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DISTRICT COURT  
CLARK COUNTY, NEVADA

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2  
3 DION GREEN, as Personal Representative of  
the ESTATE OF DERRICK FUDGE, deceased;

CASE NO. A-21-838762-C

4 DION GREEN, individually, and as surviving  
5 child of DERRICK FUDGE, deceased;

DEPT. NO. 32

6 LASANDRA JAMES, as Guardian of  
7 HANNAH OGLESBY, surviving minor child of  
8 LOIS OGLESBY, deceased;

**AMENDED  
COMPLAINT**

9 LASANDRA JAMES, as Guardian of REIGN  
10 LEE, surviving minor child of LOIS  
OGLESBY, deceased;

11 DANITA TURNER, as Personal  
12 Representative of the ESTATE OF LOGAN M.  
TURNER, deceased;

13 DANITA TURNER, as surviving parent of  
14 LOGAN TURNER, deceased;

15 MICHAEL TURNER, as surviving parent of  
16 LOGAN TURNER, deceased;

17 NADINE WARREN, as Personal  
18 Representative of the ESTATE OF BEATRICE  
NICOLE WARREN-CURTIS, deceased

19 NADINE WARREN, as surviving parent of  
20 BEATRICE NICOLE WARREN-CURTIS,  
21 deceased;

22 RONALD PHILIP CUMER, as Personal  
23 Representative of the ESTATE OF  
NICHOLAS P. CUMER, deceased;

24 RONALD PHILIP CUMER, as surviving  
25 parent of NICHOLAS CUMER, deceased; and  
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1 VICKY CUMER, as surviving parent of  
2 NICHOLAS CUMER, deceased;

3 Plaintiffs,

4 v.

5 KYUNG CHANG INDUSTRY USA, INC. d/b/a  
6 KCI USA, a Nevada corporation;  
7 KYUNGCHANG INDUSTRY CO., LTD., a  
8 foreign limited liability company; DOES I  
through X, inclusive; and ROE BUSINESS  
ENTITIES XI through XX, inclusive,

9 Defendants.

10 Plaintiffs, DION GREEN, as Personal Representative of the ESTATE OF  
11 DERRICK FUDGE, deceased; DION GREEN, individually, and as surviving child of  
12 DERRICK FUDGE, deceased; LASANDRA JAMES, as Guardian of HANNAH  
13 OGLESBY, surviving minor child of LOIS OGLESBY, deceased; LASANDRA  
14 JAMES, as Guardian of REIGN LEE, surviving minor child of LOIS OGLESBY,  
15 deceased; DANITA TURNER, as Personal Representative of the ESTATE OF  
16 LOGAN M. TURNER, deceased; DANITA TURNER, as surviving parent of LOGAN  
17 TURNER, deceased; MICHAEL TURNER, as surviving parent of LOGAN  
18 TURNER, deceased; NADINE WARREN, as Personal Representative of the  
19 ESTATE OF BEATRICE NICOLE WARREN-CURTIS, deceased; NADINE  
20 WARREN, as surviving parent of BEATRICE NICOLE WARREN-CURTIS,  
21 deceased, RONALD PHILIP CUMER, as Personal Representative of the ESTATE  
22 OF NICHOLAS P. CUMER, deceased; RONALD PHILIP CUMER, as surviving  
23 parent of NICHOLAS CUMER, deceased; VICKY CUMER, as surviving parent of  
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1 NICHOLAS CUMER, deceased; (collectively “Plaintiffs”) by and through their  
2 attorneys of record CLAGGETT & SYKES LAW FIRM, BRADY, COOPER &  
3 ELLIOTT, LLC, and, SLOAN, HATCHER, PERRY, RUNGE, ROBERTSON,  
4 SMITH & JONES for their causes of action against Defendants KYUNG CHANG  
5 INDUSTRY USA, INC. d/b/a KCI USA, a Nevada corporation; KYUNGCHANG  
6 INDUSTRY CO., LTD., a foreign limited liability company; DOES I through X,  
7 inclusive; and, ROE BUSINESS ENTITIES XI through XX, INCLUSIVE  
8 (collectively “Defendants”), and each of them alleges and complains as follows:  
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10  
11 **INTRODUCTION**

12 1. “No honest man needs more than 10 rounds,” said famed firearms  
13 manufacturer and designer William B. Ruger, Sr., over twenty years ago.

14 2. Ruger also stated, “I never intended for simple civilians to have my 20-  
15 or 30-round magazines . . . .”

16 3. A magazine is the accessory used to store and feed ammunition in  
17 semiautomatic and automatic guns. Rounds, or cartridges, are ammunition—what  
18 contains the bullet that is fired from the gun. The large capacity ammunition  
19 magazines (“LCMs”) that Mr. Ruger found unfit for “honest” civilians enable many  
20 rounds to be fired from semi-automatic guns without reloading.

21 4. LCMs are not necessary for lawful self-defense or hunting. They are  
22 necessary for killing large numbers of people quickly, before the user can be stopped.

23 5. While soldiers in war may need to shoot many people quickly in battle,  
24 civilians need LCMs only to engage in mass assaults on other civilians or law  
25 enforcement—that is, mass shootings.

26 6. This case is about what happens when companies recklessly market and  
27 sell these instruments of mass slaughter to the general public, indiscriminately, and

1 without reasonable practices. And not just the 20 or 30 round magazines that Mr.  
2 Ruger found unacceptable for civilians, but magazines with three to five times that  
3 capacity that enable the firing of 100 rounds without reloading.

4 7. While some debate the exact number of rounds beyond which a LCM  
5 becomes an unreasonably dangerous and unnecessary firearms accessory that poses  
6 an unacceptable risk to public safety, an LCM containing *100 rounds* falls squarely  
7 over the threshold of unreasonableness.

8 8. A 100-round LCM's meaningful utility is solely limited to military  
9 assaults or their civilian equivalent—mass shootings.

10 9. A 100-round LCM has no or negligible uses for law-abiding people  
11 employing firearms for legitimate purposes such as self-defense or hunting.

12 10. Defendants knew that LCMs have been used repeatedly to slaughter  
13 and terrorize Americans in a string of horrific mass shootings. They knew that mass  
14 killers are attracted to LCMs, because they desire them for maximum killing. They  
15 knew that the online market was particularly attractive for some killers and their  
16 suppliers.

17 11. Knowing this, Defendants deliberately marketed and sold to the  
18 general public LCMs—not just any LCMs, but 100-round magazines that have 3-5  
19 times the killing capacity of already dangerous 20- or 30-round magazines. And  
20 they sold these instruments of slaughter without any reasonable safeguards,  
21 screening, or limits. They even directed customers to the anything-goes Internet  
22 marketplace, where many criminals flock because of its secrecy and lack of rules.

23 12. Defendants' reckless actions directly and foreseeably channeled a 100-  
24 round double-drum magazine (the "Magazine") into the hands of a mass shooter (the  
25 "Shooter").<sup>1</sup> The Shooter did exactly what Defendants knew or should have known

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26 <sup>1</sup> This complaint refers to this individual in generic terms so as to avoid giving notoriety to  
27 criminals.

1 one of its customers would do with their instrument of mass slaughter: he obtained  
2 Defendants' 100-round magazine from an online vendor identified on KCI USA's  
3 website; he then combined the Magazine with an AR-15 style firearm (the "Firearm")  
4 to perpetrate a mass shooting, transforming a popular, commercial district into a war  
5 zone. This shooting—a week after an LCM mass shooting at the Gilroy, California  
6 Garlic festival (in which 14 people were shot, 3 fatally), 13 hours after an LCM mass  
7 shooting at an El Paso Wal-Mart (in which 46 people were shot, 23 fatally)—occured  
8 in Dayton, Ohio on August 4, 2019 (the "Attack").

9 13. This is the Magazine, recovered by police after the Attack:



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23 14. Defendants' Magazine enabled the Shooter to fire 41 rounds in  
24 approximately 32 seconds.

25 15. 26 people were shot with rounds expended from the Magazine during  
26 the Attack, and 9 perished.

1           16.    The victims included Plaintiffs' family members and loved ones Derrick  
2 Fudge, Lois Oglesby, Logan Turner, Nicole Warren-Curtis, and Nicholas Cumer.

3           17.    Dion Green is the only son of Derrick Fudge, who was killed in the  
4 Attack. Derrick was 57 years old. Derrick was not just Dion's father, but one of his  
5 best friends. Dion was out with his father on August 4. When the shooting began,  
6 Derrick was standing in front of his son, and took the gunfire. Dion realized his father  
7 was shot and held him. Dion just wanted to tell his dad that he loved him. Dion's  
8 father died in his arms.

9           18.    LaSandra James is the mother of Lois Oglesby. Lois was 27 when she  
10 was killed in the Attack. Lois left a 7-year-old daughter and a 2-month-old daughter.  
11 Right after Lois was shot, she called her children's father and said, "Babe, I just got  
12 shot in my head. I need to get to my kids." LaSandra has taken in both girls. She is  
13 now their legal guardian and is raising them.

14           19.    Danita Turner and Michael Turner are the mother and father of Logan  
15 Turner. Logan turned 30 years old a few days before he was killed in the Attack.  
16 Logan was an only child and only grandchild. He worked as a machinist and a server,  
17 and was in school to advance his career. Just before he died, Logan had bought his  
18 first house and a dream car.

19           20.    Nadine Warren is the mother of Beatrice Nicole Warren-Curtis. Nikki,  
20 as many friends called her, was 36 when she was killed in the Attack. She worked at  
21 an insurance company. On August 4 she was enjoying a night out with her friend and  
22 co-worker, Monica Brickhouse, who was also killed in the Attack.

23           21.    Ronald Cumer and Vicky Cumer are the father and mother of Nicholas  
24 Cumer, their only child. Nicholas was 25 years old when he was killed in the Attack.  
25 Nicholas wanted to dedicate his life to serving cancer patients. He had recently  
26 accepted an offer from Dayton-based Maple Tree Cancer Alliance to run their new  
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1 office in Pennsylvania, and on August 4 he and his colleagues were out celebrating.  
2 Nicholas courageously gave his life shielding two coworkers during the Attack.

3         22. These cursory summaries of the loved ones who the Plaintiffs lost do not  
4 attempt to capture the people they were, the futures taken away from them, or how  
5 Plaintiffs have been damaged by their losses. Those that survive will live with the  
6 loss and their own injuries for the rest of their lives.

7         23. Upon information and belief, Defendants continue to market and sell  
8 their 100-round LCMs today as they did to supply the Shooter.

9         24. This shooting would not have been possible without Defendants' 100-  
10 round LCM, or Defendants' reckless sales and marketing practices.

11         25. The Shooter needed Defendants' instrument of slaughter to accomplish  
12 his mission—to kill and terrorize many people quickly.

13         26. Defendants needed the Shooter to accomplish their mission—to make as  
14 much money as possible.

15         27. Defendants provided this instrument of slaughter to the general public,  
16 and sold it in a way that made it easy for the Shooter to obtain it.

17         28. Upon information and belief, the Defendants have not changed their  
18 reckless and unreasonable practices relating to 100-round LCMs in any way since the  
19 Attack.

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1           29. Defendants continue to market, distribute, and/or sell similar 100-round  
2 LCMs. For example, just two weeks ago, KCI USA posted this picture on its website  
3 and social media, with the caption “keeping it 100”:



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21           30. Plaintiffs are entitled to damages for the harm foreseeably flowing from  
22 the Defendants’ reckless conduct in relation to the Magazine, as well as to injunctive  
23 relief to abate the ongoing nuisance created by Defendants’ continuing conduct with  
24 regards to similar 100-round LCMs.

25           31. This lawsuit does not in any way challenge the right of law-abiding  
26 citizens to bear arms.



1           37.   MICHAEL TURNER (hereinafter “Mr. Turner”) was at all times  
2 relevant a resident of Hamilton County, Tennessee. Mr. Turner is the father of  
3 Logan Turner and an heir to the Estate of Logan M. Turner. Logan Turner was at  
4 all times relevant to this litigation a resident of Montgomery County, Ohio.

5           38.   NADINE WARREN (hereinafter “Ms. Warren”) was at all times  
6 relevant a resident of Carrollton, Isle of Wight County, Virginia. Ms. Warren is the  
7 mother of Beatrice Nicole Warren-Curtis and an heir to the Estate of Beatrice  
8 Nicole Warren-Curtis. Beatrice Nicole Warren-Curtis was at all times relevant to  
9 this litigation a resident of Carrollton, Isle of Wight County, Virginia. Ms. Warren is  
10 the Administrator and Personal Representative of Beatrice Nicole Warren-Curtis’s  
11 Estate.

12           39.   RONALD PHILIP CUMER (hereinafter “Mr. Cumer”) was at all times  
13 relevant a resident of Washington County, Pennsylvania. Mr. Cumer is the father of  
14 Nicholas Cumer and an heir to the Estate of Nicholas P. Cumer. Nicholas Cumer  
15 was at all times relevant to this litigation a resident of Washington County,  
16 Pennsylvania. Mr. Cumer is the Administrator and Personal Representative of  
17 Nicholas P. Cumer’s Estate.

18           40.   VICKY CUMER (hereinafter “Mrs. Cumer”) was at all times relevant a  
19 resident of Washington County, Pennsylvania. Mrs. Cumer is the mother of  
20 Nicholas Cumer and an heir to the Estate of Nicholas P. Cumer. Nicholas Cumer  
21 was at all times relevant to this litigation a resident of Washington County,  
22 Pennsylvania.

23           41.   Plaintiffs are informed and believe and thereon allege that, at all times  
24 relevant herein, Defendant KYUNG CHANG INDUSTRY USA, INC. d/b/a KCI  
25 USA (“KCI USA”) was and is a Nevada corporation formed and existing under the  
26 laws of the State of Nevada and doing business in Clark County, Nevada, with its  
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1 principal place of business at 180 Cassia Way, #509-510, Henderson, Nevada,  
2 89014.

3 42. KCI USA repeatedly identifies itself as the “ONLY legitimate  
4 manufacturer of KCI products” and states that it “specializ[es] in High Capacity  
5 drum magazines” like the Magazine.

6 43. Upon information and belief, KCI USA manufactured, imported,  
7 marketed, distributed, and/or sold the Magazine, either directly or through one or  
8 more intermediaries, to a member of the general public who was assisting the  
9 Shooter.

10 44. Plaintiffs are informed and believe and thereon allege that, at all times  
11 relevant herein, Defendant KYUNGCHANG INDUSTRY CO., LTD. (“KCI”) was  
12 and is the South Korean parent company of KCI USA.

13 45. Upon information and belief, KCI oversaw, directed, or otherwise  
14 participated in the manufacture, distribution, and/or sale of the Magazine in  
15 coordination with KCI USA.

16 46. The true names or capacities, whether corporate, associate, individual  
17 or otherwise, of Defendants and DOES I through X, inclusive, are unknown to  
18 Plaintiffs who, therefore, sue said Defendants by such fictitious names. Plaintiffs  
19 are informed and believe, and thereon allege, that each of the Defendants  
20 designated herein as DOE is legally responsible in some manner for the events and  
21 happenings herein referred to and proximately caused injury and damages thereby  
22 to Plaintiffs as hereinafter alleged. Plaintiffs will seek leave of the Court to amend  
23 this Complaint to insert the true names and capacities of DOES I through X when  
24 the same have been ascertained and to join such Defendants in this action.

25 47. The true names or capacities of Defendants, ROE BUSINESS  
26 ENTITIES XI through XX, inclusive, are unknown to Plaintiffs who, therefore, sue  
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1 said Defendants by such fictitious names. Defendants designated herein as ROE  
2 BUSINESS ENTITIES XI through XX, and each of them, are predecessors-in-  
3 interest, successors-in-interest, and/or agencies otherwise in a joint venture with,  
4 and/or serving as an alter ego of, any and/or all Defendants named herein; and/or  
5 are entities responsible for the supervision of the individually named Defendants at  
6 the time of the events and circumstances alleged herein; and/or are entities  
7 employed by and/or otherwise directing the individual Defendants in the scope and  
8 course of their responsibilities at the time of the events and circumstances alleged  
9 herein; and/or are entities otherwise contributing in any way to the acts complained  
10 of and the damages alleged to have been suffered by the Plaintiff herein. Plaintiffs  
11 are informed and, on that basis believe and thereon allege, that each of the  
12 Defendants designated as a ROE BUSINESS ENTITY is in some manner  
13 negligently, vicariously, and/or statutorily responsible for the events and  
14 happenings referred to and caused damages to Plaintiffs as herein alleged.  
15 Plaintiffs will seek leave of the Court to amend this Complaint to insert the true  
16 names of such Defendants when the same have been ascertained.

#### 17 **JURISDICTION & VENUE**

18 48. This Court has jurisdiction over this matter under NRS 14.065 as  
19 Defendant KCI USA is a Nevada corporation and this matter involves an amount in  
20 controversy in excess of \$15,000.00. Venue is proper pursuant to NRS 13.040, as  
21 Defendants, or any one of them, resided in Clark County, Nevada at the  
22 commencement of this action.

23 49. Upon information and belief, KCI USA manufactured the Magazine in  
24 Nevada, imported the Magazine into Nevada, distributed the Magazine from Nevada,  
25 and/or shipped the Magazine from Nevada to the third party assisting the Shooter  
26 (either directly or through intermediaries).





1 festival in Las Vegas, Nevada and killed 58 people while  
2 wounding hundreds.

3 f. On June 12, 2016, a shooter armed with multiple firearms—  
4 including an assault-style rifle—and multiple 30-round  
5 magazines attacked people at a nightclub in Orlando, Florida and  
6 killed 49 people while wounding 53 more.

7 g. On December 2, 2015, two shooters armed with multiple AR-15-  
8 style rifles and four 30-round magazines attacked people at a  
9 regional center in San Bernadino, California and killed 14 while  
10 injuring 21.

11 h. On June 7, 2013, a shooter armed with multiple firearms—  
12 including an AR-15-style rifle—and forty 30-round magazines  
13 attacked people at a college in Santa Monica and killed 5 people.

14 i. On December 14, 2012, a shooter armed with multiple firearms—  
15 including an AR-15-style rifle—and one or more 30-round  
16 magazines attacked people at an elementary school in Newtown,  
17 Connecticut and killed 26 people, including 20 children.

18 j. On July 20, 2012, a shooter armed with multiple firearms—  
19 including an AR-15-style rifle—and at least one 100-round and  
20 one 40-round magazine attacked people at a movie theater in  
21 Aurora, Colorado and killed 12 people while wounding 58.

22 k. On January 8, 2011, a shooter armed with a 33-round LCM  
23 attacked people at at then-Representative Gabby Giffords'  
24 constituent meeting in a Safeway parking lot, killing 6 people  
25 and wounding 13. A federal judge, John Roll, was one of those  
26 killed.

1           64.    There are many, many more examples of mass slaughters using LCMs  
2 in America. Most were well-publicized, so Defendants should be well aware of them.

3           65.    In addition to these specific, illustrative examples, a publicly available  
4 analysis released by Everytown for Gun Safety on March 22, 2019, surveyed mass  
5 shootings from 2009-2017 and found that 58% of mass shootings with known  
6 magazine capacity data involved firearms with LCMs.

7           66.    The reason why LCMs like the Magazine are disproportionately utilized  
8 by mass shooters is, in part, because the large volume of rounds minimizes the  
9 number of times a shooter must pause and reload.

10          67.    For example, in the shooting of Judge Roll, Gabby Giffords, and others,  
11 the shooter was stopped when—after 31 shots—his magazine ran out of ammunition  
12 and he needed to change magazines.

13          68.    If he had Defendants' LCM 100 round magazine, he could have kept  
14 shooting and inflicted triple the damage.

15          69.    The scarcity of reloading intervals decreases opportunities for victims to  
16 escape or fight back and makes it harder for law enforcement or others to intervene  
17 to stop the shooter.

18          70.    This helps explain why mass shootings involving LCMs, on average,  
19 result in over 2 times as many deaths and over 14 times as many injuries as mass  
20 shootings that do not involve LCMs.

21          71.    A 100-round magazine is an even more clearly and egregiously  
22 unnecessary and dangerous product than the smaller LCMs used in many of these  
23 mass shootings.

24          72.    Upon information and belief, because many mass shooters delusionally  
25 seek fame or glory by maximizing their number of victims, a lack of access to LCMs  
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1 which enable a high casualty count would cause many potential mass shooters to  
2 delay or cancel planned attacks.

3 73. Many mass shooters only launch military-style mass attack on civilians  
4 if they are first armed for “war”; instruments of mass slaughter like Defendants’ 100-  
5 round LCM embolden them as well as enable them. Without those instruments, many  
6 would not even initiate their attacks.

7 74. This would, in turn, provide crucial opportunities for law enforcement  
8 or others to intervene before these individuals commit any violent crimes—or would  
9 simply stop the shooters in their tracks.

10 75. Upon information and belief, this may well have happened to stop this  
11 Shooter, if Defendants had acted legally and responsibly.

12 76. While LCMs are necessary to effectively engage in mass slaughters, they  
13 are unnecessary for lawful self-defense or hunting.

14 77. This reality was recently illustrated by the evidence presented in two  
15 separate challenges to state LCM restrictions preceding the Attack.

16 78. Specifically in *Colorado Outfitters Ass’n*, the District Court of Colorado,  
17 in rejecting a Second Amendment challenge to Colorado’s LCM ban, observed that:

18 No evidence presented here suggests that the general  
19 ability of a person to defend him or herself is seriously  
20 diminished if magazines are limited to 15 rounds. Despite  
21 more than 40 years instructing individuals and law  
22 enforcement in defensive firearm use, the Plaintiffs’  
23 expert witness . . . identified only three anecdotal  
24 instances in which individuals engaging in defensive use  
25 of firearms fired more than 15 rounds.

26 24 F. Supp. 3d at 1069.

27 79. The court further underscored that “of the many law enforcement  
28 officials called to testify, none were able to identify a single instance in which they

1 were involved where a single civilian fired more than 15 shots in self-defense.” *Id.*  
2 at 1069-1070.

3 80. An expert report in that litigation noted that analyses of two sets of  
4 hundreds of self-defense uses of firearms had both found average number of shots  
5 fired in self-defense to be just over 2.

6 81. Similarly, in *Duncan v. Becerra*, 366 F. Supp. 3d 1131 (S.D. Cal. 2019),  
7 an expert review of 736 incidents of self-defense revealed that a defender had fired  
8 over 10 rounds exactly twice.

9 82. There have been no incidents of which Plaintiffs are aware in which a  
10 100-round LCM was needed—or even used—for lawful self-defense or protection.

11 83. A 100-round LCM is totally unnecessary for the lawful use of a firearm  
12 in self-defense.

13 84. LCMs like Defendants’ 100-round magazine are also counter-productive  
14 for self-defense, as they enable and can result in persons unnecessarily firing many  
15 more rounds than are needed, thus increasing the risk that those rounds go through  
16 walls, or hit bystanders in other locations.

17 85. Upon information and belief, a 100-round LCM is not only unnecessary  
18 but even counter-productive, for hunting game.

19 86. This is because firing scores of rounds at an animal target will effectively  
20 disintegrate the animal and make eating or mounting the animal carcass all but  
21 impossible.

22 87. Jim Webber, a Michigan gun owner, hunter, and sportsmen, stated in  
23 an op-ed that high capacity magazines (another term for LCMs) are “weapons of mass  
24 destruction” and advised that Michigan’s “magazine limits do not detract from either  
25 the hunting or recreational shooting experience and most likely enhance the  
26 sportsmanship and safety of both.”

1           88.    A 100-round LCM like the Magazine, when sold to civilians, has but one  
2 meaningful application: to facilitate unlawful, offensive military-style combat  
3 missions by allowing individuals like the Shooter to kill or maim large number of  
4 people in a short time period.

5           89.    Given this reality, Ohio gun owner, sportsman, and Case Western  
6 Reserve law professor Raymond Ku, while referencing the Attack, wrote that “no  
7 civilian has an immediate need for a 100-round magazine.”

8           90.    There is overwhelming consensus supported by clear data that a 100-  
9 round LCM like the Magazine is unreasonably dangerous to manufacture, distribute,  
10 and sell to the general civilian public.

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1           91. Defendants have marketed their LCMs in a way that encourages their  
2 deadly use. For example, on June 21, 2021, KCI USA posted this image to its social  
3 media and website:



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21           **B. DEFENDANTS ASSUMED A DUTY TO EXERCISE THE**  
22           **HIGHEST DEGREE OF REASONABLE CARE IN REGARDS TO**  
23           **FIREARMS ACCESSORIES.**

24           92. Defendants, when they chose to enter the business of manufacturing,  
25 distributing, and/or selling lethal firearms accessories, voluntarily assumed a duty to  
26 take every reasonable step to minimize the likelihood that products like the Magazine  
27 would be misused in an unlawful act of violence like the Attack.

1           93. This duty is multifaceted.

2           94. One key aspect of this duty was an obligation to never place a firearm  
3 accessory on the market whose benefits to lawful firearms owners were non-existent  
4 or negligible in comparison to the disproportionate threat posed to public safety.

5           95. Another key aspect of this duty involved a requirement to implement  
6 protocols or safeguards to prevent dangerous parties like the Shooter from acquiring  
7 dangerous products like the Magazine.

8           96. Another aspect of the duty was to follow all applicable laws, including  
9 not causing a public nuisance in violation of Nevada law.

10          97. Part of that duty required Defendants to learn about, pay attention to,  
11 and reasonably respond to the reality of what their LCMs were used for, and how  
12 those harms could be minimized or stopped through safer sales practices.

13          98. Defendants were obligated to continually monitor information from law  
14 enforcement, the media, and other sources about the misuse of LCMs in acts of gun  
15 violence and to reform their business practices whenever such information indicates  
16 that flaws in Defendants' business practices may help divert a dangerous product into  
17 the hands of a criminal actor.

18          99. Defendants were obligated to exercise oversight to verify that all retail  
19 sellers and downstream distributors of Defendants' products like the Magazine  
20 comply with safeguards to minimize the risk of criminal use and to terminate  
21 business relationships or otherwise discipline downstream actors who are not in  
22 compliance with said safeguards.

23          100. Defendants were obligated to implement reasonable safeguards,  
24 including supervising downstream retail sellers of their products.

25          101. Such safeguards include, but are not limited to, only providing 100-  
26 round LCMs like the Magazine (either directly or through other distributors  
27

1 following similar safeguards as those described herein) to retail sellers who commit  
2 to:

- 3 a. only supplying 100-round LCMs where they have reasonable  
4 grounds to believe the prospective purchaser has a legitimate  
5 intended use for the 100-round LCMs;
- 6 b. requiring all purchases of 100-round LCMs to be conducted in  
7 person;
- 8 c. conducting criminal history, substance abuse, and mental health  
9 background checks and/or screenings on all prospective  
10 purchasers of 100-round LCMs prior to selling any 100-round  
11 LCMs;
- 12 d. requiring all prospective purchasers of 100-round LCMs to certify  
13 that they are not disqualified from owning firearms under any  
14 provision of state and/or federal law; and
- 15 e. requiring all prospective purchasers to certify that they are the  
16 actual end user of the firearm accessory (rather than buying the  
17 firearm accessory on behalf of another).

18 **C. DEFENDANTS HAD ACTUAL OR CONSTRUCTIVE**  
19 **KNOWLEDGE, SINCE BEFORE 2019, THAT VIOLATING THEIR**  
20 **DUTY OF CARE WOULD LIKELY RESULT IN A MASS**  
21 **SHOOTING LIKE THE ATTACK.**

22 102. Upon information and belief, all the Defendants had actual or  
23 constructive knowledge that violations of their duty of care by manufacturing,  
24 distributing, and/or selling products like the Magazine without reasonable  
25 safeguards and/or in violation of one or more relevant laws would likely result in one  
26 or more of said products being used in one or more mass shootings like the Attack.  
27

1           103. The basis for this actual or constructive notice includes, but is not  
2 limited to, a lengthy string of widely-publicized mass shooting incidents throughout  
3 the United States in which shooters used LCMs to engage in mass slaughter, as well  
4 as other facts confirming that 100-round LCMs are useful and effective for mass  
5 shootings, but unnecessary and ineffective for lawful self-defense.

6           104. Further, Defendants are aware that many states have banned LCMs  
7 because of the unreasonable dangers they pose. For the same reason, law enforcement  
8 has long called for sales of LCMs to be banned for civilians, and those demands helped  
9 lead to a federal ban on manufacturing LCMs for civilians from 1994 to 2004.

10           **D. DEFENDANTS VIOLATED THEIR DUTY OF CARE IN WAYS**  
11           **WHICH DIRECTLY AND FORESEEABLY CHanneled THE**  
12           **MAGAZINE TO THE SHOOTER AND CAUSED PLAINTIFFS'**  
13           **HARM.**

14           105. Despite their actual or constructive knowledge that violation of one or  
15 more aspects of their duties of care would create a significant risk that a product like  
16 the Magazine would be used to perpetrate a mass shooting like the Attack,  
17 Defendants chose to violate one or more aspects of their duty of care in ways which  
18 directly and foreseeably led to the Attack.

19           106. First, Defendants unreasonably manufactured, distributed, and/or sold  
20 100-round LCMs with full awareness that 100-round LCMs have no or negligible  
21 utility for lawful uses of firearms but pose a tremendous risk to public safety because  
22 they are extremely effective and attractive for use in unlawful mass shootings.

23           107. Had Defendants not violated their duty of reasonable care by placing an  
24 unreasonably dangerous product on the civilian market, the Shooter would never  
25 have gained access to the Magazine.  
26  
27

1           108. Second, upon information and belief, none of the Defendants  
2 implemented any reasonable safeguards or protocols to screen out potentially  
3 dangerous purchasers (such as those described herein).

4           109. Upon information and belief, the Defendants did not, for example,  
5 exercise supervision over downstream distributors and/or retail sellers of their  
6 products to make sure they were appropriately seeking to screen out dangerous actors  
7 or straw purchasers.

8           110. Here, upon information and belief, the third party assisting the Shooter  
9 was able to acquire the Magazine from an online retailer named Gun Magazine  
10 Warehouse.

11           111. Defendants knew that criminals, including mass killers and their  
12 suppliers, are attracted to the Internet because of its anonymity and lack of  
13 regulation.

14           112. Defendants nonetheless allowed and continue to allow their LCMs to be  
15 sold online, without any safeguards, screening, or reasonable conditions.

16           113. KCI USA's website even specifically directs potential customers to this  
17 retailer as a purveyor of its products on its "Where to Buy" page.

18           114. Upon information and belief, Defendants provided the Magazine to Gun  
19 Magazine Warehouse either directly or through intermediaries, including the DOE  
20 and ROE Defendants.

21           115. Upon information and belief, Defendants did not require Gun Magazine  
22 Warehouse to comply with safeguards such as the background check, drug testing,  
23 and certification process for prospective purchasers described above and/or did not  
24 verify that any relevant DOE or ROE Defendants were only transferring 100-round  
25 LCMs to retailers who were, in fact, complying with such safeguards.

1           116. Had the Defendants complied with their duty of care by supervising  
2 their chains of distribution so as to require the retail sale of their products to be  
3 governed by reasonable procedures, the Shooter would, upon information and belief,  
4 not have had access to the Magazine because such safeguards would have blocked the  
5 third party assisting the Shooter from acquiring the Magazine.

6           117. Finally, had the Defendants similarly complied with applicable state  
7 and/or federal laws including, but not limited to, Nevada’s prohibition on the  
8 creation of public nuisances (NRS 202.450, 202.470) by acting responsibly in  
9 controlling their chains of distribution, the Shooter also would not have gained  
10 access to the Magazine. Defendants knowingly violated Nevada’s public nuisance  
11 law, and thereby caused the Attack.

12           118. It was eminently foreseeable—even inevitable—that Defendants’  
13 violations of their duty of care would lead to an incident like the Attack by arming  
14 one or more dangerous parties like the Shooter with a lethal tool especially well-  
15 suited to misuse in mass shootings.

16           119. This was because, *inter alia*, of a lengthy history of mass shootings  
17 involving LCMs—often smaller LCMs than a monstrous 100-round magazine—  
18 leading up to 2019.

19           120. This foreseeable harm is precisely what materialized.

20           121. Early on the morning of August 4, 2019, the Shooter, wielding the  
21 Firearm with Defendants’ 100-round Magazine attached, opened fire in a popular  
22 nightlife district in Dayton, Ohio.

23           122. Defendants’ LCM enabled the Shooter to transform the popular  
24 commercial district into a war zone, in seconds.

25           123. As a result of the massive capacity of the Magazine and the  
26 corresponding lack of a need to pause and reload, the Shooter was able to discharge  
27

1 41 rounds in approximately 32 seconds, before being killed by responding police  
2 officers.

3 124. The unceasing torrent of fire enabled by the Magazine did not provide  
4 the Shooter's victims with a meaningful chance to escape or fight back.

5 125. The Defendants' unlawful and reckless conduct in manufacturing,  
6 distributing, and/or selling the unreasonably dangerous Magazine directly and  
7 foreseeably led to 26 people being shot with bullets expended from the Magazine  
8 during the Attack, including 9 who suffered fatal wounds.

9 126. The Shooter could not have inflicted this damage without Defendants'  
10 100-round Magazine and their unlawful and reckless practices.

11 127. Upon information and belief, Defendants' 100-round Magazine  
12 emboldened the Shooter and enabled his attack; he would not launched this mass  
13 attack unless he was armed for "war."

14 128. Plaintiffs' family members and loved ones Derrick Fudge, Lois Oglesby,  
15 Logan Turner, and Nicole Warren-Curtis were among those injured or killed.

16 129. Plaintiffs are, thus, entitled to civil justice against the Defendants in  
17 terms of redress for the damages directly and proximately flowing from the  
18 Defendants' negligent business practices in manufacturing, distributing, and/or  
19 selling the Magazine.

20 130. Upon information and belief, the Defendants have also not changed  
21 their negligent practices in any manner since the Attack.

22 131. As a result, Plaintiffs are entitled to injunctive relief to abate the  
23 ongoing nuisance created by Defendants' misconduct with regards to 100-round  
24 LCMs.

**FIRST CAUSE OF ACTION**  
**(Negligence—All Defendants)**

DION GREEN, as Personal Representative of the ESTATE OF DERRICK FUDGE,  
deceased;

DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased;

132. Plaintiffs incorporate by reference all preceding paragraphs in this  
Complaint as if restated fully herein.

133. Plaintiff Dion Green brings this claim as personal representative of the  
Estate of Derrick Fudge pursuant to NRS 41.100.

134. All Defendants voluntarily assumed a multifaceted duty of care to only  
manufacture, distribute and/or sell firearms accessories in the safest possible manner  
so as to minimize the risk of misuse of their products in incidents like the Attack.

135. All Defendants violated one or more aspects of this duty by placing an  
unreasonably dangerous product on the market without sufficient safeguards to  
prevent its foreseeable misuse.

136. Upon information and belief, had the Defendants complied with their  
duty of care, the Shooter would not have had access to the Magazine.

137. Instead, upon information and belief, the Defendants' negligent conduct  
directly channeled the Magazine into the hands of the Shooter.

138. It was eminently foreseeable to all Defendants, well before the Attack,  
that provision of unreasonably dangerous LCMs like the Magazine to the general  
public without appropriate safeguards would likely result in such products being  
misused in incidents like the Attack.

139. This is precisely what occurred in this case.

140. Defendants' negligence is an actual and proximate or legal cause of  
Derrick's injuries. Derrick thereby experienced great pain, and anxiety to his body  
and mind. Derrick sustained injuries and damages in an amount in excess of Fifteen

1 Thousand Dollars (\$15,000.00), for which Dion Green, as Personal Representative of  
2 the Estate of Derrick Fudge, now seeks recovery pursuant to NRS 41.100.

3 141. As a further actual and proximate or legal result of Defendants'  
4 negligence, Derrick underwent medical treatment and incurred past medical and/or  
5 incidental expenses. The exact amount of such damages is unknown at this present  
6 time, but Derrick suffered special damages in excess of Fifteen Thousand Dollars  
7 (\$15,000.00). Dion Green, as the Personal Representative of the Estate of Derrick  
8 Fudge, seeks recovery of these damages pursuant to NRS 41.100.

9 142. Defendants' conduct was despicable and so contemptible that it would  
10 be looked down upon and despised by ordinary decent people and was carried on by  
11 Defendants with willful and conscious disregard for the safety of anyone in the  
12 community.

13 143. Defendants' outrageous and unconscionable conduct warrants an award  
14 of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
15 appropriate to punish and make an example of Defendants, and to deter similar  
16 conduct in the future. As Personal Representative of Derrick Fudge's Estate, Dion  
17 Green seeks exemplary and punitive damages pursuant to NRS 41.100.

18 144. To the extent NRS 42.007 is applicable to Defendants' conduct,  
19 Defendants are vicariously liable for punitive damages arising from the outrageous  
20 and unconscionable conduct of its employees, agents, and/or servants, as set forth  
21 herein.

22 145. The actions of Defendants have forced Plaintiffs to retain counsel to  
23 represent them in the prosecution of this action, and they are therefore entitled to an  
24 award of a reasonable amount as attorney's fees and costs of suit.

**SECOND CAUSE OF ACTION**  
**(Wrongful Death in re: Negligence—All Defendants)**

DION GREEN, as Personal Representative of the ESTATE OF DERRICK FUDGE,  
deceased;

DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased;

146. Plaintiffs incorporate by reference all preceding paragraphs in this complaint as if restated fully herein.

147. Plaintiff Dion Green is an heir of Derrick Fudge and the personal representative of Derrick's estate.

148. Plaintiff Dion Green brings this cause of action pursuant to NRS 41.085(4), as an heir of Derrick and pursuant to NRS 41.085(5) as the administrator of Derrick's estate. Green alleges that Defendants negligence is a legal and/or proximate cause of Derrick's death.

149. All Defendants voluntarily assumed a multifaceted duty of care to only manufacture, distribute and/or sell firearms accessories in the safest possible manner so as to minimize the risk of misuse of their products in incidents like the Attack.

150. All Defendants violated one or more aspects of this duty by placing an unreasonably dangerous product on the market without sufficient safeguards to prevent its foreseeable misuse.

151. Upon information and belief, had the Defendants complied with their duty of care, the Shooter would not have had access to the Magazine.

152. Instead, upon information and belief, the Defendants' negligent conduct directly channeled the Magazine into the hands of the Shooter.

153. It was eminently foreseeable to all Defendants, well before the Attack, that provision of unreasonably dangerous LCMs like the Magazine to the general

1 public without appropriate safeguards would likely result in such products being  
2 misused in incidents like the Attack.

3 154. This is precisely what occurred in this case.

4 155. Thus, Defendants' negligent and unlawful conduct directly and  
5 proximately caused Plaintiffs' harm.

6 156. Defendants' negligence and/or wrongful acts was the actual and  
7 proximate or legal cause of Derrick's injuries and death. Plaintiffs, and each of  
8 them, have sustained damages consisting of the loss of Derrick's love,  
9 companionship, comfort, affection, society, and moral support, and have suffered  
10 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). As Derrick's heirs, Plaintiffs, and each of them, seek these  
12 damages pursuant to NRS 41.085(4).

13 157. As a further actual and proximate or legal result of Defendants'  
14 negligence and/or wrongful acts, Derrick endured pain, suffering, and/or  
15 disfigurement. As Derrick's heirs, Plaintiffs, and each of them, seek general  
16 damages for Derrick's pain, suffering, and/or disfigurement pursuant to NRS  
17 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

18 158. As a further actual and proximate or legal result of Defendants'  
19 negligence and/or wrongful acts, Derrick's estate incurred special damages, to  
20 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
21 Thousand Dollars (\$15,000.00). As personal representative of Derrick's Estate,  
22 Plaintiff Dion Green seeks these special damages pursuant to NRS 41.085(5).

23 159. Defendants' conduct was despicable and so contemptible that it would  
24 be looked down upon and despised by ordinary decent people and was carried on by  
25 Defendants with willful and conscious disregard for the safety of anyone in the  
26 community.



1           166. Thus, all Defendants had actual or constructive knowledge that  
2 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
3 inherently, displaying a propensity to use this lethal product in a criminal act.

4           167. All Defendants had a duty not to entrust a lethal instrument to a party  
5 displaying indications he or she would misuse that instrument to harm himself or  
6 others—including by transferring the product to another malicious actor who would  
7 employ it in a violent act.

8           168. All Defendants breached this duty by providing the Magazine to the  
9 third party assisting the Shooter either directly or through one or more  
10 intermediaries.

11           169. As a direct and foreseeable consequence of Defendants’ negligent  
12 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
13 misuse it in the Attack.

14           170. Thus, Defendants’ negligent entrustment of the Magazine to the third  
15 party assisting the Shooter thus directly and proximately caused Plaintiffs’ harm.

16           171. Defendants’ negligence is an actual and proximate or legal cause of  
17 Derrick’s injuries. Derrick thereby experienced great pain, and anxiety to his body  
18 and mind. Derrick sustained injuries and damages in an amount in excess of  
19 Fifteen Thousand Dollars (\$15,000.00), for which Dion, as Personal Representative  
20 of the Estate of Derrick Fudge, now seeks recovery pursuant to NRS 41.100.

21           172. As a further actual and proximate or legal result of Defendants’  
22 negligence, Derrick underwent medical treatment and incurred past medical and/or  
23 incidental expenses. The exact amount of such damages is unknown at this present  
24 time, but Derrick suffered special damages in excess of Fifteen Thousand Dollars  
25 (\$15,000.00). Dion, as Personal Representative of the Estate of Derrick Fudge, seeks  
26 recovery of these damages pursuant to NRS 41.100.



1 of Derrick's estate. Green alleges that Defendants negligence is a legal and/or  
2 proximate cause of Derrick's death.

3 180. All Defendants had, at all relevant times, actual or constructive  
4 knowledge that LCMs like the Magazine have no or negligible application to lawful  
5 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
6 unlawful acts of violence like the Attack.

7 181. Thus, all Defendants had actual or constructive knowledge that  
8 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
9 inherently, displaying a propensity to use this lethal product in a criminal act.

10 182. All Defendants had a duty not to entrust a lethal instrument to a party  
11 displaying indications he or she would misuse that instrument to harm himself or  
12 others—including by transferring the product to another malicious actor who would  
13 employ it in a violent act.

14 183. All Defendants breached this duty by providing the Magazine to the  
15 third party assisting the Shooter either directly or through one or more  
16 intermediaries.

17 184. As a direct and foreseeable consequence of Defendants' negligent  
18 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
19 misuse it in the Attack.

20 185. Thus, Defendants' negligent entrustment of the Magazine to the third  
21 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

22 186. Defendants' negligence and/or wrongful acts was the actual and  
23 proximate or legal cause of Derrick's injuries and death. Plaintiffs, and each of  
24 them, have sustained damages consisting of the loss of Derrick's love,  
25 companionship, comfort, affection, society, and moral support, and have suffered  
26 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
27

1 Dollars (\$15,000.00). As Derrick's heirs, Plaintiffs, and each of them, seek these  
2 damages pursuant to NRS 41.085(4).

3 187. As a further actual and proximate or legal result of Defendants'  
4 negligence and/or wrongful acts, Derrick endured pain, suffering, and/or  
5 disfigurement. As Derrick's heirs, Plaintiffs, and each of them, seek general  
6 damages for Derrick's pain, suffering, and/or disfigurement pursuant to NRS  
7 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

8 188. As a further actual and proximate or legal result of Defendants'  
9 negligence and/or wrongful acts, Derrick's estate incurred special damages, to  
10 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
11 Thousand Dollars (\$15,000.00). As personal representative of Derrick's Estate,  
12 Plaintiff Dion Green seeks these special damages pursuant to NRS 41.085(5).

13 189. Defendants' conduct was despicable and so contemptible that it would  
14 be looked down upon and despised by ordinary decent people and was carried on by  
15 Defendants with willful and conscious disregard for the safety of anyone in the  
16 community.

17 190. Defendants' outrageous and unconscionable conduct warrants an  
18 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
19 appropriate to punish and make an example of Defendants, and to deter similar  
20 conduct in the future. As personal representative of Derrick's estate, Plaintiff Dion  
21 Green seeks exemplary and punitive damages pursuant to NRS 41.085(5).

22 191. To the extent NRS 42.007 is applicable to Defendants' conduct,  
23 Defendants are vicariously liable for punitive damages arising from the outrageous  
24 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
25 herein.



1           199. Plaintiffs are entitled to recover these damages in a claim sounding in  
2 public nuisance.

3           200. Defendants' nuisance and/or wrongful acts was the actual and  
4 proximate or legal cause of Derrick's injuries and death. Plaintiffs, and each of  
5 them, have sustained damages consisting of the loss of Derrick's love,  
6 companionship, comfort, affection, society, and moral support, and have suffered  
7 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
8 Dollars (\$15,000.00). As Derrick's heirs, Plaintiffs, and each of them, seek these  
9 damages pursuant to NRS 41.085(4).

10           201. As a further actual and proximate or legal result of Defendants'  
11 nuisance and/or wrongful acts, Derrick endured pain, suffering, and/or  
12 disfigurement. As Derrick's heirs, Plaintiffs, and each of them, seek general  
13 damages for Derrick's pain, suffering, and/or disfigurement pursuant to NRS  
14 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

15           202. As a further actual and proximate or legal result of Defendants'  
16 nuisance and/or wrongful acts, Derrick's estate incurred special damages, to  
17 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
18 Thousand Dollars (\$15,000.00). As personal representative of Derrick's Estate,  
19 Plaintiff Dion Green seeks these special damages pursuant to NRS 41.085(5) and  
20 NRS 41.100.

21           203. Defendants' conduct was despicable and so contemptible that it would  
22 be looked down upon and despised by ordinary decent people and was carried on by  
23 Defendants with willful and conscious disregard for the safety of anyone in the  
24 community.

25           204. Defendants' outrageous and unconscionable conduct warrants an  
26 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
27

1 appropriate to punish and make an example of Defendants, and to deter similar  
2 conduct in the future. As personal representative of Derrick’s estate, Plaintiff Dion  
3 Green seeks exemplary and punitive damages pursuant to NRS 41.085(5) and NRS  
4 41.100.

5 205. To the extent NRS 42.007 is applicable to Defendants’ conduct,  
6 Defendants are vicariously liable for punitive damages arising from the outrageous  
7 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
8 herein.

9 206. The actions of Defendants have forced Plaintiffs to retain counsel to  
10 represent them in the prosecution of this action, and they are therefore entitled to  
11 an award of a reasonable amount as attorney’s fees and costs of suit.

12 207. However, upon information and belief, Defendants have also not  
13 reformed their reckless practices in any way since the Attack.

14 208. As a result, Plaintiffs are also entitled to injunctive relief so as abate  
15 an ongoing public nuisance.

16 **SIXTH CAUSE OF ACTION**  
17 **(Wrongful Death in re: Public Nuisance—All Defendants)**

18 DION GREEN, as Personal Representative of the ESTATE OF DERRICK FUDGE,  
deceased;

19 DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased

20 209. Plaintiffs incorporate by reference all preceding paragraphs in this  
21 complaint as if restated fully herein.

22 210. Plaintiff Dion Green is an heir of Derrick Fudge and the personal  
23 representative of Derrick’s estate.

24 211. Plaintiff Dion Green brings this cause of action pursuant to NRS  
25 41.085(4), as an heir of Derrick and pursuant to NRS 41.085(5) as the administrator  
26  
27

1 of Derrick’s estate. Green alleges that Defendants negligence is a legal and/or  
2 proximate cause of Derrick’s death.

3 212. All Defendants were, at all times, subject to a general duty to refrain  
4 from unreasonable, unlawful and/or unsafe business practices that create a public  
5 nuisance.

6 213. In Nevada, a public nuisance is defined to include “every omission to  
7 perform a duty, which act or omission” which “[a]nnoys, injures or endangers the  
8 safety, health, comfort or repose of any considerable number of persons.” NRS  
9 202.450(a).

10 214. All Defendants, by failing to act in accordance with their duty of care,  
11 endangered the safety and health of individuals both inside of and outside of  
12 Nevada by dramatically increased the risk of mass shootings like the Attack.

13 215. As a result of the Attack, Plaintiffs have suffered a special harm that is  
14 unique from the harm other members of the public have experienced as a result of  
15 this nuisance.

16 216. Defendants’ negligence and/or wrongful acts was the actual and  
17 proximate or legal cause of Derrick’s injuries and death. Plaintiffs, and each of  
18 them, have sustained damages consisting of the loss of Derrick’s love,  
19 companionship, comfort, affection, society, and moral support, and have suffered  
20 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
21 Dollars (\$15,000.00). As Derrick’s heirs, Plaintiffs, and each of them, seek these  
22 damages pursuant to NRS 41.085(4).

23 217. As a further actual and proximate or legal result of Defendants’  
24 negligence and/or wrongful acts, Derrick endured pain, suffering, and/or  
25 disfigurement. As Derrick’s heirs, Plaintiffs, and each of them, seek general  
26  
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1 damages for Derrick's pain, suffering, and/or disfigurement pursuant to NRS  
2 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

3 218. As a further actual and proximate or legal result of Defendants'  
4 negligence and/or wrongful acts, Derrick's estate incurred special damages, to  
5 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
6 Thousand Dollars (\$15,000.00). As personal representative of Derrick's Estate,  
7 Plaintiff Dion Green seeks these special damages pursuant to NRS 41.085(5).

8 219. Defendants' conduct was despicable and so contemptible that it would  
9 be looked down upon and despised by ordinary decent people and was carried on by  
10 Defendants with willful and conscious disregard for the safety of anyone in the  
11 community.

12 220. Defendants' outrageous and unconscionable conduct warrants an  
13 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
14 appropriate to punish and make an example of Defendants, and to deter similar  
15 conduct in the future. As personal representative of Derrick's estate, Plaintiff Dion  
16 Green seeks exemplary and punitive damages pursuant to NRS 41.085(5).

17 221. To the extent NRS 42.007 is applicable to Defendants' conduct,  
18 Defendants are vicariously liable for punitive damages arising from the outrageous  
19 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
20 herein.

21 222. The actions of Defendants have forced Plaintiffs to retain counsel to  
22 represent them in the prosecution of this action, and they are therefore entitled to  
23 an award of a reasonable amount as attorney's fees and costs of suit.

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**SEVENTH CLAIM FOR RELIEF**  
**(Negligent Infliction of Emotional Distress against all Defendants)**

DION GREEN, as Personal Representative of the ESTATE OF DERRICK FUDGE,  
deceased;

DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased

223. Plaintiffs repeat and reallege the allegations contained in the preceding paragraphs herein and incorporate the same herein by reference.

224. All Defendants voluntarily assumed a multifaceted duty of care to only manufacture, distribute and/or sell firearms accessories in the safest possible manner so as to minimize the risk of misuse of their products in incidents like the Attack.

225. All Defendants violated one or more aspects of this duty by placing an unreasonably dangerous product on the market without sufficient safeguards to prevent its foreseeable misuse.

226. The breach of these duties was a substantial factor in causing injuries that led to the death of Derrick.

227. Dion is Derrick's child and witnessed Derrick get shot and pass away.

228. Dion was also a direct victim in that he could have easily been shot himself.

229. As a direct and proximate or legal result of seeing his father shot and killed, which was a direct and proximate or legal result of Defendants' conduct, Dion suffered emotional and/or physical distress resulting in physical injury or illness.

230. As a direct and proximate or legal result of almost being shot, which was a direct and proximate or legal result of Defendants' conduct, Dion suffered emotional and/or physical distress resulting in physical injury or illness.



1           237. Plaintiff Lasandra James is the mother of Lois Oglesby, the personal  
2 representative of Lois's estate and the Guardian of Lois's daughters, HANNAH  
3 OGLESBY and REIGN LEE.

4           238. Plaintiff Lasandra James brings this cause of action pursuant to NRS  
5 41.085(4), as an heir of Lois. James alleges that Defendants' negligence is a legal  
6 and/or proximate cause of Lois's death.

7           239. All Defendants voluntarily assumed a multifaceted duty of care to only  
8 manufacture, distribute and/or sell firearms accessories in the safest possible  
9 manner so as to minimize the risk of misuse of their products in incidents like the  
10 Attack.

11           240. All Defendants violated one or more aspects of this duty by placing an  
12 unreasonably dangerous product on the market without sufficient safeguards to  
13 prevent its foreseeable misuse.

14           241. Upon information and belief, had the Defendants complied with their  
15 duty of care, the Shooter would not have had access to the Magazine.

16           242. Instead, upon information and belief, the Defendants' negligent  
17 conduct directly channeled the Magazine into the hands of the Shooter.

18           243. It was eminently foreseeable to all Defendants, well before the Attack,  
19 that provision of unreasonably dangerous LCMs like the Magazine to the general  
20 public without appropriate safeguards would likely result in such products being  
21 misused in incidents like the Attack.

22           244. This is precisely what occurred in this case.

23           245. Thus, Defendants' negligent and unlawful conduct directly and  
24 proximately caused Plaintiffs' harm.

25           246. Defendants' negligence and/or wrongful acts was the actual and  
26 proximate or legal cause of Lois's injuries and death. Plaintiffs, and each of them,  
27

1 have sustained damages consisting of the loss of Lois's love, companionship,  
2 comfort, affection, society, and moral support, and have suffered great emotional  
3 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
4 (\$15,000.00). As Lois's heirs, Plaintiffs, and each of them, seek these damages  
5 pursuant to NRS 41.085(4).

6         247. As a further actual and proximate or legal result of Defendants'  
7 negligence and/or wrongful acts, Lois endured pain, suffering, and/or disfigurement.  
8 As Lois's heirs, Plaintiffs, and each of them, seek general damages for Lois's pain,  
9 suffering, and/or disfigurement pursuant to NRS 41.085(4) in an amount in excess  
10 of Fifteen Thousand Dollars (\$15,000.00).

11         248. As a further actual and proximate or legal result of Defendants'  
12 negligence and/or wrongful acts, Lois's estate incurred special damages, to include  
13 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
14 Dollars (\$15,000.00). As personal representative of Lois's Estate, Plaintiff Lasandra  
15 James seeks these special damages pursuant to NRS 41.085(5).

16         249. Defendants' conduct was despicable and so contemptible that it would  
17 be looked down upon and despised by ordinary decent people and was carried on by  
18 Defendants with willful and conscious disregard for the safety of anyone in the  
19 community.

20         250. Defendants' outrageous and unconscionable conduct warrants an  
21 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
22 appropriate to punish and make an example of Defendants, and to deter similar  
23 conduct in the future. As personal representative of Lois's estate, Plaintiff Lasandra  
24 James seeks exemplary and punitive damages pursuant to NRS 41.085(5).

25         251. To the extent NRS 42.007 is applicable to Defendants' conduct,  
26 Defendants are vicariously liable for punitive damages arising from the outrageous  
27

1 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
2 herein.

3 252. The actions of Defendants have forced Plaintiffs to retain counsel to  
4 represent them in the prosecution of this action, and they are therefore entitled to  
5 an award of a reasonable amount as attorney's fees and costs of suit.

6 **NINTH CAUSE OF ACTION**  
7 **(Negligence—All Defendants)**

8 DANITA TURNER, as Personal Representative of the ESTATE OF LOGAN M.  
TURNER, deceased;

9 DANITA TURNER, as surviving parent of LOGAN TURNER, deceased;

10 253. Plaintiffs incorporate by reference all preceding paragraphs in this  
11 Complaint as if restated fully herein.

12 254. Danita brings this claim as Personal Representative of the Estate of  
13 Logan Turner pursuant to NRS 41.100.

14 255. All Defendants voluntarily assumed a multifaceted duty of care to only  
15 manufacture, distribute and/or sell firearms accessories in the safest possible  
16 manner so as to minimize the risk of misuse of their products in incidents like the  
17 Attack.

18 256. All Defendants violated one or more aspects of this duty by placing an  
19 unreasonably dangerous product on the market without sufficient safeguards to  
20 prevent its foreseeable misuse.

21 257. Upon information and belief, had the Defendants complied with their  
22 duty of care, the Shooter would not have had access to the Magazine.

23 258. Instead, upon information and belief, the Defendants' negligent  
24 conduct directly channeled the Magazine into the hands of the Shooter.

25 259. It was eminently foreseeable to all Defendants, well before the Attack,  
26 that provision of unreasonably dangerous LCMs like the Magazine to the general  
27

1 public without appropriate safeguards would likely result in such products being  
2 misused in incidents like the Attack.

3 260. This is precisely what occurred in this case.

4 261. Defendants' negligence is an actual and proximate or legal cause of  
5 Logan's injuries. Logan thereby experienced great pain, and anxiety to his body and  
6 mind. Logan sustained injuries and damages in an amount in excess of Fifteen  
7 Thousand Dollars (\$15,000.00), for which Danita Turner, as Personal  
8 Representative of the Estate of Logan Turneer, now seeks recovery pursuant to  
9 NRS 41.100.

10 262. As a further actual and proximate or legal result of Defendants'  
11 negligence, Logan underwent medical treatment and incurred past medical and/or  
12 incidental expenses. The exact amount of such damages is unknown at this present  
13 time, but Logan suffered special damages in excess of Fifteen Thousand Dollars  
14 (\$15,000.00). Danita Turner, as the Personal Representative of the Estate of Logan  
15 Turner, seeks recovery of these damages pursuant to NRS 41.100.

16 263. Defendants' conduct was despicable and so contemptible that it would  
17 be looked down upon and despised by ordinary decent people and was carried on by  
18 Defendants with willful and conscious disregard for the safety of anyone in the  
19 community.

20 264. Defendants' outrageous and unconscionable conduct warrants an  
21 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
22 appropriate to punish and make an example of Defendants, and to deter similar  
23 conduct in the future. As Personal Representative of Logan Turner's Estate, Danita  
24 Turner seeks exemplary and punitive damages pursuant to NRS 41.100.



1           273. It was eminently foreseeable to all Defendants, well before the Attack,  
2 that provision of unreasonably dangerous LCMs like the Magazine to the general  
3 public without appropriate safeguards would likely result in such products being  
4 misused in incidents like the Attack.

5           274. This is precisely what occurred in this case.

6           275. Thus, Defendants' negligent and unlawful conduct directly and  
7 proximately caused Plaintiffs' harm.

8           276. Defendants' negligence and/or wrongful acts was the actual and  
9 proximate or legal cause of Logan's injuries and death. Plaintiffs, and each of them,  
10 have sustained damages consisting of the loss of Logan's love, companionship,  
11 comfort, affection, society, and moral support, and have suffered great emotional  
12 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
13 (\$15,000.00). As Logan's heirs, Plaintiffs, and each of them, seek these damages  
14 pursuant to NRS 41.085(4).

15           277. As a further actual and proximate or legal result of Defendants'  
16 negligence and/or wrongful acts, Logan endured pain, suffering, and/or  
17 disfigurement. As Logan's heirs, Plaintiffs, and each of them, seek general damages  
18 for Logan's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
19 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

20           278. As a further actual and proximate or legal result of Defendants'  
21 negligence and/or wrongful acts, Logan's estate incurred special damages, to include  
22 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
23 Dollars (\$15,000.00). As personal representative of Logan's Estate, Plaintiff Danita  
24 Turner seeks these special damages pursuant to NRS 41.085(5).

25           279. Defendants' conduct was despicable and so contemptible that it would  
26 be looked down upon and despised by ordinary decent people and was carried on by  
27

1 Defendants with willful and conscious disregard for the safety of anyone in the  
2 community.

3 280. Defendants' outrageous and unconscionable conduct warrants an  
4 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
5 appropriate to punish and make an example of Defendants, and to deter similar  
6 conduct in the future. As personal representative of Logan's estate, Plaintiff Danita  
7 Turner seeks exemplary and punitive damages pursuant to NRS 41.085(5).

8 281. To the extent NRS 42.007 is applicable to Defendants' conduct,  
9 Defendants are vicariously liable for punitive damages arising from the outrageous  
10 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
11 herein.

12 282. The actions of Defendants have forced Plaintiffs to retain counsel to  
13 represent them in the prosecution of this action, and they are therefore entitled to  
14 an award of a reasonable amount as attorney's fees and costs of suit.

15 **ELEVENTH CAUSE OF ACTION**  
16 **(Negligent Entrustment—All Defendants)**

17 DANITA TURNER, as Personal Representative of the ESTATE OF LOGAN M.  
18 TURNER, deceased;

19 DANITA TURNER, as surviving parent of LOGAN TURNER, deceased;

20 283. Plaintiffs incorporate by reference all preceding paragraphs in this  
21 complaint as if restated fully herein.

22 284. Danita brings this claim as the Representative of the Estate of Logan  
23 M. Turner pursuant to NRS 41.100.

24 285. All Defendants had, at all relevant times, actual or constructive  
25 knowledge that LCMs like the Magazine have no or negligible application to lawful  
26 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
27 unlawful acts of violence like the Attack.

1           286. Thus, all Defendants had actual or constructive knowledge that  
2 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
3 inherently, displaying a propensity to use this lethal product in a criminal act.

4           287. All Defendants had a duty not to entrust a lethal instrument to a party  
5 displaying indications he or she would misuse that instrument to harm himself or  
6 others—including by transferring the product to another malicious actor who would  
7 employ it in a violent act.

8           288. All Defendants breached this duty by providing the Magazine to the  
9 third party assisting the Shooter either directly or through one or more  
10 intermediaries.

11           289. As a direct and foreseeable consequence of Defendants' negligent  
12 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
13 misuse it in the Attack.

14           290. Thus, Defendants' negligent entrustment of the Magazine to the third  
15 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

16           291. Defendants' negligence is an actual and proximate or legal cause of  
17 Logan's injuries. Logan thereby experienced great pain, and anxiety to his body and  
18 mind. Logan sustained injuries and damages in an amount in excess of Fifteen  
19 Thousand Dollars (\$15,000.00), for which Danita, as Personal Representative of the  
20 Estate of Logan Turner, now seeks recovery pursuant to NRS 41.100.

21           292. As a further actual and proximate or legal result of Defendants'  
22 negligence, Logan underwent medical treatment and incurred past medical and/or  
23 incidental expenses. The exact amount of such damages is unknown at this present  
24 time, but Logan suffered special damages in excess of Fifteen Thousand Dollars  
25 (\$15,000.00). Danita, as Personal Representative of the Estate of Logan Turner,  
26 seeks recovery of these damages pursuant to NRS 41.100.



1 of Logan’s estate. Turner alleges that Defendants negligence is a legal and/or  
2 proximate cause of Logan’s death.

3 300. All Defendants had, at all relevant times, actual or constructive  
4 knowledge that LCMs like the Magazine have no or negligible application to lawful  
5 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
6 unlawful acts of violence like the Attack.

7 301. Thus, all Defendants had actual or constructive knowledge that  
8 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
9 inherently, displaying a propensity to use this lethal product in a criminal act.

10 302. All Defendants had a duty not to entrust a lethal instrument to a party  
11 displaying indications he or she would misuse that instrument to harm himself or  
12 others—including by transferring the product to another malicious actor who would  
13 employ it in a violent act.

14 303. All Defendants breached this duty by providing the Magazine to the  
15 third party assisting the Shooter either directly or through one or more  
16 intermediaries.

17 304. As a direct and foreseeable consequence of Defendants’ negligent  
18 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
19 misuse it in the Attack.

20 305. Thus, Defendants’ negligent entrustment of the Magazine to the third  
21 party assisting the Shooter thus directly and proximately caused Plaintiffs’ harm.

22 306. Defendants’ negligence and/or wrongful acts was the actual and  
23 proximate or legal cause of Logan’s injuries and death. Plaintiffs, and each of them,  
24 have sustained damages consisting of the loss of Logan’s love, companionship,  
25 comfort, affection, society, and moral support, and have suffered great emotional  
26 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
27

1 (\$15,000.00). As Logan's heirs, Plaintiffs, and each of them, seek these damages  
2 pursuant to NRS 41.085(4).

3 307. As a further actual and proximate or legal result of Defendants'  
4 negligence and/or wrongful acts, Logan endured pain, suffering, and/or  
5 disfigurement. As Logan's heirs, Plaintiffs, and each of them, seek general damages  
6 for Logan's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
7 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

8 308. As a further actual and proximate or legal result of Defendants'  
9 negligence and/or wrongful acts, Logan's estate incurred special damages, to include  
10 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). As personal representative of Logan's Estate, Plaintiff Danita  
12 Turner seeks these special damages pursuant to NRS 41.085(5).

13 309. Defendants' conduct was despicable and so contemptible that it would  
14 be looked down upon and despised by ordinary decent people and was carried on by  
15 Defendants with willful and conscious disregard for the safety of anyone in the  
16 community.

17 310. Defendants' outrageous and unconscionable conduct warrants an  
18 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
19 appropriate to punish and make an example of Defendants, and to deter similar  
20 conduct in the future. As personal representative of Logan's estate, Plaintiff Danita  
21 Turner seeks exemplary and punitive damages pursuant to NRS 41.085(5).

22 311. To the extent NRS 42.007 is applicable to Defendants' conduct,  
23 Defendants are vicariously liable for punitive damages arising from the outrageous  
24 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
25 herein.



1           320. Defendants' nuisance and/or wrongful acts was the actual and  
2 proximate or legal cause of Logan's injuries and death. Plaintiffs, and each of them,  
3 have sustained damages consisting of the loss of Logan's love, companionship,  
4 comfort, affection, society, and moral support, and have suffered great emotional  
5 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
6 (\$15,000.00). As Logan's heirs, Plaintiffs, and each of them, seek these damages  
7 pursuant to NRS 41.085(4).

8           321. As a further actual and proximate or legal result of Defendants'  
9 nuisance and/or wrongful acts, Logan endured pain, suffering, and/or  
10 disfigurement. As Logan's heirs, Plaintiffs, and each of them, seek general damages  
11 for Logan's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
12 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

13           322. As a further actual and proximate or legal result of Defendants'  
14 nuisance and/or wrongful acts, Logan's estate incurred special damages, to include  
15 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
16 Dollars (\$15,000.00). As personal representative of Logan's Estate, Plaintiff Danita  
17 Turner seeks these special damages pursuant to NRS 41.085(5) and NRS 41.100.

18           323. Defendants' conduct was despicable and so contemptible that it would  
19 be looked down upon and despised by ordinary decent people and was carried on by  
20 Defendants with willful and conscious disregard for the safety of anyone in the  
21 community.

22           324. Defendants' outrageous and unconscionable conduct warrants an  
23 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
24 appropriate to punish and make an example of Defendants, and to deter similar  
25 conduct in the future. As personal representative of Logan's estate, Plaintiff Danita  
26  
27

1 Turner seeks exemplary and punitive damages pursuant to NRS 41.085(5) and NRS  
2 41.100.

3 325. To the extent NRS 42.007 is applicable to Defendants' conduct,  
4 Defendants are vicariously liable for punitive damages arising from the outrageous  
5 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
6 herein.

7 326. The actions of Defendants have forced Plaintiffs to retain counsel to  
8 represent them in the prosecution of this action, and they are therefore entitled to  
9 an award of a reasonable amount as attorney's fees and costs of suit.

10 327. However, upon information and belief, Defendants have also not  
11 reformed their reckless practices in any way since the Attack.

12 328. As a result, Plaintiffs are also entitled to injunctive relief so as abate  
13 an ongoing public nuisance.

14 **FOURTEENTH CAUSE OF ACTION**  
15 **(Wrongful Death in re: Public Nuisance—All Defendants)**

16 DANITA TURNER, as Personal Representative of the ESTATE OF LOGAN M.  
17 TURNER, deceased;

18 DANITA TURNER, as surviving parent of LOGAN TURNER, deceased;  
19 deceased;

20 329. Plaintiffs incorporate by reference all preceding paragraphs in this  
21 complaint as if restated fully herein.

22 330. Plaintiff Danita Turner is the mother of Logan Turner and the  
23 personal representative of Logan's estate.

24 331. Plaintiff Danita Turner brings this cause of action pursuant to NRS  
25 41.085(4), as an heir of Logan and pursuant to NRS 41.085(5) as the administrator  
26 of Logan's estate. Turner alleges that Defendants negligence is a legal and/or  
27 proximate cause of Logan's death.

1           332. All Defendants were, at all times, subject to a general duty to refrain  
2 from unreasonable, unlawful and/or unsafe business practices that create a public  
3 nuisance.

4           333. In Nevada, a public nuisance is defined to include “every omission to  
5 perform a duty, which act or omission” which “[a]nnoys, injures or endangers the  
6 safety, health, comfort or repose of any considerable number of persons.” NRS  
7 202.450(a).

8           334. All Defendants, by failing to act in accordance with their duty of care,  
9 endangered the safety and health of individuals both inside of and outside of  
10 Nevada by dramatically increased the risk of mass shootings like the Attack.

11           335. As a result of the Attack, Plaintiffs have suffered a special harm that is  
12 unique from the harm other members of the public have experienced as a result of  
13 this nuisance.

14           336. Defendants’ negligence and/or wrongful acts was the actual and  
15 proximate or legal cause of Logan’s injuries and death. Plaintiffs, and each of them,  
16 have sustained damages consisting of the loss of Logan’s love, companionship,  
17 comfort, affection, society, and moral support, and have suffered great emotional  
18 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
19 (\$15,000.00). As Logan’s heirs, Plaintiffs, and each of them, seek these damages  
20 pursuant to NRS 41.085(4).

21           337. As a further actual and proximate or legal result of Defendants’  
22 negligence and/or wrongful acts, Logan endured pain, suffering, and/or  
23 disfigurement. As Logan’s heirs, Plaintiffs, and each of them, seek general damages  
24 for Logan’s pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) and in  
25 an amount in excess of Fifteen Thousand Dollars (\$15,000.00).



1           344. Plaintiff Michael Turner is the father of Logan Turner.

2           345. Plaintiff Michael Turner brings this cause of action pursuant to NRS  
3 41.085(4), as an heir of Logan. Turner alleges that Defendants negligence is a legal  
4 and/or proximate cause of Logan's death.

5           346. All Defendants voluntarily assumed a multifaceted duty of care to only  
6 manufacture, distribute and/or sell firearms accessories in the safest possible  
7 manner so as to minimize the risk of misuse of their products in incidents like the  
8 Attack.

9           347. All Defendants violated one or more aspects of this duty by placing an  
10 unreasonably dangerous product on the market without sufficient safeguards to  
11 prevent its foreseeable misuse.

12           348. Upon information and belief, had the Defendants complied with their  
13 duty of care, the Shooter would not have had access to the Magazine.

14           349. Instead, upon information and belief, the Defendants' negligent  
15 conduct directly channeled the Magazine into the hands of the Shooter.

16           350. It was eminently foreseeable to all Defendants, well before the Attack,  
17 that provision of unreasonably dangerous LCMs like the Magazine to the general  
18 public without appropriate safeguards would likely result in such products being  
19 misused in incidents like the Attack.

20           351. This is precisely what occurred in this case.

21           352. Thus, Defendants' negligent and unlawful conduct directly and  
22 proximately caused Plaintiffs' harm.

23           353. Defendants' negligence and/or wrongful acts was the actual and  
24 proximate or legal cause of Logan's injuries and death. Plaintiffs, and each of them,  
25 have sustained damages consisting of the loss of Logan's love, companionship,  
26 comfort, affection, society, and moral support, and have suffered great emotional  
27

1 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
2 (\$15,000.00). As Logan's heirs, Plaintiffs, and each of them, seek these damages  
3 pursuant to NRS 41.085(4).

4 354. As a further actual and proximate or legal result of Defendants'  
5 negligence and/or wrongful acts, Logan endured pain, suffering, and/or  
6 disfigurement. As Logan's heirs, Plaintiffs, and each of them, seek general damages  
7 for Logan's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
8 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

9 355. Defendants' conduct was despicable and so contemptible that it would  
10 be looked down upon and despised by ordinary decent people and was carried on by  
11 Defendants with willful and conscious disregard for the safety of anyone in the  
12 community.

13 356. The actions of Defendants have forced Plaintiffs to retain counsel to  
14 represent them in the prosecution of this action, and they are therefore entitled to  
15 an award of a reasonable amount as attorney's fees and costs of suit.

16 **SIXTEENTH CAUSE OF ACTION**  
17 **(Negligence—All Defendants)**

18 NADINE WARREN, as Personal Representative of the ESTATE OF BEATRICE  
19 NICOLE WARREN-CURTIS, deceased;

20 NADINE WARREN, as surviving parent of BEATRICE NICOLE WARREN-  
21 CURTIS, deceased;

22 357. Plaintiffs incorporate by reference all preceding paragraphs in this  
23 Complaint as if restated fully herein.

24 358. Nadine brings this claim as Personal Representative of the Estate of  
25 Beatrice Nicole Warren-Curtis pursuant to NRS 41.100.

26 359. All Defendants voluntarily assumed a multifaceted duty of care to only  
27 manufacture, distribute and/or sell firearms accessories in the safest possible

1 manner so as to minimize the risk of misuse of their products in incidents like the  
2 Attack.

3 360. All Defendants violated one or more aspects of this duty by placing an  
4 unreasonably dangerous product on the market without sufficient safeguards to  
5 prevent its foreseeable misuse.

6 361. Upon information and belief, had the Defendants complied with their  
7 duty of care, the Shooter would not have had access to the Magazine.

8 362. Instead, upon information and belief, the Defendants' negligent  
9 conduct directly channeled the Magazine into the hands of the Shooter.

10 363. It was eminently foreseeable to all Defendants, well before the Attack,  
11 that provision of unreasonably dangerous LCMs like the Magazine to the general  
12 public without appropriate safeguards would likely result in such products being  
13 misused in incidents like the Attack.

14 364. This is precisely what occurred in this case.

15 365. Defendants' negligence is an actual and proximate or legal cause of  
16 Nicole's injuries. Nicole thereby experienced great pain, and anxiety to her body and  
17 mind. Nicole sustained injuries and damages in an amount in excess of Fifteen  
18 Thousand Dollars (\$15,000.00), for which Nadine Warren, as Personal  
19 Representative of the Estate of Beatrice Nicole Warren-Curtis, now seeks recovery  
20 pursuant to NRS 41.100.

21 366. As a further actual and proximate or legal result of Defendants'  
22 negligence, Nicole underwent medical treatment and incurred past medical and/or  
23 incidental expenses. The exact amount of such damages is unknown at this present  
24 time, but Nicole suffered special damages in excess of Fifteen Thousand Dollars  
25 (\$15,000.00). Nadine Warren, as the Personal Representative of the Estate of  
26  
27

1 Beatrice Nicole Warren-Curtis, seeks recovery of these damages pursuant to NRS  
2 41.100.

3 367. Defendants' conduct was despicable and so contemptible that it would  
4 be looked down upon and despised by ordinary decent people and was carried on by  
5 Defendants with willful and conscious disregard for the safety of anyone in the  
6 community.

7 368. Defendants' outrageous and unconscionable conduct warrants an  
8 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
9 appropriate to punish and make an example of Defendants, and to deter similar  
10 conduct in the future. As Personal Representative of Beatrice Nicole Warren-  
11 Curtis's Estate, Nadine Warren seeks exemplary and punitive damages pursuant to  
12 NRS 41.100.

13 369. The actions of Defendants have forced Plaintiff to retain counsel to  
14 represent her in the prosecution of this action, and she is therefore entitled to an  
15 award of a reasonable amount as attorney's fees and costs of suit.

16 **SEVENTEENTH CAUSE OF ACTION**  
17 **(Wrongful Death in re: Negligence—All Defendants)**

18 NADINE WARREN, as Personal Representative of the ESTATE OF BEATRICE  
19 NICOLE WARREN-CURTIS, deceased;

20 NADINE WARREN, as surviving parent of BEATRICE NICOLE WARREN-  
21 CURTIS, deceased;

22 370. Plaintiffs incorporate by reference all preceding paragraphs in this  
23 complaint as if restated fully herein.

24 371. Plaintiff Nadine Warren is the mother of Beatrice Nicole Warren-  
25 Curtis and the personal representative of Nicole's estate.

26 372. Plaintiff Nadine Warren brings this cause of action pursuant to NRS  
27 41.085(4), as an heir of Nicole and pursuant to NRS 41.085(5) as the administrator

1 of Nicole's estate. Warren alleges that Defendants negligence is a legal and/or  
2 proximate cause of Nicole's death.

3 373. All Defendants voluntarily assumed a multifaceted duty of care to only  
4 manufacture, distribute and/or sell firearms accessories in the safest possible  
5 manner so as to minimize the risk of misuse of their products in incidents like the  
6 Attack.

7 374. All Defendants violated one or more aspects of this duty by placing an  
8 unreasonably dangerous product on the market without sufficient safeguards to  
9 prevent its foreseeable misuse.

10 375. Upon information and belief, had the Defendants complied with their  
11 duty of care, the Shooter would not have had access to the Magazine.

12 376. Instead, upon information and belief, the Defendants' negligent  
13 conduct directly channeled the Magazine into the hands of the Shooter.

14 377. It was eminently foreseeable to all Defendants, well before the Attack,  
15 that provision of unreasonably dangerous LCMs like the Magazine to the general  
16 public without appropriate safeguards would likely result in such products being  
17 misused in incidents like the Attack.

18 378. This is precisely what occurred in this case.

19 379. Thus, Defendants' negligent and unlawful conduct directly and  
20 proximately caused Plaintiffs' harm.

21 380. Defendants' negligence and/or wrongful acts was the actual and  
22 proximate or legal cause of Nicole's injuries and death. Plaintiffs, and each of them,  
23 have sustained damages consisting of the loss of Nicole's love, companionship,  
24 comfort, affection, society, and moral support, and have suffered great emotional  
25 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
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1 (\$15,000.00). As Nicole's heirs, Plaintiffs, and each of them, seek these damages  
2 pursuant to NRS 41.085(4).

3 381. As a further actual and proximate or legal result of Defendants'  
4 negligence and/or wrongful acts, Nicole endured pain, suffering, and/or  
5 disfigurement. As Nicole's heirs, Plaintiffs, and each of them, seek general damages  
6 for Nicole's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
7 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

8 382. As a further actual and proximate or legal result of Defendants'  
9 negligence and/or wrongful acts, Nicole's estate incurred special damages, to include  
10 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). As personal representative of Nicole's Estate, Plaintiff Nadine  
12 Warren seeks these special damages pursuant to NRS 41.085(5).

13 383. Defendants' conduct was despicable and so contemptible that it would  
14 be looked down upon and despised by ordinary decent people and was carried on by  
15 Defendants with willful and conscious disregard for the safety of anyone in the  
16 community.

17 384. Defendants' outrageous and unconscionable conduct warrants an  
18 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
19 appropriate to punish and make an example of Defendants, and to deter similar  
20 conduct in the future. As personal representative of Nicole's estate, Plaintiff Nadine  
21 Warren seeks exemplary and punitive damages pursuant to NRS 41.085(5).

22 385. To the extent NRS 42.007 is applicable to Defendants' conduct,  
23 Defendants are vicariously liable for punitive damages arising from the outrageous  
24 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
25 herein.

1           386. The actions of Defendants have forced Plaintiffs to retain counsel to  
2 represent them in the prosecution of this action, and they are therefore entitled to  
3 an award of a reasonable amount as attorney’s fees and costs of suit.

4                                   **EIGHTEENTH CAUSE OF ACTION**  
5                                   **(Negligent Entrustment—All Defendants)**

6           NADINE WARREN, as Personal Representative of the ESTATE OF BEATRICE  
7                                   NICOLE WARREN-CURTIS, deceased;

8           NADINE WARREN, as surviving parent of BEATRICE NICOLE WARREN-  
9                                   CURTIS, deceased;

10           387. Plaintiffs incorporate by reference all preceding paragraphs in this  
11 complaint as if restated fully herein.

12           388. Nadine brings this claim as Personal Representative of the Estate of  
13 Beatrice Nicole Warren-Curtis pursuant to NRS 41.100.

14           389. All Defendants had, at all relevant times, actual or constructive  
15 knowledge that LCMs like the Magazine have no or negligible application to lawful  
16 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
17 unlawful acts of violence like the Attack.

18           390. Thus, all Defendants had actual or constructive knowledge that  
19 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
20 inherently, displaying a propensity to use this lethal product in a criminal act.

21           391. All Defendants had a duty not to entrust a lethal instrument to a party  
22 displaying indications he or she would misuse that instrument to harm himself or  
23 others—including by transferring the product to another malicious actor who would  
24 employ it in a violent act.

25           392. All Defendants breached this duty by providing the Magazine to the  
26 third party assisting the Shooter either directly or through one or more  
27 intermediaries.

1           393. As a direct and foreseeable consequence of Defendants' negligent  
2 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
3 misuse it in the Attack.

4           394. Thus, Defendants' negligent entrustment of the Magazine to the third  
5 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

6           395. Defendants' negligence is an actual and proximate or legal cause of  
7 Nicole's injuries. Nicole thereby experienced great pain, and anxiety to her body and  
8 mind. Nicole sustained injuries and damages in an amount in excess of Fifteen  
9 Thousand Dollars (\$15,000.00), for which Nadine, as Personal Representative of the  
10 Estate of Beatrice Nicole Warren-Curtis, now seeks recovery pursuant to NRS  
11 41.100.

12           396. As a further actual and proximate or legal result of Defendants'  
13 negligence, Nicole underwent medical treatment and incurred past medical and/or  
14 incidental expenses. The exact amount of such damages is unknown at this present  
15 time, but Lois suffered special damages in excess of Fifteen Thousand Dollars  
16 (\$15,000.00). Nadine, as Personal Representative of the Estate of Beatrice Nicole  
17 Warren-Curtis, seeks recovery of these damages pursuant to NRS 41.100.

18           397. Defendants' conduct was despicable and so contemptible that it would  
19 be looked down upon and despised by ordinary decent people and was carried on by  
20 Defendants with willful and conscious disregard for the safety of anyone in the  
21 community.

22           398. Defendants' outrageous and unconscionable conduct warrants an  
23 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
24 appropriate to punish and make an example of Defendants, and to deter similar  
25 conduct in the future. As the Personal Representative of the Estate of Beatrice  
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1 Nicole Warren-Curtis, Nadine seeks exemplary and punitive damages pursuant to  
2 NRS 41.100.

3 399. To the extent NRS 42.007 is applicable to Defendants' conduct,  
4 Defendants are vicariously liable for punitive damages arising from the outrageous  
5 and unconscionable conduct of its employees, agents, and/or servants, as set forth  
6 herein.

7 400. The actions of Defendants have forced Plaintiff to retain counsel to  
8 represent her in the prosecution of this action, and she is therefore entitled to an  
9 award of a reasonable amount as attorney's fees and costs of suit.

10 **NINETEENTH CAUSE OF ACTION**  
11 **(Wrongful Death in re: Negligent Entrustment—All Defendants)**

12 NADINE WARREN, as Personal Representative of the ESTATE OF BEATRICE  
13 NICOLE WARREN-CURTIS, deceased;

14 NADINE WARREN, as surviving parent of BEATRICE NICOLE WARREN-  
15 CURTIS, deceased;

16 401. Plaintiffs incorporate by reference all preceding paragraphs in this  
17 complaint as if restated fully herein.

18 402. Plaintiff Nadine Warren is the mother of Beatrice Nicole Warren-  
19 Curtis and the personal representative of Nicole's estate.

20 403. Plaintiff Nadine Warren brings this cause of action pursuant to NRS  
21 41.085(4), as an heir of Nicole and pursuant to NRS 41.085(5) as the administrator  
22 of Nicole's estate. Warren alleges that Defendants' negligence is a legal and/or  
23 proximate cause of Nicole's death.

24 404. All Defendants had, at all relevant times, actual or constructive  
25 knowledge that LCMs like the Magazine have no or negligible application to lawful  
26 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
27 unlawful acts of violence like the Attack.

1           405. Thus, all Defendants had actual or constructive knowledge that  
2 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
3 inherently, displaying a propensity to use this lethal product in a criminal act.

4           406. All Defendants had a duty not to entrust a lethal instrument to a party  
5 displaying indications he or she would misuse that instrument to harm himself or  
6 others—including by transferring the product to another malicious actor who would  
7 employ it in a violent act.

8           407. All Defendants breached this duty by providing the Magazine to the  
9 third party assisting the Shooter either directly or through one or more  
10 intermediaries.

11           408. As a direct and foreseeable consequence of Defendants' negligent  
12 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
13 misuse it in the Attack.

14           409. Thus, Defendants' negligent entrustment of the Magazine to the third  
15 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

16           410. Defendants' negligence and/or wrongful acts was the actual and  
17 proximate or legal cause of Nicole's injuries and death. Plaintiffs, and each of them,  
18 have sustained damages consisting of the loss of Nicole's love, companionship,  
19 comfort, affection, society, and moral support, and have suffered great emotional  
20 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
21 (\$15,000.00). As Nicole's heirs, Plaintiffs, and each of them, seek these damages  
22 pursuant to NRS 41.085(4).

23           411. As a further actual and proximate or legal result of Defendants'  
24 negligence and/or wrongful acts, Nicole endured pain, suffering, and/or  
25 disfigurement. As Nicole's heirs, Plaintiffs, and each of them, seek general damages  
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1 for Nicole's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
2 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

3 412. As a further actual and proximate or legal result of Defendants'  
4 negligence and/or wrongful acts, Nicole's estate incurred special damages, to include  
5 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
6 Dollars (\$15,000.00). As personal representative of Nicole's Estate, Plaintiff Nadine  
7 Warren seeks these special damages pursuant to NRS 41.085(5).

8 413. Defendants' conduct was despicable and so contemptible that it would  
9 be looked down upon and despised by ordinary decent people and was carried on by  
10 Defendants with willful and conscious disregard for the safety of anyone in the  
11 community.

12 414. Defendants' outrageous and unconscionable conduct warrants an  
13 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
14 appropriate to punish and make an example of Defendants, and to deter similar  
15 conduct in the future. As personal representative of Nicole's estate, Plaintiff Nadine  
16 Warren seeks exemplary and punitive damages pursuant to NRS 41.085(5).

17 415. To the extent NRS 42.007 is applicable to Defendants' conduct,  
18 Defendants are vicariously liable for punitive damages arising from the outrageous  
19 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
20 herein.

21 416. The actions of Defendants have forced Plaintiffs to retain counsel to  
22 represent them in the prosecution of this action, and they are therefore entitled to  
23 an award of a reasonable amount as attorney's fees and costs of suit.

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2 **TWENTIETH CAUSE OF ACTION**  
3 **(Public Nuisance—All Defendants)**

4 NADINE WARREN, as Personal Representative of the ESTATE OF BEATRICE  
5 NICOLE WARREN-CURTIS, deceased;

6 NADINE WARREN, as surviving parent of BEATRICE NICOLE WARREN-  
7 CURTIS, deceased;

8 417. Plaintiffs incorporate by reference all preceding paragraphs in this  
9 Complaint as if restated fully herein.

10 418. Nadine brings this action as Personal Representative of the Estate of  
11 Beatrice Nicole Warren-Curtis pursuant to NRS 41.100.

12 419. All Defendants were, at all times, subject to a general duty to refrain  
13 from unreasonable, unlawful and/or unsafe business practices that create a public  
14 nuisance.

15 420. In Nevada, a public nuisance is defined to include “every omission to  
16 perform a duty, which act or omission” which “[a]nnoys, injures or endangers the  
17 safety, health, comfort or repose of any considerable number of persons.” NRS  
18 202.450(a).

19 421. All Defendants, by failing to act in accordance with their duty of care,  
20 endangered the safety and health of individuals both inside of and outside of  
21 Nevada by dramatically increased the risk of mass shootings like the Attack.

22 422. As a result of the Attack, Plaintiffs have suffered a special harm that is  
23 unique from the harm other members of the public have experienced as a result of  
24 this nuisance.

25 423. Plaintiffs are entitled to recover these damages in a claim sounding in  
26 public nuisance.

27 424. Defendants’ nuisance and/or wrongful acts was the actual and  
28 proximate or legal cause of Nicole’s injuries and death. Plaintiffs, and each of them,

1 have sustained damages consisting of the loss of Nicole's love, companionship,  
2 comfort, affection, society, and moral support, and have suffered great emotional  
3 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
4 (\$15,000.00). As Nicole's heirs, Plaintiffs, and each of them, seek these damages  
5 pursuant to NRS 41.085(4).

6 425. As a further actual and proximate or legal result of Defendants'  
7 nuisance and/or wrongful acts, Nicole endured pain, suffering, and/or  
8 disfigurement. As Nicole's heirs, Plaintiffs, and each of them, seek general damages  
9 for Nicole's pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
10 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

11 426. As a further actual and proximate or legal result of Defendants'  
12 nuisance and/or wrongful acts, Nicole's estate incurred special damages, to include  
13 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
14 Dollars (\$15,000.00). As personal representative of Nicole's Estate, Plaintiff Nadine  
15 Warren seeks these special damages pursuant to NRS 41.085(5) and NRS 41.100.

16 427. Defendants' conduct was despicable and so contemptible that it would  
17 be looked down upon and despised by ordinary decent people and was carried on by  
18 Defendants with willful and conscious disregard for the safety of anyone in the  
19 community.

20 428. Defendants' outrageous and unconscionable conduct warrants an  
21 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
22 appropriate to punish and make an example of Defendants, and to deter similar  
23 conduct in the future. As personal representative of Nicole's estate, Plaintiff Nadine  
24 Warren seeks exemplary and punitive damages pursuant to NRS 41.085(5) and  
25 NRS 41.100.



1           436. All Defendants were, at all times, subject to a general duty to refrain  
2 from unreasonable, unlawful and/or unsafe business practices that create a public  
3 nuisance.

4           437. In Nevada, a public nuisance is defined to include “every omission to  
5 perform a duty, which act or omission” which “[a]nnoys, injures or endangers the  
6 safety, health, comfort or repose of any considerable number of persons.” NRS  
7 202.450(a).

8           438. All Defendants, by failing to act in accordance with their duty of care,  
9 endangered the safety and health of individuals both inside of and outside of  
10 Nevada by dramatically increased the risk of mass shootings like the Attack.

11           439. As a result of the Attack, Plaintiffs have suffered a special harm that is  
12 unique from the harm other members of the public have experienced as a result of  
13 this nuisance.

14           440. Defendants’ negligence and/or wrongful acts was the actual and  
15 proximate or legal cause of Nicole’s injuries and death. Plaintiffs, and each of them,  
16 have sustained damages consisting of the loss of Nicole’s love, companionship,  
17 comfort, affection, society, and moral support, and have suffered great emotional  
18 and psychological loss, all in amount in excess of Fifteen Thousand Dollars  
19 (\$15,000.00). As Nicole’s heirs, Plaintiffs, and each of them, seek these damages  
20 pursuant to NRS 41.085(4).

21           441. As a further actual and proximate or legal result of Defendants’  
22 negligence and/or wrongful acts, Nicole endured pain, suffering, and/or  
23 disfigurement. As Nicole’s heirs, Plaintiffs, and each of them, seek general damages  
24 for Nicole’s pain, suffering, and/or disfigurement pursuant to NRS 41.085(4) in an  
25 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

1           442. As a further actual and proximate or legal result of Defendants'  
2 negligence and/or wrongful acts, Nicole's estate incurred special damages, to include  
3 medical expenses and funeral expenses, in an amount in excess of Fifteen Thousand  
4 Dollars (\$15,000.00). As personal representative of Nicole's Estate, Plaintiff Nadine  
5 Warren seeks these special damages pursuant to NRS 41.085(5).

6           443. Defendants' conduct was despicable and so contemptible that it would  
7 be looked down upon and despised by ordinary decent people and was carried on by  
8 Defendants with willful and conscious disregard for the safety of anyone in the  
9 community.

10           444. Defendants' outrageous and unconscionable conduct warrants an  
11 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
12 appropriate to punish and make an example of Defendants, and to deter similar  
13 conduct in the future. As personal representative of Nicole's estate, Plaintiff Nadine  
14 Warren seeks exemplary and punitive damages pursuant to NRS 41.085(5).

15           445. To the extent NRS 42.007 is applicable to Defendants' conduct,  
16 Defendants are vicariously liable for punitive damages arising from the outrageous  
17 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
18 herein.

19           446. The actions of Defendants have forced Plaintiffs to retain counsel to  
20 represent them in the prosecution of this action, and they are therefore entitled to  
21 an award of a reasonable amount as attorney's fees and costs of suit.

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2 **TWENTY-SECOND CAUSE OF ACTION**  
3 **(Negligence—All Defendants)**

4 RONALD PHILIP CUMER, as Personal Representative of the ESTATE OF  
5 NICHOLAS P. CUMER, deceased;

6 RONALD PHILIP CUMER, as surviving parent of NICHOLAS CUMER, deceased;

7 447. Plaintiffs incorporate by reference all preceding paragraphs in this  
8 Complaint as if restated fully herein.

9 448. Ronald brings this claim as Personal Representative of the Estate of  
10 Nicholas P. Cumer pursuant to NRS 41.100.

11 449. All Defendants voluntarily assumed a multifaceted duty of care to only  
12 manufacture, distribute and/or sell firearms accessories in the safest possible  
13 manner so as to minimize the risk of misuse of their products in incidents like the  
14 Attack.

15 450. All Defendants violated one or more aspects of this duty by placing an  
16 unreasonably dangerous product on the market without sufficient safeguards to  
17 prevent its foreseeable misuse.

18 451. Upon information and belief, had the Defendants complied with their  
19 duty of care, the Shooter would not have had access to the Magazine.

20 452. Instead, upon information and belief, the Defendants' negligent  
21 conduct directly channeled the Magazine into the hands of the Shooter.

22 453. It was eminently foreseeable to all Defendants, well before the Attack,  
23 that provision of unreasonably dangerous LCMs like the Magazine to the general  
24 public without appropriate safeguards would likely result in such products being  
25 misused in incidents like the Attack.

26 454. This is precisely what occurred in this case.  
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1           455. Defendants' negligence is an actual and proximate or legal cause of  
2 Nicholas's injuries. Nicholas thereby experienced great pain, and anxiety to his  
3 body and mind. Nicholas sustained injuries and damages in an amount in excess of  
4 Fifteen Thousand Dollars (\$15,000.00), for which Ronald Philip Cumer, as Personal  
5 Representative of the Estate of Nicholas P. Cumer, now seeks recovery pursuant to  
6 NRS 41.100.

7           456. As a further actual and proximate or legal result of Defendants'  
8 negligence, Nicholas underwent medical treatment and incurred past medical  
9 and/or incidental expenses. The exact amount of such damages is unknown at this  
10 present time, but Nicholas suffered special damages in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). Ronald Philip Cumer, as the Personal Representative of the  
12 Estate of Nicholas P. Cumer, seeks recovery of these damages pursuant to NRS  
13 41.100.

14           457. Defendants' conduct was despicable and so contemptible that it would  
15 be looked down upon and despised by ordinary decent people and was carried on by  
16 Defendants with willful and conscious disregard for the safety of anyone in the  
17 community.

18           458. Defendants' outrageous and unconscionable conduct warrants an  
19 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
20 appropriate to punish and make an example of Defendants, and to deter similar  
21 conduct in the future. As Personal Representative of Nicholas Cumer's Estate,  
22 Ronald Philip Cumer seeks exemplary and punitive damages pursuant to NRS  
23 41.100.

24           459. The actions of Defendants have forced Plaintiff to retain counsel to  
25 represent him in the prosecution of this action, and he is therefore entitled to an  
26 award of a reasonable amount as attorney's fees and costs of suit.

1                                    **TWENTY-THIRD CAUSE OF ACTION**  
2                                    **(Wrongful Death in re: Negligence—All Defendants)**

3                                    RONALD PHILIP CUMER, as Personal Representative of the ESTATE OF  
4                                    NICHOLAS P. CUMER, deceased;

5                                    RONALD PHILIP CUMER, as surviving parent of NICHOLAS CUMER, deceased;

6                                    460. Plaintiffs incorporate by reference all preceding paragraphs in this  
7                                    complaint as if restated fully herein.

8                                    461. Plaintiff Ronald Philip Cumer is the father of Nicholas Cumer and the  
9                                    personal representative of Nicholas’s estate.

10                                    462. Plaintiff Ronald Philip Cumer brings this cause of action pursuant to  
11                                    NRS 41.085(4), as an heir of Nicholas and pursuant to NRS 41.085(5) as the  
12                                    administrator of Nicholas’s estate. Cumer alleges that Defendant’s negligence is a  
13                                    legal and/or proximate cause of Nicholas’s death.

14                                    463. All Defendants voluntarily assumed a multifaceted duty of care to only  
15                                    manufacture, distribute and/or sell firearms accessories in the safest possible  
16                                    manner so as to minimize the risk of misuse of their products in incidents like the  
17                                    Attack.

18                                    464. All Defendants violated one or more aspects of this duty by placing an  
19                                    unreasonably dangerous product on the market without sufficient safeguards to  
20                                    prevent its foreseeable misuse.

21                                    465. Upon information and belief, had the Defendants complied with their  
22                                    duty of care, the Shooter would not have had access to the Magazine.

23                                    466. Instead, upon information and belief, the Defendants’ negligent  
24                                    conduct directly channeled the Magazine into the hands of the Shooter.

25                                    467. It was eminently foreseeable to all Defendants, well before the Attack,  
26                                    that provision of unreasonably dangerous LCMs like the Magazine to the general  
27                                    public was foreseeable.

1 public without appropriate safeguards would likely result in such products being  
2 misused in incidents like the Attack.

3 468. This is precisely what occurred in this case.

4 469. Thus, Defendants' negligent and unlawful conduct directly and  
5 proximately caused Plaintiffs' harm.

6 470. Defendants' negligence and/or wrongful acts was the actual and  
7 proximate or legal cause of Nicholas's injuries and death. Plaintiffs, and each of  
8 them, have sustained damages consisting of the loss of Nicholas's love,  
9 companionship, comfort, affection, society, and moral support, and have suffered  
10 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). As Nicholas's heirs, Plaintiffs, and each of them, seek these  
12 damages pursuant to NRS 41.085(4).

13 471. As a further actual and proximate or legal result of Defendants'  
14 negligence and/or wrongful acts, Nicholas endured pain, suffering, and/or  
15 disfigurement. As Nicholas's heirs, Plaintiffs, and each of them, seek general  
16 damages for Nicholas's pain, suffering, and/or disfigurement pursuant to NRS  
17 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

18 472. As a further actual and proximate or legal result of Defendants'  
19 negligence and/or wrongful acts, Nicholas's estate incurred special damages, to  
20 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
21 Thousand Dollars (\$15,000.00). As personal representative of Nicholas's Estate,  
22 Plaintiff Ronald Philip Cumer seeks these special damages pursuant to NRS  
23 41.085(5).

24 473. Defendants' conduct was despicable and so contemptible that it would  
25 be looked down upon and despised by ordinary decent people and was carried on by  
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1 Defendants with willful and conscious disregard for the safety of anyone in the  
2 community.

3 474. Defendants' outrageous and unconscionable conduct warrants an  
4 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
5 appropriate to punish and make an example of Defendants, and to deter similar  
6 conduct in the future. As personal representative of Nicholas's estate, Plaintiff  
7 Ronald Philip Cumer seeks exemplary and punitive damages pursuant to NRS  
8 41.085(5).

9 475. To the extent NRS 42.007 is applicable to Defendants' conduct,  
10 Defendants are vicariously liable for punitive damages arising from the outrageous  
11 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
12 herein.

13 476. The actions of Defendants have forced Plaintiffs to retain counsel to  
14 represent them in the prosecution of this action, and they are therefore entitled to  
15 an award of a reasonable amount as attorney's fees and costs of suit.

16 **TWENTY-FOURTH CAUSE OF ACTION**  
17 **(Negligent Entrustment—All Defendants)**

18 RONALD PHILIP CUMER, as Personal Representative of the ESTATE OF  
19 NICHOLAS P. CUMER, deceased;

20 RONALD PHILIP CUMER, as surviving parent of NICHOLAS CUMER, deceased;

21 477. Plaintiffs incorporate by reference all preceding paragraphs in this  
22 complaint as if restated fully herein.

23 478. Ronald brings this claim as Personal Representative of the Estate of  
24 Nicholas P. Cumer pursuant to NRS 41.100.

25 479. All Defendants had, at all relevant times, actual or constructive  
26 knowledge that LCMs like the Magazine have no or negligible application to lawful  
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1 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
2 unlawful acts of violence like the Attack.

3 480. Thus, all Defendants had actual or constructive knowledge that  
4 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
5 inherently, displaying a propensity to use this lethal product in a criminal act.

6 481. All Defendants had a duty not to entrust a lethal instrument to a party  
7 displaying indications he or she would misuse that instrument to harm himself or  
8 others—including by transferring the product to another malicious actor who would  
9 employ it in a violent act.

10 482. All Defendants breached this duty by providing the Magazine to the  
11 third party assisting the Shooter either directly or through one or more  
12 intermediaries.

13 483. As a direct and foreseeable consequence of Defendants' negligent  
14 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
15 misuse it in the Attack.

16 484. Thus, Defendants' negligent entrustment of the Magazine to the third  
17 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

18 485. Defendants' negligence is an actual and proximate or legal cause of  
19 Nicholas's injuries. Nicholas thereby experienced great pain, and anxiety to her  
20 body and mind. Nicholas sustained injuries and damages in an amount in excess of  
21 Fifteen Thousand Dollars (\$15,000.00), for which Ronald, as Personal  
22 Representative of the Estate of Nicholas Cumer, now seeks recovery pursuant to  
23 NRS 41.100.

24 486. As a further actual and proximate or legal result of Defendants'  
25 negligence, Nicholas underwent medical treatment and incurred past medical  
26 and/or incidental expenses. The exact amount of such damages is unknown at this  
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1 present time, but Nicholas suffered special damages in excess of Fifteen Thousand  
2 Dollars (\$15,000.00). Ronald, as Personal Representative of the Estate of Nicholas  
3 Cumer, seeks recovery of these damages pursuant to NRS 41.100.

4 487. Defendants' conduct was despicable and so contemptible that it would  
5 be looked down upon and despised by ordinary decent people and was carried on by  
6 Defendants with willful and conscious disregard for the safety of anyone in the  
7 community.

8 488. Defendants' outrageous and unconscionable conduct warrants an  
9 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
10 appropriate to punish and make an example of Defendants, and to deter similar  
11 conduct in the future. As the Personal Representative of the Estate of Nicholas  
12 Cumer, Ronald seeks exemplary and punitive damages pursuant to NRS 41.100.

13 489. To the extent NRS 42.007 is applicable to Defendants' conduct,  
14 Defendants are vicariously liable for punitive damages arising from the outrageous  
15 and unconscionable conduct of its employees, agents, and/or servants, as set forth  
16 herein.

17 490. The actions of Defendants have forced Plaintiff to retain counsel to  
18 represent her in the prosecution of this action, and she is therefore entitled to an  
19 award of a reasonable amount as attorney's fees and costs of suit.

20 **TWENTY-FIFTH CAUSE OF ACTION**  
21 **(Wrongful Death in re: Negligent Entrustment—All Defendants)**

22 RONALD PHILIP CUMER, as Personal Representative of the ESTATE OF  
NICHOLAS P. CUMER, deceased;

23 RONALD PHILIP CUMER, as surviving parent of NICHOLAS CUMER, deceased;

24 491. Plaintiffs incorporate by reference all preceding paragraphs in this  
25 complaint as if restated fully herein.

1           492. Plaintiff Ronald Philip Cumer is the father of Nicholas Cumer and the  
2 personal representaR brings this cause of action pursuant to NRS 41.085(4), as an  
3 heir of Nicholas and pursuant to NRS 41.085(5) as the administrator of Nicholas's  
4 estate. Cumer alleges that Defendants' negligence is a legal and/or proximate cause  
5 of Nicholas's death.

6           493. All Defendants had, at all relevant times, actual or constructive  
7 knowledge that LCMs like the Magazine have no or negligible application to lawful  
8 uses of firearms (such as self-defense) but are uniquely well-suited to misuse in  
9 unlawful acts of violence like the Attack.

10           494. Thus, all Defendants had actual or constructive knowledge that  
11 anyone seeking to acquire a 100-round drum LCM like the Magazine was,  
12 inherently, displaying a propensity to use this lethal product in a criminal act.

13           495. All Defendants had a duty not to entrust a lethal instrument to a party  
14 displaying indications he or she would misuse that instrument to harm himself or  
15 others—including by transferring the product to another malicious actor who would  
16 employ it in a violent act.

17           496. All Defendants breached this duty by providing the Magazine to the  
18 third party assisting the Shooter either directly or through one or more  
19 intermediaries.

20           497. As a direct and foreseeable consequence of Defendants' negligent  
21 entrustment of the Magazine, the Shooter was able to acquire the Magazine and  
22 misuse it in the Attack.

23           498. Thus, Defendants' negligent entrustment of the Magazine to the third  
24 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

25           499. Defendants' negligence and/or wrongful acts was the actual and  
26 proximate or legal cause of Nicholas's injuries and death. Plaintiffs, and each of  
27

1 them, have sustained damages consisting of the loss of Nicholas's love,  
2 companionship, comfort, affection, society, and moral support, and have suffered  
3 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
4 Dollars (\$15,000.00). As Nicholas's heirs, Plaintiffs, and each of them, seek these  
5 damages pursuant to NRS 41.085(4).

6 500. As a further actual and proximate or legal result of Defendants'  
7 negligence and/or wrongful acts, Nicholas endured pain, suffering, and/or  
8 disfigurement. As Nicholas's heirs, Plaintiffs, and each of them, seek general  
9 damages for Nicholas's pain, suffering, and/or disfigurement pursuant to NRS  
10 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

11 501. As a further actual and proximate or legal result of Defendants'  
12 negligence and/or wrongful acts, Nicholas's estate incurred special damages, to  
13 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
14 Thousand Dollars (\$15,000.00). As personal representative of Nicholas's Estate,  
15 Plaintiff Ronald Philip Cumer seeks these special damages pursuant to NRS  
16 41.085(5).

17 502. Defendants' conduct was despicable and so contemptible that it would  
18 be looked down upon and despised by ordinary decent people and was carried on by  
19 Defendants with willful and conscious disregard for the safety of anyone in the  
20 community.

21 503. Defendants' outrageous and unconscionable conduct warrants an  
22 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
23 appropriate to punish and make an example of Defendants, and to deter similar  
24 conduct in the future. As personal representative of Nicholas's estate, Plaintiff  
25 Ronald Cumer seeks exemplary and punitive damages pursuant to NRS 41.085(5).



1           511. As a result of the Attack, Plaintiffs have suffered a special harm that is  
2 unique from the harm other members of the public have experienced as a result of  
3 this nuisance.

4           512. Plaintiffs are entitled to recover these damages in a claim sounding in  
5 public nuisance.

6           513. Defendants' nuisance and/or wrongful acts was the actual and  
7 proximate or legal cause of Nicholas's injuries and death. Plaintiffs, and each of  
8 them, have sustained damages consisting of the loss of Nicholas's love,  
9 companionship, comfort, affection, society, and moral support, and have suffered  
10 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
11 Dollars (\$15,000.00). As Nicholas's heirs, Plaintiffs, and each of them, seek these  
12 damages pursuant to NRS 41.085(4).

13           514. As a further actual and proximate or legal result of Defendants'  
14 nuisance and/or wrongful acts, Nicholas endured pain, suffering, and/or  
15 disfigurement. As Nicholas's heirs, Plaintiffs, and each of them, seek general  
16 damages for Nicholas's pain, suffering, and/or disfigurement pursuant to NRS  
17 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

18           515. As a further actual and proximate or legal result of Defendants'  
19 nuisance and/or wrongful acts, Nicholas's estate incurred special damages, to  
20 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
21 Thousand Dollars (\$15,000.00). As personal representative of Nicholas's Estate,  
22 Plaintiff Ronald Cumer seeks these special damages pursuant to NRS 41.085(5) and  
23 NRS 41.100.

24           516. Defendants' conduct was despicable and so contemptible that it would  
25 be looked down upon and despised by ordinary decent people and was carried on by  
26  
27

1 Defendants with willful and conscious disregard for the safety of anyone in the  
2 community.

3 517. Defendants' outrageous and unconscionable conduct warrants an  
4 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
5 appropriate to punish and make an example of Defendants, and to deter similar  
6 conduct in the future. As personal representative of Nicholas's estate, Plaintiff  
7 Ronald Philip Cumer seeks exemplary and punitive damages pursuant to NRS  
8 41.085(5) and NRS 41.100.

9 518. To the extent NRS 42.007 is applicable to Defendants' conduct,  
10 Defendants are vicariously liable for punitive damages arising from the outrageous  
11 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
12 herein.

13 519. The actions of Defendants have forced Plaintiffs to retain counsel to  
14 represent them in the prosecution of this action, and they are therefore entitled to  
15 an award of a reasonable amount as attorney's fees and costs of suit.

16 520. However, upon information and belief, Defendants have also not  
17 reformed their reckless practices in any way since the Attack.

18 521. As a result, Plaintiffs are also entitled to injunctive relief so as abate  
19 an ongoing public nuisance.

20 **TWENTY-SEVENTH CAUSE OF ACTION**  
21 **(Wrongful Death in re: Public Nuisance—All Defendants)**

22 RONALD PHILIP CUMER, as Personal Representative of the ESTATE OF  
NICHOLAS P. CUMER, deceased;

23 RONALD PHILIP CUMER, as surviving parent of NICHOLAS CUMER, deceased;

24 522. Plaintiffs incorporate by reference all preceding paragraphs in this  
25 complaint as if restated fully herein.

1           523. Plaintiff Ronald Cumer is the father of Nicholas Cumer and the  
2 personal representative of Nicholas’s estate.

3           524. Plaintiff Ronald Cumer brings this cause of action pursuant to NRS  
4 41.085(4), as an heir of Nicholas and pursuant to NRS 41.085(5) as the  
5 administrator of Nicholas’s estate. Cumer alleges that Defendants’ negligence is a  
6 legal and/or proximate cause of Nicholas’s death.

7           525. All Defendants were, at all times, subject to a general duty to refrain  
8 from unreasonable, unlawful and/or unsafe business practices that create a public  
9 nuisance.

10          526. In Nevada, a public nuisance is defined to include “every omission to  
11 perform a duty, which act or omission” which “[a]nnoys, injures or endangers the  
12 safety, health, comfort or repose of any considerable number of persons.” NRS  
13 202.450(a).

14          527. All Defendants, by failing to act in accordance with their duty of care,  
15 endangered the safety and health of individuals both inside of and outside of  
16 Nevada by dramatically increased the risk of mass shootings like the Attack.

17          528. As a result of the Attack, Plaintiffs have suffered a special harm that is  
18 unique from the harm other members of the public have experienced as a result of  
19 this nuisance.

20          529. Defendants’ negligence and/or wrongful acts was the actual and  
21 proximate or legal cause of Nicholas’s injuries and death. Plaintiffs, and each of  
22 them, have sustained damages consisting of the loss of Nicholas’s love,  
23 companionship, comfort, affection, society, and moral support, and have suffered  
24 great emotional and psychological loss, all in amount in excess of Fifteen Thousand  
25 Dollars (\$15,000.00). As Nicholas’s heirs, Plaintiffs, and each of them, seek these  
26 damages pursuant to NRS 41.085(4).

1           530. As a further actual and proximate or legal result of Defendants'  
2 negligence and/or wrongful acts, Nicholas endured pain, suffering, and/or  
3 disfigurement. As Nicholas's heirs, Plaintiffs, and each of them, seek general  
4 damages for Nicholas's pain, suffering, and/or disfigurement pursuant to NRS  
5 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

6           531. As a further actual and proximate or legal result of Defendants'  
7 negligence and/or wrongful acts, Nicholas's estate incurred special damages, to  
8 include medical expenses and funeral expenses, in an amount in excess of Fifteen  
9 Thousand Dollars (\$15,000.00). As personal representative of Nicholas's Estate,  
10 Plaintiff Ronald Cumer seeks these special damages pursuant to NRS 41.085(5).

11           532. Defendants' conduct was despicable and so contemptible that it would  
12 be looked down upon and despised by ordinary decent people and was carried on by  
13 Defendants with willful and conscious disregard for the safety of anyone in the  
14 community.

15           533. Defendants' outrageous and unconscionable conduct warrants an  
16 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount  
17 appropriate to punish and make an example of Defendants, and to deter similar  
18 conduct in the future. As personal representative of Nicholas's estate, Plaintiff  
19 Ronald Cumer seeks exemplary and punitive damages pursuant to NRS 41.085(5).

20           534. To the extent NRS 42.007 is applicable to Defendants' conduct,  
21 Defendants are vicariously liable for punitive damages arising from the outrageous  
22 and unconscionable conduct of their employees, agents, and/or servants, as set forth  
23 herein.

24           535. The actions of Defendants have forced Plaintiffs to retain counsel to  
25 represent them in the prosecution of this action, and they are therefore entitled to  
26 an award of a reasonable amount as attorney's fees and costs of suit.

**TWENTY-EIGHTH CAUSE OF ACTION**  
**(Wrongful Death—All Defendants)**

VICKY CUMER, as surviving parent of NICHOLAS CUMER, deceased;

536. Plaintiffs incorporate by reference all preceding paragraphs in this complaint as if restated fully herein.

537. Plaintiff Vicky Cumer is the mother of Nicholas Cumer.

538. Plaintiff Vicky Cumer brings this cause of action pursuant to NRS 41.085(4), as an heir of Nicholas. Mrs. Cumer alleges that Defendants' negligence is a legal and/or proximate cause of Nicholas's death.

539. All Defendants voluntarily assumed a multifaceted duty of care to only manufacture, distribute and/or sell firearms accessories in the safest possible manner so as to minimize the risk of misuse of their products in incidents like the Attack.

540. All Defendants violated one or more aspects of this duty by placing an unreasonably dangerous product on the market without sufficient safeguards to prevent its foreseeable misuse.

541. Upon information and belief, had the Defendants complied with their duty of care, the Shooter would not have had access to the Magazine.

542. Instead, upon information and belief, the Defendants' negligent conduct directly channeled the Magazine into the hands of the Shooter.

543. It was eminently foreseeable to all Defendants, well before the Attack, that provision of unreasonably dangerous LCMs like the Magazine to the general public without appropriate safeguards would likely result in such products being misused in incidents like the Attack.

544. This is precisely what occurred in this case.

545. Thus, Defendants' negligent and unlawful conduct directly and proximately caused Plaintiffs' harm.



- 1           3.     for punitive damages;
- 2           4.     for loss of earnings;
- 3           5.     for interest provided by law;
- 4           6.     for all statutorily allowed damages;
- 5           7.     for applicable restitution;
- 6           8.     for an injunction requiring all Defendants to abate and/or cease
- 7 contributing to the public nuisance they are creating in violation of one or more
- 8 relevant statutes by unreasonably supplying 100-round LCMs like the Magazine to
- 9 the public without reasonable safeguards to prevent their misuse;
- 10          9.     for reasonable attorney fees and costs of suit incurred; and
- 11          10.    for such other and further relief as this Court deems proper.

12  
13 Submitted By:

14 /s/ Joseph N. Mott

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