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FRANCISCO GUDINO CARDENAS, an
individual

Plaintiff,

vs.

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

DEFENSE DISTRIBUTED d/b/a
GHOSTGUNNER.NET

CODY WILSON d/b/a GHOSTGUNNER.NET

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

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

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

GHOST FIREARMS LLC, d/b/a GRID

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

(DEMAND FOR JURY TRIAL)

(Personal Injury/Wrongful Death)

CAUSES OF ACTION:

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

1 DEFENSE and GHOSTRIFLES.COM;

(UNFAIR MARKETING TACTICS)

2 JUGGERNAUT TACTICAL INC., d/b/a
3 JTACTICAL.COM;

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

6 TACTICAL GEAR HEADS LLC, d/b/a 80-
7 LOWER.COM; AR-
8 15LOWERRECEIVERS.COM; and
9 80LOWERJIG.COM;

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

12 INDUSTRY ARMAMENT INC., d/b/a
13 AMERICANWEAPONSCOMPONENTS.COM;

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

16 DOES 1-100, Inclusive,

17 Defendants.

18 **COMPLAINT AND DEMAND FOR JURY TRIAL**

19 1. COMES NOW PLAINTIFF FRANCISCO GUDINO CARDENAS, in his
20 Individual Capacity ("PLAINTIFF"), by and through his attorneys of record, and alleges
21 the following against DEFENDANTS GHOST GUNNER INC., d/b/a
22 GHOSTGUNNER.NET; BLACKHAWK MANUFACTURING GROUP INC., d/b/a
23 80PERCENTARMS.COM; RYAN BEEZLEY and BOB BEEZLEY, d/b/a
24 RBTACTICALTOOLING.COM; GHOST AMERICA LLC, d/b/a GHOSTGUNS.COM;
25 GHOST FIREARMS LLC, d/b/a GRID DEFENSE and GHOSTRIFLES.COM;
26 JUGGERNAUT TACTICAL INC., d/b/a JTACTICAL.COM; MFY TECHNICAL
27 SOLUTIONS LLC, d/b/a 5DTACTICAL.COM; TACTICAL GEAR HEADS LLC, d/b/a
28 80- LOWER.COM; AR-15LOWERRECEIVERS.COM; and 80LOWERJIG.COM; JAMES

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

5 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

15 **JURISDICTION**

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

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

26 17. PLAINTIFF seeks an award of compensatory damages, punitive damages
27 pursuant to Cal. Civil Code § 3294, statutory damages pursuant to Cal. Bus. And Prof. Code
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1 § 17200, injunctive and declaratory relief, costs and expenses, and reasonable attorney's
2 fees.

3 **NOTICE OF RELATED CASE**

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

9 **THE PARTIES**

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

13 20. At all times pertinent hereto, DEFENDANT GHOST GUNNER INC.
14 (“GHOST GUNNER”), d/b/a GHOSTGUNNER.NET, was a Texas corporation with its
15 principal place of business in Austin, County of Travis, State of Texas. At all times pertinent
16 hereto, GHOST GUNNER was engaged in the business of designing, marketing,
17 distributing, manufacturing and selling parts/kits used to assemble “ghost guns,” including
18 AR-15 style “ghost gun” rifles to consumers across the nation, including to consumers
19 within the State of California. GHOST GUNNER’s registered agent is a Texas company
20 named DEFENSE DISTRIBUTED. DEFENSE DISTRIBUTED and GHOST GUNNER
21 (“DEFENSE DISTRIBUTED/GHOST GUNNER”) should be viewed as interchangeable
22 and inextricably linked for purposes of this Complaint for Damages; upon information and
23 belief, the same individual, Cody Wilson, was involved with running both entities.
24 DEFENSE DISTRIBUTED’s website still links to GHOST GUNNER. See
25 <https://defdist.org>.
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27 21. At all times pertinent hereto, DEFENDANT BLACKHAWK
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1 MANUFACTURING GROUP INC. (“BLACKHAWK”), d/b/a 80PERCENTARMS.COM,
2 was a California domestic corporation, with its principal place of business in the Garden
3 Grove, County of Orange, State of California. At all times pertinent hereto, BLACKHAWK
4 was engaged in the business of designing, marketing, distributing, manufacturing and/or
5 selling parts/kits used to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to
6 consumers across the nation, including to consumers within the State of California.
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8 22. At all times pertinent hereto, DEFENDANTS RYAN BEEZLEY and BOB
9 BEEZLEY have maintained addresses in Apple Valley, County of San Bernardino, State of
10 California and were doing business as RBTACTICALTOOLING.COM. At all times
11 pertinent hereto, RBTACTICALTOOLING.COM has maintained a business address in
12 Apple Valley, County of San Bernardino, State of California. At all times pertinent hereto,
13 RBTACTICALTOOLING.COM was engaged in the business of designing, marketing,
14 distributing, manufacturing and selling parts/kits used to assemble “ghost guns,” including
15 AR-15 style “ghost gun” rifles to consumers across the nation, including to consumers
16 within the State of California.
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18 23. At all times pertinent hereto, DEFENDANT GHOST AMERICA LLC
19 (“GHOST AMERICA”), d/b/a GHOSTGUNS.COM, was a California limited liability
20 company with its principal place of business in Yorba Linda, County of Orange, State of
21 California. At all times pertinent hereto, GHOST AMERICA was engaged in the business
22 of designing, marketing, distributing, manufacturing and selling parts/kits used to assemble
23 “ghost guns,” including AR-15 style “ghost gun” rifles to consumers across the nation,
24 including to consumers within the State of California.
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26 24. At all times pertinent hereto, GHOST FIREARMS LLC (“GHOST
27 FIREARMS”), d/b/a GRID DEFENSE and GHOSTRIFLES.COM, was a limited liability
28 company registered in Florida with its principal place of business in Daytona Beach, County

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

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

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

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

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

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

23 30. At all times pertinent hereto, DEFENDANT THUNDER GUNS LLC
24 (“THUNDER GUNS”), d/b/a THUNDERTACTICAL.COM, was a limited liability
25 company registered in Florida with its principal place of business in Daytona Beach, County
26 of Volusia, State of Florida. At all times pertinent hereto, THUNDER TACTICAL was
27 engaged in the business of designing, marketing, distributing, manufacturing and selling
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1 parts/kits used to assemble “ghost guns,” including AR-15 style “ghost gun” rifles to
2 consumers across the nation, including to consumers within the State of California.

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

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

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

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

8
9 **CASE SPECIFIC ALLEGATIONS**

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

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

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

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

19 38. Only FFLs may engage in the business of selling firearms. Felons, domestic
20 abusers, the dangerously mentally ill, and certain other categories of people are deemed to
21 pose too great a danger to themselves or others are prohibited from possessing guns as a
22 matter of federal and/or state law. FFLs are required to conduct background checks on gun
23 buyers to prevent sales to such prohibited purchasers. Firearms sold by FFLs must include
24 stamped serial numbers, to enable accurate record keeping and aid law enforcement in
25 tracing the gun to its initial retail seller if it is later misused in a crime. Such tracing can help
26 identify the chain of possession and ultimate user of such a crime gun.
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1 39. FFLs are also required to exercise common sense in protecting the public by
2 refusing firearms sales, even where a buyer passes a background check, if the buyer is
3 displaying disturbing or erratic behavior suggesting a significant psychological disturbance.
4 A FFL always retains discretion to refuse a firearms sale for any reason.

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

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

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

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

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

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

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

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

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

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

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

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

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

8
9 54. DEFENDANTS intentionally targeted and continue to target precisely the
10 criminals and other dangerous parties described above.

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

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

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

- 19
20 a. RBTACTICALTOOLING.COM emphasizes that its products allow the
21 production of unserialized weapons. *See*
22 <https://www.rbtacticaltooling.com/about/>. One of its AR-15 receivers
23 includes a stamp of an individual giving the middle finger to law enforcement
24 personnel who would be looking for a serial number to trace a "ghost gun"
25 recovered from a crime scene *See*
26 <https://www.rbtacticaltooling.com/product/magpul-lower-receiver-ar-15/>:
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b. A Q & A section on one of TACTICAL GEAR HEAD’s retail websites includes this disclosure: "An AR-15 built using an 80% lower [receiver] will have no serialization or paperwork attached to it by default. Therefore, it is typically impossible to determine the firearm’s origin or history." See <https://www.80-lower.com/faqs/>. The site further emphasizes that a purchaser need not interact with an FFL to acquire its parts/kits and make a “ghost gun” AR-15 style rifle. See <https://www.80-lower.com/products/ar-15-build-kit-5-56mm-nato-16-melonite-barrel-classic-a2-handguard-w-80-lower-1-7-twist/>:



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

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

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

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

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

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

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

- 9
- 10 a. In June 2013, John Zawahri went on a shooting spree with a “ghost gun” and
11 killed five people in Santa Monica, California. Zawahri, who had a
12 documented history of mental illness, was a prohibited purchaser and the
13 “ghost gun” he used was an AR-15 style rifle.
 - 14 b. In July 2015, Scott Bertics shot and killed a woman with whom he was
15 involved in a romantic relationship and he then used a second gun to kill
16 himself in Walnut Creek, California. Both of the guns used were “ghost
17 guns.”
 - 18 c. In July 2015, in Stockton, California, gunmen used an AK-47-style “ghost
19 gun” in an attempted bank robbery, and held three people hostage.
 - 20 d. In June 2019, 26-year-old Sacramento Police Officer Tara O’Sullivan was
21 shot and killed with an AR-15 style “ghost gun” rifle while responding to a
22 domestic disturbance call.
 - 23 e. In August 2019, a convicted felon used an AR-15 style “ghost gun” rifle to
24 kill California Highway Patrol officer Andre Moye and wound two of his
25 colleagues, during a freeway shootout in Riverside, California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 115. All of the DEFENDANTS are, thus, responsible as knowing accomplices, for
2 their consumers' direct violations of, at minimum, California's ban on the possession of
3 assault weapons. *See* Cal. Pen. Code § 31 (anyone who "aid[s] and abet[s]" in the
4 commission of an offense is a principal); § 971 ("all persons concerned in the commission of
5 a crime, who by the operation of other provisions of this code are principals therein, shall
6 hereafter be prosecuted, tried and punished as principals"); § 27(a)(1) (California has
7 jurisdiction over crimes where at least part of the offense takes place within the state).
8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 161. Also, by supplying to a subclass of purchasers who are inherently showing a
25 high likelihood of misusing their “ghost gun” parts/kits in a dangerous manner that would
26 cause harm to third parties like PLAINTIFF, DEFENDANTS engaged in business practices
27 that were unlawful, immoral, unethical, oppressive, and unscrupulous.
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1 162. As a direct and proximate result of the foregoing acts and practices,
2 DEFENDANTS have received income, profits, and other benefits, which they would not
3 have received if DEFENDANTS had not engaged in the violations of Bus. & Prof Code
4 § 17200 as described in this Complaint for Damages.

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

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

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

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

24 166. PLAINTIFF hereby incorporates by reference all preceding paragraphs as
25 though set out in full herein.
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1 167. DEFENDANTS in the course of their retail business of selling ghost guns,
2 engaged in business acts or practices that were unfair, deceptive, or misleading, and which
3 therefore violated Bus. & Prof Code § 17200.

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

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

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

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

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

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

12 **JURY TRIAL DEMANDED**

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

15 **PRAYER FOR RELIEF**

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

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

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

Respectfully Submitted,



Dated: November 14, 2019

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