 11/14/2019]**

*[Assigned for all purposes to Honorable
William Cluster, Department CX 104]*

Filing Date: March 22, 2021
Trial Date: Not Yet Set

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEMURRER**

Reservation ID: 73662206 (provided by
Clerk)
Date: May 6, 2022
Time: 9:00 am
Dept: CX104
Honorable William Cluster

1 5DTACTICAL.COM; TACTICAL GEAR
HEADS LLC, d/b/a 80-LOWER.COM; AR-
2 15LOWERRECEIVERS.COM and
80LOWERJIG.COM; JAMES TROMBLEE, JR.,
3 d/b/a USPATRIOTARMORY.COM; INDUSTRY
ARMAMENT INC., d/b/a
4 AMERICANWEAPONSCOMPONENTS.COM;
THUNDER GUNS LLC, d/b/a
5 THUNDERTACTICAL.COM; POLYMER80,
INC.; and DOES 2 through 100, inclusive,

6
7 Defendants.
8

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Defendant Polymer80, Inc. ("Polymer80"), through its attorneys of record, requests that the
2 Court take judicial notice pursuant to Evidence Code § 452 (d) of the following documents:

3 1. March 20, 2017 Federal Firearms License for Polymer80 from the U.S. Department of
4 Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives, annexed hereto as Exhibit A.

5 2. August 14, 2019 Federal Firearms License for Polymer80 from the U.S. Department of
6 Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives, annexed hereto as Exhibit B.

7
8 Dated: January 24, 2022

GREENSPOON MARDER LLP

9
10 

11
12 By: _____

13 James J. McGuire
14 *Counsel to Defendant Polymer80, Inc.*

EXHIBIT A

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 478.51.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF ATF - Chief, FFLC
Correspondence To 244 Needy Road
 Martinsburg, WV 25405-9431

License Number
9-88-019-07-9J-04702

Chief, Federal Firearms Licensing Center (FFLC)
Tracy Robertson

Expiration Date
September 1, 2019

Name
P80 TACTICAL P80

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)

**134 LAKES BLVD
DAYTON, NV 89403-**

Type of License
07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Purchasing Certification Statement

Mailing Address (Changes? Notify the FFLC of any changes.)

The licensee named above shall use a copy of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. **The signature on each copy must be an original signature.** A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."

POLYMER80 INC
P80 TACTICAL P80
3233 SEMINOLE CIR
FAIRFIELD, CA 94534-

David Borges
Licensee/Responsible Person Signature
David Borges
Printed Name

CEO
Position/Title
3/20/2017
Date

ATF Form 8 (5310.11)
Revised October 2011

Previous Edition is Obsolete POLYMER80 INC:134 LAKES BLVD:89403:9-88-019-07-9J-04702:September 1, 2019:07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Federal Firearms License (FFL) Customer Service Information

Federal Firearms Licensing Center (FFLC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (866) 662-2750
Toll-free Fax Number: (866) 257-2749
E-mail: NLC@atf.gov

ATF Homepage: www.atf.gov
FFL eZ Check: www.atfonline.gov/fflezcheck

Change of Address (27 CFR 478.52). Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, Federal Firearms Licensing Center. The application must be executed under the penalties of perjury and penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the licensee's original license. The license will be valid for the remainder of the term of the original license. **(The Chief, FFLC, shall, if the applicant is not qualified, refer the application for amended license to the Director of Industry Operations for denial in accordance with § 478.71.)**

Right of Succession (27 CFR 478.56). (a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Chief, FFLC, within 30 days from the date on which the successor begins to carry on the business.

(Continued on reverse side)

Cut Here ✂

Federal Firearms License (FFL) Information Card

License Name: **POLYMER80 INC**
Business Name: **P80 TACTICAL P80**
License Number: **9-88-019-07-9J-04702**
License Type: **07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES**
Expiration: **September 1, 2019**

Please Note: Not Valid for the Sale or Other Disposition of Firearms.

FFL Newsletter - Electronic Version Available

Sign-Up Today!

FFLs interested in receiving the electronic version of the FFL Newsletter, along with occasional additional information, should submit name, FFL number, and e-mail address to: FIPB@atf.gov.

The electronic FFL Newsletter will enable ATF to communicate information to licensees on a periodic basis.

EXHIBIT B



In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 478), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 478.51.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FFLC 244 Needy Road Martinsburg, WV 25405-9431	License Number	9-88-019-07-2J-04702
Chief, Federal Firearms Licensing Center (FFLC)		Expiration Date	September 1, 2022
Name	P80 TACTICAL P80		

Premises Address (Changes? Notify the FFLC at least 30 days before the move.)
**134 LAKES BLVD
DAYTON, NV 89403-**

Type of License
07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES

Purchasing Certification Statement The licensee named above shall use a copy of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided by 27 CFR Part 478. <u>The signature on each copy must be an original signature.</u> A faxed, scanned or e-mailed copy of the license with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Firearms Licensee (FFL) or a responsible person of the FFL. I certify that this is a true copy of a license issued to the licensee named above to engage in the business specified above under "Type of License."	Mailing Address (Changes? Notify the FFLC of any changes.) POLYMER80 INC P80 TACTICAL P80 24354 CIBOLO VW SAN ANTONIO, TX 78266-
 Licensee Responsible Person Signature	CEO Position/Title
David Borges Printed Name	8/14/2019 Date

Previous Edition is Obsolete POLYMER80 INC:134 LAKES BLVD:89403:9-88-019-07-2J-04702:September 1, 2022:07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES ATF Form 8 (5310.11) Revised October 2011

Federal Firearms License (FFL) Customer Service Information

Federal Firearms Licensing Center (FFLC) 244 Needy Road Martinsburg, WV 25405-9431	Toll-free Telephone Number: (866) 662-2750 Toll-free Fax Number: (866) 257-2749 E-mail: NLC@atf.gov	ATF Homepage: www.atf.gov FFL eZ Check: www.atfonline.gov/flezccheck
--	---	---

Change of Address (27 CFR 478.52). Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity by filing an Application for an Amended Federal Firearms License, ATF Form 5300.38, in duplicate, not less than 30 days prior to such removal with the Chief, Federal Firearms Licensing Center. The application must be executed under the penalties of perjury and penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the licensee's original license. The license will be valid for the remainder of the term of the original license. **(The Chief, FFLC, shall, if the applicant is not qualified, refer the application for amended license to the Director of Industry Operations for denial in accordance with § 478.71.)**

Right of Succession (27 CFR 478.56). (a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Chief, FFLC, within 30 days from the date on which the successor begins to carry on the business.

(Continued on reverse side)

Cut Here ✂

Federal Firearms License (FFL) Information Card

License Name: **POLYMER80 INC**

Business Name: **P80 TACTICAL P80**

License Number: **9-88-019-07-2J-04702**

License Type: **07-MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES**

Expiration: **September 1, 2022**

Please Note: Not Valid for the Sale or Other Disposition of Firearms.

FFL Newsletter - Electronic Version Available

Sign-Up Today!

FFLs interested in receiving the electronic version of the FFL Newsletter, along with occasional additional information, should submit name, FFL number, and e-mail address to: FIPB@atf.gov.

The electronic FFL Newsletter will enable ATF to communicate information to licensees on a periodic basis.

WARNINGS

1. The license is NOT a permit to carry a concealed weapon. Under 27 CFR 478.58 (State or Other Law), a license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.
2. **This license is not transferable under 27 CFR 478.51.**
3. As provided in 18 U.S.C. § 922(g), it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year; who is a fugitive from justice; who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); who has been adjudicated as a mental defective or who has been committed to a mental institution; who, being an alien, is illegally or unlawfully in the United States or, except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))); who has been discharged from the Armed Forces under dishonorable conditions; who, having been a citizen of the United States, has renounced his citizenship; who is subject to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such a person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. Except as provided in 18 U.S.C. § 925, such persons are prohibited from engaging in the business otherwise authorized by this license.
4. **Alteration or Changes to the License. Alterations or changes in the original license or in duplications thereof violates 18 U.S.C. 1001, an offense punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000.**

NOTICES

1. Any change in trade name or control of this business MUST be reported within 30 days of the change to the Chief, Federal Firearms Licensing Center (FFLC), 244 Needy Road, Martinsburg, WV 25405-9431. (27 CFR 478.53-478.54). A licensee who reports a Change of Control must, upon expiration of the license, file an ATF Form 7 as required by 27 CFR 478.44.
2. Under § 478.45, Renewal of License, if a licensee intends to continue the business or activity described on a license issued under this part during any portion of the ensuing year, the licensee shall, unless otherwise notified in writing by the Chief, FFLC, execute and file with ATF prior to the expiration of the license an application for a license renewal, ATF Form 8 Part II, in accordance with the instructions on the form, and the required fee. In the event the licensee does not timely file an ATF Form 8 Part II, the licensee must file an ATF Form 7 as required by § 478.44, and obtain the required license before continuing business. A renewal application will automatically be mailed by ATF to the "mailing address" on the license approximately 60 days prior to the expiration date of the license. If the application is not received 30 days prior to the expiration date, the licensee should contact the FFLC.
3. This license is conditional upon compliance by you with the Clean Water Act (33 U.S.C. 1341(a)).
4. THIS LICENSE MUST BE POSTED AND KEPT AVAILABLE FOR INSPECTION (27 CFR 478.91).

ATF Form 8 (5310.11)
Revised October 2011

Federal Firearms License (FFL) Customer Service Information

(Continued from front)

Discontinuance of Business (27 CFR 478.127). Where a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor, or may be, within 30 days following business discontinuance, delivered to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located. Where discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located.

FBI NICS - National Instant Criminal Background Check System (NICS) Information. If you live in a State where the FBI will do any of the required firearms sale, delivery, or transfer checks, you must be enrolled to access the FBI's NICS Operation Center. For additional FFL enrollment information 1-877-324-NICS.

✂ Cut Here

FFL eZ Check

Bureau of Alcohol, Tobacco, Firearms and Explosives
<https://www.atfonline.gov/fflezcheck>

The purpose of this program is to allow an FFL or other user to verify that a Federal Firearms License (FFL) is valid. FFL eZ Check does not validate Type 03 (Collectors of Curios and Relics) and Type 06 (Manufacturer of Ammunition) licenses.

Toll-Free Number: 1-877-560-2435

Federal Firearms Licensing Center (FFLC) Toll-free number: (866) 662-2750
244 Needy Road Fax number: (866) 257-2749
Martinsburg, WV 25405-9431 E-mail: NLC@atf.gov

FFL eZ Check
<https://www.atfonline.gov/fflezcheck>

ATF Hotline Numbers
Arson Hotline: 1-888-ATF-FIRE (1-888-283-3473)
Bomb Hotline: 1-888-ATF-BOMB (1-888-283-2662)
Report Illegal Firearms Activity: 1-800-ATF-GUNS (1-800-283-4867)
Firearms Theft Hotline: 1-888-930-9275
Report Stolen, Hijacked or Seized Cigarettes: 1-800-659-6242
Other Criminal Activity: 1-888-ATF-TIPS (1-888-283-8477)