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THE CITY OF CAMDEN,

Plaintiff,

V.

BERETTA U.S.A. Corp., BRYCO ARMS Corp.,
COBRAY Corp., COLT'S MFG. Corp., EAGLE
IMPORTS, Inc., GLOCK, Corp., IMPORT
SPORTS, Inc., INTERNATIONAL
ARMAMENTS Corp., d/b/a INTERARMS Inc.,
LORCIN ENGINEERING Corp., NAVEGAR
INC. d/b/a INTRATEC USA Corp., NAVY
ARMS, Inc., NORTH AMERICAN ARMS
Corp., PHOENIX ARMS Corp., SIGARMS
Corp., SMITH & WESSON Corp., STURM,
RUGER & CO Corp., SW DANIELS Corp.,
TAURUS FIREARMS Corp., ARMS
TECHNOLOGY INC., AMERICAN
SHOOTING SPORTS COUNCIL, INC.,
NATIONAL SHOOTING SPORTS
FOUNDATION, INC., SPORTING ARMS AND
AMMUNITION MANUFACTURERS'
INSTITUTE, INC, and DOES 1-250,
Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION**

CAMDEN COUNTY

Docket No. L-451099

CIVIL ACTION

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Plaintiff City of Camden, by and through its attorneys, for its Complaint, alleges as follows:

NATURE OF THE ACTION

1. Each year, Camden residents are killed, maimed, and injured with guns. For years, the City of Camden has absorbed the economic burden of this plague, through increased expenditures in a variety of city services, e.g., law enforcement, emergency services, healthcare, and services to prevent handgun violence and to protect citizens from handgun violence. The city has further suffered from diminished property values and a shrunken tax base. All the while, defendant gun manufacturers and defendant distributors and dealers reap enormous profits, and in doing so shift the external social cost of their unsafe products and irresponsible marketing to the city of Camden and its residents.

2. The City of Camden ("Camden") brings the present action to obtain relief from the defendants' willful, deliberate, reckless, and/or negligent marketing and distribution of guns, which injure Camden and its citizens. Defendants design, manufacture, distribute, market, and sell thousands of guns in a manner that ensures that guns will ultimately be purchased by juveniles, criminals, and other prohibited persons for use in the commission of crimes. Further, the defective design of defendants' guns, which permits unauthorized gun users, including children and adolescents, to obtain and misuse those guns, increases the number of persons killed and injured by guns. Thus, Camden is entitled to relief from - and defendants should be forced to bear - the full economic cost associated with defendants' products.

3. Defendants' conduct creates and maintains a public nuisance because it significantly interferes with the public's health, safety, peace, comfort and convenience, and because it is conduct which defendants knew or should have known to be of a continuous and long-lasting nature that produces a permanent and long-lasting significant effect on the rights of the public. Defendants' conduct also constitutes actionable negligence because it violates defendants' duty not to create an unreasonable risk of foreseeable harm, and has thereby proximately caused harm to the City of Camden and its citizenry.

4. In addition, defendants' reckless, willful, or negligent conduct perpetuates, supports, and maintains an illegitimate secondary market in guns. This illegitimate market functions through alternate distribution methods, including but not limited to, straw purchases, kitchen table dealers, and gun shows. The vast majority of guns used to commit crimes in Camden are purchased through these and other schemes supplying guns to an illegitimate secondary market of felons, juveniles, and other dangerous individuals who could not qualify to purchase guns on their own. Defendants have the ability to dramatically reduce the flow of guns to this illegitimate secondary market by training, monitoring, or disciplining distributors and dealers who sell their guns to the public, and/or by identifying distributors or dealers who defendants know or should know supply guns to the illegitimate secondary market and curtailing shipments thereto. They have chosen not to do so. Instead, they rely upon and exploit this market as a steady and lucrative source of profit, injuring Camden and its residents in the process.

5. In addition, defendants' products are defective in their design. Despite the foreseeable risk of injury and death attending the use of guns, defendants have knowingly, willfully, or negligently failed to develop or incorporate even the most basic feasible safety features and have failed to adequately warn users of the dangers associated with the use of guns. Feasible safety devices have existed for years, and in some cases, decades. These devices would inhibit illegitimate sales, prevent the accidental pulling of the trigger, indicate whether or not a gun is loaded, prevent the firing of a gun when the magazine has been removed, and prevent the firing of the gun by an unauthorized user. However, defendants have failed to incorporate such devices into their products. Moreover, defendants have failed to - and in fact resisted the development of - safety devices that would inhibit illegitimate sales or prevent unauthorized users such as children and adolescents from firing their guns. As such, defendants' products are unreasonably dangerous and defective.

6. Defendants have also made guns unreasonably dangerous by their failure to provide any sort of meaningful warning on the products. Despite the latent dangers that defendants have designed into their products by failing to provide adequate safety devices, defendants have made no attempt to ensure that the end user is aware of the unreasonable

hazards involved with using the products. Moreover, defendants have affirmatively and deceptively advertised and promoted their dangerous products as improving home and personal safety despite empirical studies that indicate bringing a gun into the home increases rather than decreases the risks of injury and death to household members. The defects in design of the products not only pose a danger to the user of the products, but intentional, willful, or negligent defective design features of the products make them unreasonably dangerous to all citizens of Camden.

7. Defendants' conduct in designing, manufacturing, marketing, and distributing guns fails to meet the minimum standards of good faith, reasonable conduct. To the contrary, defendants have used a variety of unconscionable commercial practices to accomplish their ends, at the expense of Camden and its citizens.

8. In aggregate, defendants have acted willfully, recklessly, or negligently in designing, marketing and distributing their products. Defendants' actions have contributed to, and are responsible for, thousands of intentional and unintentional shootings across the nation each year. Camden suffers significantly from this violence. As a result of defendants' actions, Camden has had to expend significant money for a variety of city services. As a result of defendants' misconduct, defendants have been unjustly enriched at Camden's expense. Moreover, Camden has suffered from diminished revenues and property values as a result of defendants' acts and omissions. For these reasons, plaintiff seeks injunctive and compensatory relief as set forth herein.

PARTIES

9. The City of Camden is a body politic existing under the laws of the State of New Jersey and is located in Camden County, New Jersey.

10. The following defendants, in paragraphs 11 through 29, manufacture, distribute, or sell guns that are found and used in the City of Camden on an on-going and continuous basis, or that comprise a significant percentage of the annual total number of all

handguns manufactured, distributed or sold in the United States (hereinafter "defendant manufacturers").

11. Defendant BERETTA U.S.A. Corp. ("BERETTA U.S.A") is a corporation organized and existing under the laws of the State of Maryland with its principal place of business at 17601 Beretta Dr., Accokeek, Maryland. This defendant's guns have been associated with criminal conduct in Camden.

12. Defendant BRYCO ARMS Corp. ("BRYCO") is a corporation organized and existing under the laws of the state of Nevada with its principal place of business in Nevada. This defendant's guns have been associated with criminal conduct in Camden.

13. Defendant COBRAY Corp. ("COBRAY") is a corporation organized and existing under the laws of the state of Georgia with its principal place of business in Georgia. This defendant's guns has been associated with criminal conduct in Camden.

14. Defendant COLT'S MFG. Corp. ("COLT") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at 545 New Park Avenue, Hartford, Connecticut. This defendant's guns have been associated with criminal conduct in Camden.

15. Defendant EAGLE IMPORTS, Inc. ("EAGLE IMPORTS") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at 1750 Brielle Avenue, Unit B1, Wanamassa, New Jersey. This defendant's guns have been associated with criminal conduct in Camden.

16. Defendant GLOCK, Corp. ("GLOCK") is a corporation organized and existing under the laws of the State of Georgia with its principal place of business at 6000 Highlands Parkway, Smyrna, Georgia. This defendant's guns have been associated with criminal conduct in Camden.

17. Defendant IMPORT SPORTS, Inc. ("IMPORT SPORTS") is a corporation organized and existing under the laws of the State of New Jersey with its principal place of

business at 1750 Brielle Avenue, Wanamassa, New Jersey. This defendant's guns have been associated with criminal conduct in Camden.

18. Defendant INTERNATIONAL ARMAMENTS Corp., d/b/a INTERARMS Inc. ("INTERARMS") is a corporation organized and existing under the laws of the State of Virginia with its principal place of business at 10 Prince Street, Alexandria, Virginia. This defendant's guns have been associated with criminal conduct in Camden.

19. Defendant LORCIN ENGINEERING Corp. ("LORCIN") is a corporation organized and existing under the laws of the State of California with its principal place of business at 10427, San Sevaire Way, Suite A, Mira Loma, California. This defendant's guns have been associated with criminal conduct in Camden.

20. Defendant NAVEGAR INC. d/b/a INTRATEC USA Corp. ("INTRATEC") is a corporation organized and existing under the laws of the State of Florida with its principal place of business at 12405 SW 13 0th -Street, Miami, Florida.

21. Defendant NAVY ARMS, Inc. ("NAVY ARMS") is a corporation organized and existing under the laws of the State of Florida with its principal place of business at 689 Bergen Boulevard, Ridgefield, New Jersey. This defendant's guns have been associated with criminal conduct in Camden.

22. Defendant NORTH AMERICAN ARMS Corp. ("North American Arms") is a corporation organized and existing under the laws of the State of Utah with its principal place of business in Utah. This defendant's guns have been associated with criminal conduct in Camden.

23. Defendant PHOENIX ARMS Corp. ("PHOENIX") is a corporation organized and existing under the laws of the State of California with its principal place of business at 1420 S. Archibald Avenue, Ontario, California. This defendant's guns have been associated with criminal conduct in Camden.

24. Defendant SIGARMS Corp. ("SIGARMS") is a corporation organized and existing under the laws of the State of New Hampshire with its principal place of business at Corporate Park, Exeter, New Hampshire. This defendant's guns have been associated with criminal conduct in Camden.

25. Defendant SMITH & WESSON Corp. ("SMITH & WESSON") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business at 2100 Roosevelt Avenue, Springfield Massachusetts. This defendant's guns have been associated with criminal conduct in Camden.

26. Defendant STURM, RUGER & CO Corp. ("RUGER") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at One Lacey Place, Southport, Connecticut. This defendant's guns have been associated with criminal conduct in Camden.

27. Defendant SW DANIELS Corp. ("SW DANIELS") is a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Georgia. This defendant's guns have been associated with criminal conduct in Camden.

28. Defendant TAURUS FIREARMS Corp. ("Taurus") is a corporation organized and existing under the laws of the State of Florida with its principal place of business at 16175 NW 49th Avenue, Miami, Florida. This defendant's guns have been associated with criminal conduct in Camden.

29. Defendant ARMS TECHNOLOGY INC. ("ARMS TECHNOLOGY") is a corporation organized and existing under the laws of the State of Utah with its principal place of business in Utah. This defendant's guns have been associated with criminal conduct in Camden.

30. The following defendants in paragraphs 31 through 33 are industry trade associations composed of gun manufacturers and sellers (hereinafter "defendant trade associations").

31. Defendant AMERICAN SHOOTING SPORTS COUNCIL, INC. ("ASSC") is a tax-exempt business league under section 501(c)(6) of the Internal Revenue Code organized and

existing under the laws of the State of Georgia with its principal office in Georgia. ASSC is an industry trade association composed of gun manufacturers and sellers, including some or all of the defendant manufacturers.

32. Defendant NATIONAL SHOOTING SPORTS FOUNDATION, INC. ("NSSF") is a tax-exempt business league under section 501(c)(6) of the Internal Revenue Code organized and existing under the laws of the State of Connecticut with its principal office in Connecticut. NSSF is an industry trade association composed of gun manufacturers and sellers, including some or all of the defendant manufacturers.

33. Defendant SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE, INC. ("SAAMI") is a tax-exempt business league under section 501(c)(6) of the Internal Revenue Code organized and existing under the laws of the State of Connecticut with its principal office in Connecticut. SAAMI is an industry trade association composed of gun manufacturers and sellers, including some or all of the defendant manufacturers.

33. DOES 1-50, inclusive, are business entities in New Jersey and elsewhere, the status of which are currently unknown. DOES 1-50 manufactured guns that are or were distributed, marketed, sold and/or possessed within the City of Camden.

34. DOES 51-200, inclusive, are business entities in New Jersey and elsewhere, the status of which are currently unknown. DOES 51-200 distribute, market and/or sell guns that are or were found within the City of Camden (hereinafter "defendant distributors and dealers").

35. DOES 200-250, inclusive, are business entities in New Jersey and elsewhere, the status of which are currently unknown. DOES 200-250 are industry trade associations which are composed of firearm manufacturers, distributors and retailers.

36. Plaintiff is not aware of the true names and capacities of defendants referred to as DOES 1-250. Plaintiff alleges that each of the fictitiously named defendants is responsible

in some manner for the violations alleged herein. Plaintiff will seek leave to amend this Complaint to allege such names and capacities as soon as they are ascertained.

JURISDICTION

38. This Court has jurisdiction over this action and the parties hereto, and is the proper venue under Rule 4:3-2(a) because the action is brought by a municipality located in Camden County, because the cause of action arose in Camden County, and because the City of Camden resides in Camden County.

FACTS

39. The widespread availability and misuse of guns by juveniles, felons, and other unauthorized users is a national problem of immense proportions, as demonstrated below:

- Gun violence is the second leading cause of injury-related death in the United States;
- In 1996, over 34,000 people were killed with guns;
- In 1996, 14,300 persons were murdered with guns;
- In 1996, more than 1,100 persons died from accidental shootings;
- Guns were used to commit 69% of all U.S. homicides in 1995 and 68% of all U.S. homicides in 1996;
- More than 4,600 children and teenagers were killed with guns in 1996 in the U.S.;
- There are approximately 13 children killed by gunfire each day;
- The firearm death rate among children aged 14 and under in the United States is nearly 12 times higher than the combined rate in 25 other industrialized countries;
- Approximately 99,000 individuals are treated annually in hospital emergency rooms for non-fatal gun injuries, with about one-fifth of these as a result of accidental shootings.

40. The cost of gun related violence to cities like Camden is staggering. It is estimated that, nationally, gun related violence costs taxpayers more than \$4.5 billion dollars

treatment and care of firearm injuries cost more than \$264 million, 96% of which was borne directly by tax payers.

41. One of the most serious problems facing Camden, as with most major cities in the United States, is the high level of violent crime committed with guns. For example, in the City of Camden in 1995, handguns were used in connection with 600 robberies, 543 aggravated assaults, and 46 homicides; in 1996 handguns were used in connection with 331 robberies, 316 aggravated assaults and 19 homicides; in 1997 handguns were used in connection with 455 robberies, 403 aggravated assaults, and 33 homicides; and in 1998 handguns were used in connection with 375 robberies, 258 aggravated assaults and 28 homicides. From 1995 through 1998, the police force in Camden seized and removed from circulation 1, 109 handguns.

42. Handguns used in crime constitute a very substantial proportion of handgun sales.

43. Defendants knew or should have known that their guns did reach an illegitimate secondary market for criminal use.

44. This staggering toll of gun violence and crime is fueled by the easy movement of guns from the legal marketplace to unauthorized and illegal users through an illegitimate secondary guns market. This market consists of, among other things, straw purchases, gun shows, multiple gun sales, and kitchen table dealers as described below:

- a. Thousands of guns have flowed into the unlawful market by a method of diversion called "straw purchasing," wherein the purchaser buys the gun from a licensed dealer for a person who is not qualified to purchase the firearm under federal and state regulations, such as a child under 21 or convicted felon. Indeed, in one recent law enforcement study, more than 50% of the guns subject to firearm trafficking investigations had been acquired as part of a straw purchase. Many of these straw purchases have occurred under circumstances which have indicated or should have indicated to the firearm seller that a "straw purchase" was being made.

b. Thousands more guns have been diverted into the illegitimate market after first being part of multiple sales, wherein the purchaser buys two or more guns, over a short period of time from a licensed dealer with the intention of later selling or transferring the gun to a person who is not qualified to purchase guns under federal and state regulations, such as a child under 21 or convicted felon. In a recent study in nearby Philadelphia, for example, almost half of the handguns purchased were sold to someone who bought at least one additional handgun in the same 15-month period; 30% were bought by someone who purchased three or more; and 17% were bought by a small number of purchasers (3% of the purchasers) who bought five or more. Many of these multiple sales have occurred under circumstances which have indicated or should have indicated to the firearm seller that the guns being purchased were destined for the unlawful market. Defendants do nothing to curb multiple sales even though guns purchased in this manner continue to flow into the illegitimate guns market.

c. For many years, defendants have sold thousands of guns to "kitchen table" dealers, i.e., federally licensed firearm dealers who do not sell guns from a retail store. Many of these gun dealers, although federally licensed, have sold guns without completing background checks on purchases or complying with other reporting requirements, or have otherwise diverted guns into the illegitimate marketplace. Although defendants knew or should have known of these dealers' illegal practices, they have done nothing to curb those illegal practices, but have instead continued to supply the dealers with guns.

d. Thousands of guns have also reached the illegitimate market after having been stolen from retail dealers and other federal firearm licensees who have failed to provide adequate security of their premises. Despite the foreseeability of such occurrences, defendants have failed to ensure that persons distributing their dangerous products have implemented adequate security to prevent these thefts.

e. Thousands of guns diverted to crime also have had their serial numbers obliterated to prevent tracing of the firearm by law enforcement. Such guns are more useful to criminals who seek to eliminate the tracks of their crimes. Defendants are aware of this problem, and the ease with which serial numbers can be obliterated, but have taken no initiative to make their serial numbers tamper-proof. The recent Federal Bureau of Alcohol and Firearms ("ATF") study of 27 major urban centers found, on average, that more than 11% of the guns traced to crime had obliterated serial numbers.

f. Guns move from states with relatively weak gun control laws, or other nearby states such as Pennsylvania, and southern states along Interstate 95, to areas with stronger gun control laws, such as Camden, New Jersey. For example, a recent ATF study of crime guns seized in Jersey City, New Jersey

indicated that more than 85% of those guns were originally sold at retail outside of New Jersey.

g. Guns are also diverted to crime through gun shows, where firearm sellers without federal firearms licenses are not required in most states to perform a background check on prospective purchasers. Moreover, other federal laws including but not limited to those relating to multiple gun sales and waiting periods are inapplicable or routinely ignored. The result, according to one recent federal study, was that in 314 investigations involving gun trafficking through gun shows, felons were part of more than 46% of the transactions, with more than 54,000 guns being diverted into the illegal marketplace.

45. The examples listed above are just some of the ways in which defendants' guns have fallen into the hands of unauthorized and irresponsible persons, including children under the age of 21 and convicted felons, later to be used in crime. A large proportion of crime guns recovered from these individuals are quite new and have most likely been illegitimately trafficked. As many as two-thirds of the guns involved in trafficking investigations have been improperly transferred prior to being involved in crimes.

46. Defendants knew or should have known of these methods for the illegitimate transfer of guns and should have taken action to control and prevent the diversion, but have failed to do so. Defendants further knew or should have known that their maintenance, reliance on and support of alternative distribution methods placed guns into the possession of dealers to whom federal laws were inapplicable and/or into the possession of dealers who routinely ignore such laws. Furthermore, defendants knew or should have known that alternative distribution methods provide a "legitimate" distribution system for stolen and banned weapons. These sales facilitate direct purchases by prohibited persons as well as indirect purchases by prohibited persons who buy handguns from those who legally purchase guns for illegal resale. As a result, laws requiring background checks, waiting periods and registration of multiple sales are frustrated, and defendants' products fall into the hands of unauthorized, improper, and irresponsible persons, including minors, adolescents and convicted felons. This injures Camden and injures and kills its citizens.

47. Surveys have consistently shown how easily juveniles and convicted criminals can obtain guns. For example, one survey showed that approximately 29% of 10th grade boys and 23% of 7th grade boys have at one time carried a concealed handgun. A different survey of high school students and incarcerated juveniles reported that 32% of respondents asked adults to buy guns on their behalf. Yet another survey found that approximately 60% of children between the ages of 10 and 19 said they could acquire a gun should they want one, with 15% having carried a gun with them in the last 30 days. A survey of adult prisoners showed that 70% felt they could easily obtain a firearm upon their release.

48. Tracing of crime guns by ATF confirms that juveniles, felons, and other unauthorized users can easily obtain guns for crime. A recently released ATF study of 27 major urban centers throughout the United States, which analyzed more than 75,000 guns traced to crime over a one-year period, reported that more than 11% of guns seized in crimes have been possessed by children under age 18. The same tracing study indicated that more crime guns are seized from persons in the next age group up - children who are 18, 19, or 20 years old - than from any other three-year age group, adult, or juvenile. Accordingly, more than 26% of crime guns in the 27 cities were seized from children under 21, who cannot legally purchase handguns under federal or state laws. A subsequent ATF study indicated 18-20 year olds committed 24% of all gun homicides where an offender was identified, and comprised 14% of persons arrested for violent crime in the United States. Moreover, ATF tracing of trafficked crime guns found that more than 45% of the weapons seized were illegally possessed by convicted felons. Studies suggest that as many as 2/3 of these guns are used in assaults, robberies, homicides, and other violent crimes.

49. The ease with which guns are moved into the illegitimate marketplace is also demonstrated by the short time between retail sale and criminal misuse for a significant percentage of guns. ATF tracing data indicates that as many as 43% of guns traced to crime in urban centers across America have been bought from retail dealers less than three years earlier, a strong indication that the firearm has been trafficked. For certain types of guns, such as semiautomatic pistols, the time-to-crime period is even more rapid.

50. The flow of defendants' guns into the illegitimate marketplace harms Camden and its citizens. Defendants knew or should have known that a substantial percentage of the guns used to inflict the harm to Camden and its citizens by gun violence are obtained through the illegitimate secondary market. The resulting gun violence within Camden is widely publicized and is a matter of common knowledge. For years, defendants knew or should have had knowledge and information of the harm to Camden and its citizens caused by gun violence. Shooting incidents are also regularly reported in the Camden Courier Post, the Philadelphia Inquirer, and other media; this public information provides full notice that juveniles and convicted felons are obtaining and using firearms to harm Camden and its residents. Defendants are aware that specific guns they have made or sold have been traced to crime because ATF has contacted them in conducting traces of crime guns.

51. Robert Haas, the former Senior Vice-President of Marketing and Sales for defendant Smith & Wesson, said the following in a sworn statement concerning gun manufacturers' failure to promote responsible practices by distributors and dealers:

The company [Smith & Wesson] and the industry as a whole are fully aware of the extent of the criminal misuse of handguns. The company and the industry are also aware that the black market in handguns is not simply the result of stolen guns but is due to the seepage of guns into the illicit market from multiple thousands of unsupervised federal handgun licensees. In spite of their knowledge, however, the industry's position has consistently been to take no independent action to insure responsible distribution practices, to maintain that the present minimal federal regulation of federal handgun licensees is adequate and to call for greater criminal enforcement of those who commit crimes with guns as the solution to the firearm crime problem ... I am familiar with the distribution and marketing practices of the [sic] all of the principal U.S. handgun manufacturers and wholesale distributors and none of them, to my knowledge, take additional steps, beyond determining the possession of a federal handgun license, to investigate, screen or supervise the wholesale distributors and retail outlets that sell their products to insure that their products are distributed responsibly.

52. The marketing and distribution structure, policies, and practices established and maintained by defendants and their predecessors in the gun industry facilitate the illegitimate gun market.

53. Defendants do not monitor or supervise the distributors or dealers to assure legal and safe use of guns although they do monitor sales in order to maximize profits. Some defendants have distribution agreements that provide for the right of termination, and occasionally they have terminated or warned distributors or dealers. However, a dangerous sales practice-such as one that would make guns easily available for potential criminal use-has not been the basis for termination and is not included in the terms of the agreements. The only reasons contemplated for termination are: not maintaining minimum prices, advertising the price that the distributor pays to the manufacturer, or selling into the wrong market-e.g., some distributors are forbidden to sell to law enforcement, or to make foreign sales. There is no mention of termination for selling to or facilitating the crime market.

54. Defendants do not require that their dealers and retailers be trained or instructed:

- to detect inappropriate purchasers;
- to educate purchasers about the safe and proper use and storage of handguns, or to require any training or instruction; or
- to inquire or investigate purchasers' level of knowledge or skill or purposes for buying handguns.

55. Defendants do not use available computerized inventory and sales tracking systems that are commonly and inexpensively used throughout American industry to limit and screen customers, particularly in industries that produce dangerous or harmful products.

56. Other manufacturers of dangerous or harmful products, including manufacturers of chemicals and paints, place restrictions and limits on the distribution, distributors, and dealers of their products to avoid known detrimental consequences. In sharp contrast, defendants have completely failed and refused to adopt any such limits or to engage in even minimal monitoring or supervision of their distributors and dealers. This recklessly creates a serious, known risk and directly harms Camden and its residents.

57. In addition to the injuries caused by defendants' willful, deliberate, reckless, and negligent distribution of their dangerous products, the unsafe design of defendants' guns

results in thousands of unintentional shooting deaths and non-fatal injuries every year. The General Accounting Office has estimated that each year, 23% of the 1,400 to 1,500 unintentional shooting deaths occur because the user of the gun was not aware that a round of ammunition had been loaded into the gun's firing chamber. This results in as many as 320 to 345 deaths nationwide each year. In addition to these deaths, there are countless other unintentional shooting injuries that are not fatal. A number of these unintentional shootings have occurred in Camden.

58. Unintentional shootings with defendants' unsafe guns often involve adolescents. Adolescents are attracted to accessible guns and notoriously discount the risks associated with handling a firearm. According to the General Accounting Office, approximately 35% of all unintentional shooting deaths involve users of guns who were between the ages of 13 and 16.

59. The unsafe design of defendants' guns also contributes to thousands of adolescent suicides. Studies have indicated that the odds that potentially suicidal adolescents will kill themselves are double when a gun is kept in the home. Of the 34,000 people who were killed with guns in 1996, about 18,100 were suicides. Moreover, for many years, a youth aged 10-19 has committed suicide with a gun about every six hours. Guns are the method used in 65% of male teen suicides and 47% of female teen suicides. Among 15-19 year-olds, firearm-related suicides have been estimated to account for 81 % of the increase in the overall rate of suicide from 1980-1992. Thus, the unsafe design of guns make them easily accessible to unauthorized persons with suicidal tendencies, and increase the ease with which such persons commit suicide.

60. Defendants' failure to incorporate feasible technology to prevent unauthorized and prohibited users, including juveniles and felons, from accessing and firing their guns also results in thousands of homicides and other crimes committed by those users, a number of which occur in Camden. Many of these homicide victims or victims of other crimes are themselves children and teenagers.

61. Gun manufacturers are best positioned to conduct research and development to correct the design of their product to increase safety and decrease access by minors and criminals. Defendants have been aware of the need for design features which would inhibit straw purchases, the re-use of stolen weapons and accidental discharges by unauthorized users. Nevertheless, defendants have failed to research, develop and implement existing technology to safeguard the public.

62. Defendant trade associations have likewise discouraged the development of such safety features. For example, defendant SAAMI holds itself out to the public as having been, since 1926, "the principle organization in the United States actively engaging in the development and promulgation of product standards for firearms and ammunition." Although SAAMI has promulgated numerous product standards for the firearms industry, it has failed to develop standards relating to personalized safety devices.

63. At all pertinent times, it was reasonably foreseeable that defendants' guns would fall into the hands of unauthorized users. There are guns in approximately one-half of the homes in this country. One survey reports that 30% of these gun owners who have children in the home keep their guns loaded. Another survey reports that 36% of gun owners with children in the home keep their guns unlocked. The Federal Centers for Disease Control and Prevention estimate that 1.2 million elementary-aged, latch-key children have access to guns in their homes. Moreover, nearly 60% of children between the ages of 10 and 19 have reported that they can acquire a gun should they want one.

64. At all pertinent times, defendants have been aware, or should have been aware, that when unauthorized users gained access to defendants' guns, tragic, preventable shootings may result. Many unintentional shootings, especially among children, teen suicides, homicides and other crimes committed by prohibited users would be prevented had defendants cared to implement safer gun designs, including the incorporation of built-in locking systems, magazine-disconnect safeties, chamber loaded indicators, and other feasible safeties. Defendants have failed to incorporate these feasible designs in the guns they sell. The defendants further knew that by failing to make and sell guns with the means to prevent

their firing by unauthorized or prohibited users, it was reasonably foreseeable that guns stolen from private residences, gun stores and other locations, or otherwise unlawfully obtained, could be employed by unauthorized or prohibited users in violent criminal acts.

65. Camden and its citizens, including its children, have been victimized by defendants' unreasonably dangerous products. Through the years, a number, of children in Camden have been grievously injured and/or killed because defendants' guns are sold without the means to prevent their use by unauthorized users, without adequate warnings that would prevent such shootings by alerting users of the risks of guns, and without adequate instruction regarding the importance and means of properly storing guns.

66. At the time the defendants manufactured, distributed, promoted or sold these guns, defendants knew or should have known of the unreasonable dangers of their guns, including those described in the foregoing paragraphs. Defendants were also aware of, and had available to them, safety devices, warnings, and other measures, which would prevent and/or decrease these dangers. Further, defendants are best positioned to conduct research and development to correct the unreasonably dangerous designs of their products to make it safer and less accessible to minors and criminals. However, defendants have failed to research, develop, and implement existing technology to remedy these deficiencies in their guns, warnings, instructions, promotion, advertising, marketing, and distributing, all of which would safeguard the public. Defendants also failed to adequately warn consumers of these dangers, failed to inform consumers or distributors of available devices and measures which could prevent or decrease these dangers, and failed to incorporate these life-saving devices into their guns.

67. These defendants knew or should have known that citizens of Camden would foreseeably fall victim to death or serious injuries caused by the actions of unauthorized users of guns. As a consequence, defendants knew or should have known that Camden would be injured and be forced to bear a substantial economic burden as a result of their irresponsible conduct.

68. For years, and continuing to date, defendants have knowingly, purposefully, intentionally, or negligently misled and deceived Camden and its citizens regarding the safety of guns. To increase sales and profits, defendants have falsely and deceptively claimed through advertising and promotion of their guns that the ownership and possession of guns in the home increases protection of one's home and person, and that the ownership of guns enhances personal security. These same defendants have also falsely represented that guns without built-in locking devices are safe. For example, gun manufacturers have promoted guns with slogans such as "homeowner's insurance," "tip the odds in your favor," "your safest choice for personal protection" and have a "good night."

69. Defendants have made these false and deceptive advertising and promotional claims even though they knew or should have known, as demonstrated by studies and statistics, that guns in the home actually increase the risk of harm to gun owners and their families. Defendants also knew or should have known that guns without locking devices on them are not safe. Indeed, studies have indicated that:

- one out of three handguns is kept loaded and unlocked in the home;
- guns kept in the home for self-protection are 22 times more likely to kill or injure someone known by their owners, than to kill or injure an intruder;
- suicides are five times more likely when a gun is kept in the home; for homes with teenagers, a suicide is ten times more likely;
- a gun is used for protection in fewer than two percent of home invasion crimes when someone is home; and
- for every time a gun in the home was used in a self-defense or legally justifiable shooting, there were four unintentional shootings, seven criminal assaults or homicides, and eleven attempted or completed suicides.

70. Although defendants are fully aware of these risks, they have specifically undercut warnings about the risks of guns in the home in their advertising and promotion, presenting handguns in the home as an unambiguous source of protection.

71. Also, more than 30 years ago a staff report of the U.S. Commission on the Causes and Prevention of Violence, entitled "Handguns and Violence in American Life," noted an increasing number of firearm deaths and injuries and concluded:

[Americans] may seriously overrate the effectiveness of guns in protection of their homes. In our urbanized society the gun is rarely an effective means of protecting the home against either the burglar or the robber [A gun in the home] provides a measure of comfort to a great many Americans, but, for the homeowner, this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns.... When the number of handguns increases, gun violence increases. (Pages xiii, 139.)

72. At all times pertinent, defendant manufacturers and defendant distributors and dealers, who account for most of the guns sold to the general public, acting in concert with each other and with defendant trade associations, have tacitly agreed or cooperated, or have adhered to industry-wide standards or customs with respect to, among other things:

- a. Their failure to develop and implement the means to prevent their guns from being fired by unauthorized users;
- b. Their failure to discourage the development and implementation of the means to prevent guns from being fired by unauthorized or prohibited users;
- c. Their failure to develop and implement other safety features; and
- d. Their failure to issue adequate warnings alerting users of the risks of guns and the importance of proper storage of guns.

73. The New Jersey Constitution states that "All persons are by nature free 'and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring,, possessing, and protecting property, and of pursuing and obtaining safety and happiness." N.J.S.A. Const. Art. 1.

74. Camden expends significant human and capital resources to provide for protection of domestic tranquility and public health and safety, specifically to protect its citizens from gun violence and the threat of gun violence.

75. Defendants have directly interfered with Camden's ability to protect domestic tranquility and the public health and safety by engaging in the conduct itemized above.

76. Defendants' conduct has caused Camden to incur increased public costs for a variety of city services. Camden has further been damaged by lower tax revenues and lower property values.

77. The facts set forth in this Complaint are made on information and belief, and are likely to have evidentiary support after a reasonable opportunity for discovery.

COUNT I
(PUBLIC NUISANCE
As To All Defendants)

78. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

79. Defendants have unduly interfered with the common right of the citizens of Camden to be free from avoidable injury and death, have created a nuisance which is hazardous to the public health, have caused damage to the public health, the public safety and general welfare of the residents of the City of Camden, and have thereby wrongfully caused the plaintiff to incur enormous costs in support of the public health, safety and welfare.

80. Defendants' ongoing conduct relating to their creation and supply of an illegitimate secondary market for guns has created and maintained a public nuisance in Camden, as numerous guns that they directly or indirectly supply to the illegitimate guns market are thereafter used and possessed in connection with criminal activity in Camden. As a result of the continued use of many of these guns after they enter Camden, residents of Camden have been and will continue to be killed and injured by these guns and residents of Camden will continue to fear for their health, safety and welfare and will be subjected to conduct that creates a disturbance and reasonable, apprehension of danger to their person and property.

81. Defendants have also created a public nuisance in Camden by defectively designing and distributing guns that are unsafe in that they do not contain essential safety features which inhibit prohibited or unauthorized users from firing any guns. Defendants have also created a public nuisance in Camden by failing to adequately warn of risks associated with the use, handling, storage, or operation of their products, including risks to immature or unauthorized persons who may have access to such guns.

82. Defendants also created a public nuisance by falsely and deceptively advertising and promoting that their dangerous products improve home and personal safety, despite empirical studies that indicate bringing a gun into the home increases rather than decreases the risks of injury and death to household members.

83. The presence of illegitimately possessed and used guns in Camden, the widespread distribution of unreasonably dangerous guns in Camden, and defendants' false and deceptive advertising and promotion regarding the safety of guns for home and personal use, proximately results in significant economic costs to Camden to prevent, respond to, and deter gun violence. Stemming the flow of guns into the illegitimate guns market, creating safer guns, and stopping the deceptive statements regarding the dangers of guns, will help abate the nuisance, for to do so will take the guns away from criminals and juveniles and will save lives, prevent injuries and reduces crime in the City of Camden.

COUNT 11

(VIOLATIONS OF NEW JERSEY CONSUMER FRAUD ACT

As To All Defendants)

84. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

85. Defendants have violated the New Jersey Consumer Fraud Act ("NJCF"), N.J.S.A. § 56:8-1 *et seq.*, by engaging in unconscionable commercial practices, deception, fraud, false pretense, false promise, and misrepresentation.

86. The City of Camden is a "person," within the meaning of Section 56:8-1(d) of the NJCFA.

87. A firearm is "merchandise" within the meaning of Section 56:8-1 (c) of the NJCFA.

88. Defendants, acting individually and in concert, have engaged in unconscionable commercial practices, deception, fraud, false pretense, false promise, and misrepresentation, in the following and other ways:

- by marketing, distributing, and selling their guns in a manner that is likely to, and does, cause harm to young children and others in the City of Camden;
- by marketing, distributing, and selling their guns in a manner that is likely to, and does, contribute to criminal activity, homicides, suicides and accidental deaths and injuries in the City of Camden;
- by engaging in a campaign of misrepresentation and misinformation concerning the dangers of their guns by creating advertisements which falsely state that home ownership of guns will increase home safety and security while knowing, or having reason to know, that home ownership of guns actually increases the risk of homicides, suicides and accidental injury or death in the home.
- by selling excessive numbers of guns to individual buyers when defendants know or have reason to know that some or all of the guns in a multiple sale are not for personal use, but are instead likely to be resold illegally and used to commit crimes; and
- by selling guns that fail to incorporate feasible safeties and self-locking device which would prevent misuse by unauthorized or unintended users.

89. As a result of defendant's unlawful methods, acts, and practices, Camden and its residents have suffered, and will suffer in the future, ascertainable losses, including adverse consequences such as death or serious bodily injury, which have resulted and continue to result in substantial costs to Camden.

90. As a result of defendants' unlawful methods, acts, and practices, defendants have reaped ill-gotten profits and gains in Camden, which they otherwise would not have received, and which they should be required to disgorge and repay.

91. As a result of defendants' unlawful methods, acts and practices, children and adolescents, felons, mentally unstable individuals, and those otherwise unauthorized or

unqualified to carry handguns and use them in a safe manner have had easy access to and have begun to use, continue to use, and have been encouraged to use defendants' handguns, and defendants have enhanced and facilitated their opportunity to do so.

92. Pursuant to N.J.S.A. § 56:8-14, plaintiff is entitled to all ascertainable losses including, but not limited to, reimbursement of all costs to Camden resulting from injury or death, or the threat of injury or death, caused by defendants' violations of the NJCFA, and including interest, and treble damages and attorneys' fees.

93. As required by NJCFA § 56:8-20, a copy of this Complaint is being mailed to the New Jersey Attorney General.

COUNT III
(NEGLIGENT DISTRIBUTION AND MARKETING
As To All Defendants)

94. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

95. Defendants owed a duty to Camden, its citizens, and the general public to act in a reasonably prudent manner in connection with the sale, marketing and design of their product. Defendants could have taken reasonable steps to reduce the risk of their products being sold to persons likely to misuse them.

96. Defendants are individually and jointly negligent, and have breached their duty of care to Camden and its citizenry by maintaining, supporting and participating in the formation or functioning of an illegitimate secondary market for guns by failing to exercise adequate management, oversight or control over the distribution and sale of their guns in the following and other ways:

- failing to control or limit straw purchases;
- failing to prohibit or restrict sales to kitchen table or corrupt dealers;
- failing to inhibit multiple purchases of their guns;

- failing to inhibit diversion of their guns at gun shows;
- failing to require distributors and dealers to secure their guns from theft;
- failing to make their products so that the serial numbers on them cannot be readily obliterated;
- failing to inhibit the movement of guns from states with weak gun control laws to areas with stronger gun control laws such as Camden;
- marketing and distributing their guns without adequate supervision or control over distributors and dealers;
- marketing and distributing their guns in such a way that it is reasonably foreseeable that they would be acquired by unauthorized and irresponsible persons, including minors under 21 and felons;
- causing or permitting their guns to be marketed and distributed to unauthorized and irresponsible persons, including young people incapable of appreciating the dangers and hazards of these products, as well as felons;
- failing to implement reasonable controls to regulate the distribution of guns, including even failing to investigate the background and business practices of the distributors and retail sellers of their guns; and
- failing to take reasonable efforts to prevent their guns from being acquired by unauthorized and irresponsible persons, including minors under 21 and convicted felons.

97. At all times relevant hereto, defendants relied upon and supported distribution methods which they knew or should have known would contribute to and enhance the illegal guns market.

98. Defendants are also negligent in that they actively market their products in a manner that failed to alert consumers and potential consumers, as well as retailers, regarding the risks of their products. Defendants negligently represented that the purchase of a firearm would enhance household security, that guns are safe, and that families could safely store guns unlocked and accessible to minors or mentally impaired persons. This negligence has caused additional harm to the plaintiff.

99. In short, defendants have breached their duty of care to market and distribute their products in a responsible manner that would prevent or limit their accessibility to unauthorized, prohibited, and irresponsible users. Instead, they have negligently distributed and marketed their products so as to avoid any meaningful training, monitoring, or disciplining of distributors and retailers - despite their knowledge of an illegitimate secondary market that is responsible for much of the guns involved in criminal activity in the City of Camden. Further, defendants have marketed their products with misrepresentations and omissions concerning gun safety, the risks associated with gun ownership and the proper information to increase gun safety. Defendants knew or reasonably should have known that their negligent conduct would create an illegitimate secondary market in guns that has caused and continues to cause Camden to expend substantially more resources than it otherwise would have for a variety of public services.

100. As a direct and proximate result of the defendants' negligence and carelessness, all as aforesaid, the guns manufactured and distributed by the defendants have injured Camden and its citizenry, thereby causing Camden to pay substantial increased sums of money for a variety of city services and public benefits. Furthermore, the City of Camden has suffered diminished tax revenues and property values.

COUNT IV

(NEW JERSEY PRODUCTS LIABILITY ACT-DEFECTIVE DESIGN

As To Defendant Manufacturers And Defendant Distributors And Dealers)

101. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

101. Defendant manufacturers and defendant distributors and dealers are engaged in the business of manufacturing or selling guns which were expected to, and did, reach the citizens of Camden, including households with children or mentally impaired persons, without substantial change in the condition in which they were sold.

102. Defendant manufacturers and defendant distributors and dealers are liable under the New Jersey Products Liability Act ("NJPLA"), N.J.S.A. §§ 2A:58C-1 *et seq.*

because their product is not reasonably fit, suitable or safe for its intended purpose due to its defective design.

104. Defendant manufacturers' and defendant distributors' and dealers' design was defective in that defendants failed to incorporate practical and feasible devices and designs including, but not limited to, the following:

- designs that prevent the products from being fired by unauthorized users;
- designs that increase the pressure required to activate the trigger;
- designs that alert users that a round is in the chamber;
- designs that prevent these products from being fired when the magazine is removed from them; and
- designs that inhibit illegal sales or distribution of guns.

105. These feasible designs would have reduced, if not prevented, injury to Camden and its citizenry.

106. It was reasonably foreseeable to the defendant manufacturers and defendant distributors and dealers that the defective design of their guns would allow unauthorized, untrained and inexperienced users to fire defendants weapons, thus causing intentional and accidental killings or injuries in Camden.

107. Defendant manufacturers and defendant distributors and dealers knew or reasonably should have known that given the gravity of the injuries which might be and which have been suffered by the residents of Camden, it was proper to include safety devices in their guns.

108. As a direct and proximate result of defendant manufacturers' and defendant distributors' and dealers' failure to design, manufacture, market, or sell a product which is not reasonably fit, suitable, or safe for its intended purpose, all as aforesaid, Camden has paid and will continue to pay increased sums of money for a variety of city services and public benefits. Furthermore, Camden has suffered diminished tax revenues and property values.

COUNT V
(NEW JERSEY PRODUCTS LIABILITY ACT-FAILURE TO WARN
As To Defendant Manufacturers And Defendant Distributors And Dealers)

109. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

110. Defendant manufacturers and defendant distributors and dealers are engaged in the business of manufacturing or selling guns which were expected to, and did, reach citizens of Camden, including households with children or mentally impaired persons, without substantial change in the condition in which they were sold.

111. Defendant manufacturers and defendant distributors and dealers are liable under the New Jersey Products Liability Act ("NJPLA"), N.J.S.A. §§ 2A:58C-1 *et seq.* for their design, manufacture, assembly, labeling, packaging, marketing and sale of their guns, in that they were not reasonably fit, suitable or safe for their intended purpose because they failed to include adequate warnings or instructions as to their guns' dangerous propensities, including, but not limited to:

- The risks that children could gain access to and discharge their products resulting in serious injury or death;
- How to properly store the products to prevent suicide, accidental injury, or theft;
- That the product was subject to theft and use in a crime if improperly stored;
- That a round of ammunition may be in the chamber of their products;
- That their products could be fired even with the ammunition magazine removed or without the trigger being pulled;
- That the products may not contain any safety devices;
- That training is necessary for the safe handling of the product; and
- That a gun in the home dramatically increases rather than decreases the risk of injury to members of the household.

112. In addition to failing to provide adequate or suitable warnings or instructions to owners and users, including households with children, defendant manufacturers and defendant distributors and dealers actively promoted and advertised their guns in a manner which did not alert customers and potential customers to the risks of guns, and on the contrary, suggested that by purchasing guns for their households they would become more safe, and that the design of the guns was safe.

113. For the foregoing reasons, defendant manufacturers' and defendant distributors' and dealers' guns were designed, packaged, labeled, manufactured, assembled and marketed in a manner which was not reasonably fit, suitable or safe for their intended purpose.

114. As a direct and proximate result of defendant manufacturers' and defendant distributors' and dealers' failure to include adequate warnings on their handguns, all as aforesaid, Camden has paid and will continue to pay increased sums of money for a variety of city services and public benefits. Furthermore, Camden has suffered diminished tax revenues and property values.

COUNT VI
(NEGLIGENT DESIGN AND FAILURE TO WARN
As To Defendant Manufacturers And Defendant Distributors And Dealers)

115. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

116. The defendant manufacturers and defendant distributors and dealers owed a duty to Camden, the residents thereof and the general public to act in a reasonably prudent manner in connection with the sale, marketing, distribution and design of their product.

117. As set forth in Count III, defendant manufacturers and defendant distributors and dealers marketed and distributed the products in a manner that the defendants foresaw or should have foreseen would bring the products into the possession and use of criminals, minors and other unauthorized or improper persons unaware of the dangers of a firearm or persons untrained in the use of firearms.

118. Nevertheless, defendant manufacturers and defendant distributors and dealers violated their duty of care by designing, manufacturing, or distributing guns lacking adequate safety devices, including, but not limited to the following:

- devices that prevent the products from being fired by unauthorized users;
- devices that increase the pressure required to activate the trigger;
- devices that alert users that a round is in the chamber;
- devices that prevent these products from being fired when the magazine is removed from them;
- devices that would inhibit the unlawful use by prohibited or unauthorized users; and
- devices that would inhibit the illegal sale or distribution of firearms

119. Defendant manufacturers and defendant distributors and dealers further violated the duty of care by designing, manufacturing, packaging, labeling, or distributing guns which contained inadequate, incomplete, or nonexistent warnings as to the risks of the product, including, but not limited to:

- The risks that children could gain access to and discharge their products resulting in serious injury or death;
- How to properly store the products to prevent suicide, accidental injury, or theft;
- That the product was subject to theft and use in a crime if improperly stored;
- That a round of ammunition may be in the chamber of their products;
- That their products could be fired even with the ammunition magazine removed or without the trigger being pulled;
- That the products may not contain any safety devices;
- That training is necessary for the safe handling of the product; and

- That a gun in the home dramatically increases rather than decreases the risk of injury to members of the household.

120. Defendant manufacturers and defendant distributors and dealers have also acted in concert with each other agreeing, co-operating or colluding to adhere to industry-wide standards or customs with respect to, among other things:

- Their failure to develop and implement the means to prevent their guns from being fired by unauthorized users;
- Their failure to discourage the development and implementation of the means to prevent guns from being fired by unauthorized or prohibited users;
- Their failure to develop and implement other safety features; and
- Their failure to issue adequate warnings alerting users of the risks of guns and to the importance of proper storage of guns.

121. As a direct and proximate result of the defendant manufacturers' and defendant distributors' and dealers' breaches of their duty of care and collusion as set forth above, Camden has paid and will continue to pay increased sums of money for a variety of city services and public benefits. Furthermore, Camden has suffered diminished tax revenues and property values.

COUNT VII
(UNJUST ENRICHMENT
As to All Defendants)

122. Plaintiff incorporates herein by reference the preceding paragraphs of the Complaint as though fully set forth.

123. Defendants, through their wrongful conduct as described above, have reaped substantial profits and gains from the sale or transfer of guns to unauthorized or prohibited purchasers and users of guns, including children under the age of 21 and convicted felons, from the sale of defective and unreasonably dangerous guns, and from guns sold because of false and deceptive advertising and promotion regarding home and personal security. Such

sales have occurred in and around Camden and the State of New Jersey, as well as outside the State where the gun was thereafter transported or caused to be transported into Camden.

124. Defendants' gun sales and transfers to unauthorized or prohibited purchasers and users of guns, sales of defective and unreasonably dangerous guns, and sales due to false and deceptive advertising and promotion, where the firearm is sold in and around Camden or brought into the City, have resulted in enormous increases in Camden's expenditures for a variety of city services directly attributable to defendants' conduct.

125. Camden has also been negatively impacted by defendants' gun sales due to the loss of substantial tax revenues as a result of diminished property values, loss of businesses and lost productivity of those individuals harmed by guns, due to the presence and use of guns throughout the City of Camden.

126. Defendants undertook the wrongful conduct alleged herein for the purpose of increasing their sales and profits from their sales of guns and component parts while at the same time avoiding responsibility for the costs related to medical care and criminal investigations caused by such sales and use of guns and shifting those costs to Camden and its citizens.

127. Defendants have, without justification, refused and failed to pay for the consequences of their wrongful conduct.

128. As a result, Camden has been required to pay for the associated costs resulting from the defendants' wrongful conduct.

129. Camden's expenditure of substantial sums to pay for the associated costs resulting from the use of the guns sold for enormous profit by defendants has unjustly benefited and enriched the defendants at Camden's expense and to Camden's detriment.

130. Camden has incurred expenses resulting from defendants' conduct that in law, equity, and fairness ought to have been borne by defendants.

131. In law, equity, and good conscience, it would be unjust for defendants to enrich themselves at the plaintiff's expense.

132. By virtue of an implied contract in law, defendants are obligated to pay the plaintiff for all moneys expended with regard to services rendered.

133. As a proximate result of the defendants' conduct, Camden has suffered and will continue to suffer substantial injuries and damages for which Camden is entitled to recover.

**DAMAGES
RELIEF REQUESTED**

WHEREFORE, the City of Camden respectfully requests that this Court enter judgment against the defendants and order appropriate monetary relief and damages as follows:

- A. Allocate monetary damages attributable to each defendant to compensate the City of Camden for the costs that it has incurred and will continue to incur as a result of the defendant's negligent and careless design, manufacture, marketing, promotion, advertising and sale of guns;
- B. Allocate monetary damages attributable to each defendant to compensate the City of Camden for the costs that it has incurred and will continue to incur as a result of the infusion into the marketplace of guns without appropriate safety devices, and the failure of the defendants to provide adequate warnings regarding their products;
- C. Allocate monetary damages attributable to each defendant as a result of the enormous profits and unjust enrichment of the defendants at the expense of the City of Camden for the costs that it has incurred and will continue to incur as a result of the defendant's negligent and careless design, manufacture, marketing, promotion, advertising and sale of guns, and the infusion into the marketplace of guns without appropriate safety devices or adequate warnings;
- D. Award monetary damages, including interest, treble damages, and attorneys' fees, attributable to each defendant to compensate the City of Camden for all costs it has incurred and will continue to incur resulting from injury or death, or threat of injury or death, caused by defendants' violations of the New Jersey Consumer Fraud Act;

- E. Award punitive damages as to each and every defendant in a sufficient amount to punish and deter conduct that intentionally and recklessly endangers the citizens of the City of Camden;

WHEREFORE, the City of Camden respectfully requests that this Court enter judgment against the defendants and order appropriate injunctive relief requiring defendants:

- A. To create and implement standards and training regarding their own distribution of guns, as well as the conduct of the gun dealers and distributors to whom they distribute guns, for the purpose of eliminating or substantially reducing the illegitimate secondary market that currently exists in Camden and elsewhere;
- B. To cease manufacturing, distributing, or offering for sale guns without appropriate safety devices and warnings, including devices designed to prevent unauthorized or illegal use and/or transfer;
- C. To fund a public education campaign to inform citizens of Camden about the dangers and health consequences of guns; the campaign to be administered and controlled by the City of Camden.
- D. To fund a violence prevention program in each school and correctional facility in the City of Camden; the campaign to be administered and controlled by the City of Camden.
- E. Award the plaintiff its costs and attorneys' fees; and
- F. Grant any other legal or equitable relief that the Court deems just and appropriate.

As to **All Counts** market share liability as to all defendants identified:

- A. Money damages as to each and every defendant for all damages that cannot be attributed to a particular source, for their: negligent and careless design, manufacture, marketing, promotion, advertising and sale of guns- intentional and negligent failure to incorporate safety devices into the design of their products; intentional and, negligent failure to provide adequate warnings; and for the enormous costs incurred by the plaintiff with regard to public health, safety, and welfare in an amount equivalent to the national market share of each such manufacturer, distributor or retailer.
- B. Money damages as to each and every defendant for all damages that cannot be attributed to a particular source, for the significant public funds expended as a result of the public nuisance regarding guns that exists in the City of Camden, including but not limited to, police services, fire services, emergency medical services, pension benefits, disability benefits, and workers' compensation benefits, in an amount equivalent to the national market share of each named manufacturer, distributor or retailer.

- C. Special damages, as to each defendant incurred by the City of Camden as a result of the public nuisance created by guns that cannot be attributed to a particular source, including but not limited to expenses for transportation and treatment of uninsured victims of gun violence, the decline of real estate tax revenues, and expenses for additional security in public schools and public housing developments in an amount equivalent to the national market share of each named manufacturer, distributor or retailer.
- D. Award the plaintiff its costs and attorneys' fees; and
- E. Grant any other legal or equitable relief that the Court deems just and appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DATE: June 21, 1999

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CERTIFICATION PURSUANT TO R. 4:5-1

The matter in controversy is not the subject of any other action pending in any Court, nor is it the subject of a pending arbitration proceeding.

No other action or arbitration proceeding is contemplated. At this time I know of no other party who should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 6/21/99

Lisa J. Rodriguez

CERTIFICATION PURSUANT TO N.J.S.A. 56:8-1 ET SEQ.

The undersigned certifies that a copy of this complaint will be forwarded to the Attorney General of the State of New Jersey and the Camden County Office of Consumer Affairs pursuant to N.J.S.A. 56:8-1 *et seq.*

Dated:

Lisa J. Rodriguez

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Lisa J. Rodriguez of Trujillo Rodriguez & Richards, LLC, is designated as trial counsel in this matter.

Dated: 6/21/99

Lisa J. Rodriguez