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BOARD OF CHOSEN FREEHOLDERS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**CAMDEN COUNTY BOARD OF
CHOSEN FREEHOLDERS**

CASE NO.

Plaintiff

v.

CIVIL ACT10N

**BERETTA, U.S.A. CORP.; PIETRO
BERETTA BROWNING ARMS CO-
BRYCO ARMS, INC., COLT'S MFG.
CO., INC.; DAVIS INDUSTRIES, INC.;
GLOCK, INC.; GLOCK NO. GMBH;
HI-POINT FIREARMS; H&R 1871 INC.;
INTERNATIONAL ARMAMENT
CORP.; CARL WALTHER GMBH,
LORCIN ENGINEERING CO., INC.;
KEL-TEC CNC INDUSTRIES, INC.;
NAVEGAR, INC.; PHOENIX ARMS;
RAVEN ARMS, INC.; SMITH & WESSON
CORP.; STURM, RUGER AND CO.,
INC.; TAURUS INTERNATIONAL
MANUFACTURING, INC.; FORJAS
TAURUS, S.A.; JENNINGS FIREARMS,
INC.; JOHN DOE MANUFACTURERS (1-20);
JOHN DOE DEALERS (1 -20); AND
JOHN DOE DISTRIBUTORS (1-20)**

Defendants.

**COMPLAINT
and
JURY DEMAND**

Plaintiff, the Camden County Board of Chosen Freeholders (the "County" or "Camden County"), by its attorneys, Robert G. Millenky, Esq. Camden County Counsel, and Deborah Silverman Katz, Esq., Assistant County Counsel, hereby complains against defendants as follows:

NATURE OF THE ACTION

1. This is a civil action for injunctive relief and compensatory, punitive and treble damages for harm caused to the County of Camden and its citizens by the defendants, each of whom individually or collectively, have (a) created a public nuisance by causing certain firearms to be present or to be used in Camden County in a manner which has interfered with the County's, and the County's citizens', enjoyment of life and property; (b) placed in the possession of County residents, employees, or visitors, firearms which are not suitably fit or safe for their intended purpose because of defective designs and inadequate warnings; (c) breached their contract with the intended and foreseeable users of certain firearms; (d) caused bodily injury and death, and the fear of bodily injury and death to Camden County citizens and guests; and (e) interfered with the economic advantages which would have been available to the County of Camden and its citizens had the County not been forced to expend its resources to address the harms caused by various firearms introduced into the County of Camden.

PARTIES

2. The County of Camden is a body politic and corporate, organized and existing under the laws of the State of New Jersey. The County of Camden has incurred and continues to incur a myriad of significant and substantial costs associated with the illegal and/or improper and/or dangerous use of firearms within the County. These costs include, but are not limited to the following: (a) the cost of funding the office of the Camden County Prosecutor, which is responsible, amongst its other duties, for the detection, arrest, indictment, and prosecution of offenders whose criminal activity entails the possession, use or threatened use of firearms; (b) the cost of funding the office of the Camden County Sheriff, which, amongst its other duties, is responsible for the identification, detection, and arrest of offenders whose criminal activity entails the possession, use or threatened use of firearms, and which is responsible for providing judicial system security services in Camden County, for the purpose of preventing the possession, use, or threatened use of firearms in the Camden County Court House and related facilities; (c) the cost of operating the Camden County Correctional Facility, which houses, amongst other inmates, those who have been accused of or have been convicted of crimes relating to the possession, use or threatened use of firearms; (d) the cost of operating the Office of the Medical Examiner, which amongst its various duties, investigates crimes and/or fatal injuries related to the use of firearms; (e) the costs associated with the operation of certain aspects of the judicial system within the County of Camden, including costs associated with the adjudication of legal matters involving the possession, use, or threatened use of firearms; (f) the cost associated with the maintenance of the Camden County Park Police, whose law enforcement duties include the detection, investigation

and arrest of individuals whose criminal activities relate to the possession, use, or threatened use of firearms; (g) the cost of establishing and operating the County's juvenile detention facility and other related facilities and programs which deal with delinquent youth, many of whom have been involved with the possession, use, or threatened use of firearms for illegal, improper and/or dangerous purposes; and (h) the cost of establishing and maintaining various training facilities for law enforcement personnel, whose programs, in part, focus upon the critical law enforcement issues related to the illegal and/or improper and/or dangerous use of firearms in Camden County.

3. The following defendant manufacturers distribute, or cause to be distributed, in Camden County firearms which are either dangerous, illegal or which are used for improper purposes:
 - a. Defendant Beretta U.S.A. Corp. ("Beretta") is a corporation organized and existing under the laws of the State of Maryland with its principal place of business in Maryland, and imports firearms manufactured by defendant Pietro Beretta Sp.A., a corporation organized and existing under the laws of Italy with its principal place of business in Italy.
 - b. Defendant Browning Arms Co. ("Browning") is a corporation organized and existing under the laws of the State of Utah with its principal place of business in Utah.
 - c. Defendant Bryco Arms Inc. ("Bryco") is a corporation organized and existing under the laws of the State of Nevada with its principal place of business in Nevada.

- d. Defendant Colt's Manufacturing, Inc. ("Colt") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Connecticut.
- e. Defendant Davis Industries, Inc. ("Davis") is a corporation organized and existing under the laws of the State of California with its principal place of business in California
- f. Defendant Glock, Inc. ("Glock") is a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Georgia, and imports firearms manufactured by defendant Glock GmbH, an Austrian corporation with its principal place of business in Austria.
- g. Defendant H&R 1871 Inc. ("H&R!") is a corporation organized and existing under the laws of the State of Massachusetts with its principal place of business in Massachusetts.
- h. Defendant Lorcin Engineering Co., Inc. ("Lorcin") is a corporation organized and existing under the laws of the State of California with its principal place of business in California.
- i. Defendant International Armament Corp., d/b/a Interarms Industries, Inc. ("Interarms"), is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Virginia, and imports firearms manufactured by defendant Carl Walther GmbH, a German corporation with its principal place of business in Germany.

- j. Defendant Navegar, Inc., d/b/a Intratec U.S.A., Inc. ("Intratec"), is a corporation organized and existing under the laws of the State of Florida with its principal place of business in Florida.
- k. Defendant Phoenix Arms ("Phoenix") is a corporation organized and existing under the laws of the State of California with its principal place of business in California.
- l. Defendant Smith & Wesson Corp. ("Smith & Wesson") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Massachusetts.
- m. Defendant Sturm, Ruger & Company, Inc. ("Sturm Ruger") is a corporation organized and existing under the laws of the State of California with its principal place of business in California.
- n. Defendant Taurus International Manufacturing, Inc. ("Taurus") is a corporation organized and existing under the laws of the State of Florida with its principal place of business in Florida, and imports firearms manufactured by defendant Forjas Taurus, S.A., a Brazilian corporation with its principal place of business in Brazil.
- o. Defendant Hi-Point Firearms ("Hi-Point") is a corporation organized and existing under the laws of the State of Ohio, with its principal place of business in Ohio.
- p. Defendant Raven Arms, Inc. ("Raven") is a corporation organized and existing under the laws of the State of California, with its principal place of business in California

q. Defendant Kel-Tec CNC Industries, Inc- ("Kel-Tech") is a corporation organized and existing under the laws of the State of Florida, with its principal place of business in Florida.

4. Defendants John doe manufacturers (1-20) inclusive, are business entities, the status of which are currently unknown, which manufacture or cause to be manufactured firearms which are either dangerous or illegal or which are used for improper purposes.
5. Defendants John Doe distributors (1-20) inclusive, are business entities, the status of which are currently unknown, which distribute or cause to be distributed in Camden County firearms which are either dangerous or illegal or which are used for improper purposes.
6. Defendants John Doe dealers (1-20) inclusive, are business entities, the status of which are currently unknown, which sell firearms in the State of New Jersey that are used for either illegal, improper and/or dangerous purposes in the County of Camden.

JURISDICTION

- 7- The amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs, and the action is between citizens of different States and/or citizens of foreign States.
8. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332.

VENUE

9. The plaintiff resides in Camden County, and the claim arises in the County of Camden.
10. Venue is proper pursuant to 28 U.S.C. § 1391 (a).

FACTUAL ALLEGATIONS

A. THE LINK BETWEEN VIOLENT CRIMINAL AND NON-CRIMINAL INCIDENTS AND ILLEGAL FIREARMS. OR FIREARMS MADE AVAILABLE FOR ILLEGAL AND/OR DANGEROUS AND/OR IMPROPER PURPOSES:

11. The County of Camden and its citizens face substantial incidents of violence or the threat of violence related to the use or possession of firearms for improper and/or illegal and/or dangerous purposes.
12. In Camden County in 1995, firearms caused the deaths of 48 people. In Camden County in 1996, firearms caused the deaths of 26 people. In Camden County in 1997, firearms caused the deaths of 36 people. In Camden County in 1998, firearms caused the deaths of 30 people. Of this number, in 1995, 4 were under the age of 18; in 1996, 3 were under the age of 18 , in 1997, 5 were under the age of 18 and in 1998, 3 were under the age of 18.
13. In 1996 criminals in Camden County used firearms in 59 robberies. In 1997 criminals in Camden County used firearms in 74 robberies.
14. In 1996 criminals in Camden County used firearms in 44 assaults. In 1996 criminals in Camden County used firearms in 31 assaults.
15. In 1996 citizens or visitors to Camden County during used firearms in 57 incidents of domestic violence. In 1997 citizens or visitors to Camden County used firearms in 59 incidents of domestic violence.
16. In Camden County, firearms maintained in homes for improper and/or illegal and/or dangerous purposes have produced and continue to produce grave dangers to the homeowners themselves, and to their families, friends, associates and invitees.
17. The experience in Camden County with firearms used or maintained in households for improper and/or illegal and/or dangerous purposes is consistent with national studies

which demonstrate that serious injury to a household member is much more likely in homes with firearms than in homes without them; suicide is even more likely; and a suicide of a teenager is more likely still.

18. Camden County statistics and national statistics demonstrate a causal connection in Camden County between violence, violent crime and firearms manufactured and/or distributed by the defendants for illegal, improper or dangerous purposes.
19. The defendants knew or should have known of this causal connection.
20. The actions of the defendants in so causing this manufacture and distribution have specifically caused harm to Camden County and its citizens in the past, and will continue to cause such harm in the future.

B. THE DEFENDANTS' SALE AND DISTRIBUTION OF FIREARMS FOR ILLEGAL USE IN CAMDEN COUNTY

21. Defendants, consistent with their nationwide patterns and practices, have oversupplied and/or saturated the national firearms market with their products in areas where firearm control laws are less restrictive than in Camden County, knowing that persons will illegally and or improperly purchase this oversupply and transport the firearms into, amongst other locales, Camden County, where they will be possessed illegally, resold illegally, or used for illegal and/or improper and/or dangerous purposes.
22. Defendants, consistent with their nationwide patterns and practices have, in jurisdictions outside of Camden, encouraged, or permitted to occur, the sale of certain firearms, including assault weapons, to Camden residents with the knowledge that such firearms are illegal to use or possess in the State of New Jersey, and with the knowledge that there is a reasonable likelihood that the purchaser will illegally transport the firearms to Camden County

23. Defendants, consistent with their nationwide patterns and practices have, in jurisdictions outside of Camden, engaged in, encouraged, or permitted to occur, the sale of certain firearms to persons whom they know or have reason to know are not licensed firearms dealers, with the knowledge that these persons will illegally transfer or resell those firearms in locations such as Camden County.
24. The defendants have caused substantial numbers of illegal firearms to enter and remain in Camden County by, amongst other practices, their use of, or facilitation of, market saturation techniques, multiple sales techniques, sales to non-dealers, sales to straw purchasers, sales to dealers with multiple criminal traces, sales to dealers who sell dangerous firearms at gun shows, and sales to non-residents.
25. The defendants, by these actions, together with other marketing and distribution techniques, have facilitated the continued existence in Camden County of an underground market for the sale and resale of illegal firearms.
26. Defendants knew or should have known that specific locations within the United States, including the City of Camden located within Camden County, constitute high crime areas where significant trafficking in illegal firearms occurs, and that their actions, in causing and/or facilitating illegal firearms to reach such areas, have caused and will continue to cause the sale and resale of these firearms, and have caused and will continue to cause the injury, fear, mayhem and other harms resulting from the illegal, and/or improper, and/or dangerous use of these weapons.
27. Despite their knowledge that their actions have produced and will continue to produce the illegal flow of firearms, the illegal secondary market, and the resultant harms, defendants

have failed and continue to fail to regulate or control, in a reasonable manner, their firearm marketing, distribution and manufacturing activities.

28. Defendants have chosen not to supervise, regulate or set reasonable marketing, distribution and manufacturing standards because such practices would limit sales of their products to a significant illegal market, thereby reducing sales and profits.

C. THE DESIGN AND MARKETING OF FIREARMS INTENDED FOR ILLEGAL AND/OR IMPROPER ANID/OR DANGEROUS PURPOSES

29. Defendant manufacturers have designed and marketed, and continue to design and market certain of their firearms with the intent of appealing to those who will likely use them for criminal and/or improper and/or dangerous purposes in, amongst other places, the County of Camden.
30. The defendants, in addition to marketing other firearms with similar appeal, have marketed the following firearms whose design features, stressing concealability, and/or rapid fire, and/or high capacity magazines, make them likely to be purchased or obtained by individuals who intend to use the firearms for illegal and/or improper and/or dangerous purposes:
 - a. Defendant Intratec markets the TEC-DC9, which is a compact, lightweight, semi automatic assault firearm. The TEC-DC9 can accept a large-capacity, 32 round detachable magazine, and can be readily modified to be fully automatic. The TEC-DC9 is fitted with a sling swivel, which allows the shoulder strap to be attached to the firearm, enhancing mobility and the ability to spray bullets from the hip. The TEC-DC9 is also manufactured with Tec-Kote, a finish that provides, as advertised, "resistance to fingerprints." Intratec slightly modified the

TEC-DC9 by eliminating the internal threading aspect of the barrel, and now markets it as the Intratec-AB10. Intratec has advertised its 9mm TEC-9 as an "assault-type pistol" that "deliver[s] more gusty performances and reliability than any other firearm on the market." Defendant Intratec considers the reputation of firearms such as the TEC-9 as being preferred by criminals to be a marketing advantage. Intratec's marketing and sales director has been quoted as saying the following:

“I’m kind of flattered [by condemnations of the TEC-9],
It just has that advertising tingle to it. Hey, it's talked
about, it's read about, the media write about it. That
generates more sales for me. It might sound cold and
cruel but I'm sales oriented.”

- b. Defendant Beretta markets the Model 950 BS, which is a 25 ACP single-action semi-automatic pistol. It has a 2.5-inch barrel length and an overall length of 4.7 inches, a height of 3.4 inches and a weight of 9.9 ounces, making it small, light, and very concealable. It has a 6-round magazine capacity, and it costs approximately \$200.00. This model is also available in a .22 caliber version, which has an 8-round magazine capacity
- c. Defendant Browning markets the Hi-Power model, a 9mm semi-automatic pistol which has a ten bullet magazine capacity, yet has a barrel length of only 4.75 inches, an overall length of 7.75 inches, is only 1 3/8 inches wide and only 5 inches in height. This powerful firearm is still small enough to be concealed inside a waistband and under a shirt.
- d. Defendant Bryco markets the Jennings Model 48, which is a .380 caliber semi-automatic pistol. It has a 7-round magazine capacity, and costs just over \$100.00.

It has a 4 inch barrel, and a 6.7 inch overall length. It has a combat-style trigger guard, which enables the user to more easily employ a second hand in firing the firearm, which contributes to steadier and more accurate firing. Bryco's .380 caliber Bryco Model 38 is a semi-automatic pistol, has a six-round magazine capacity, and costs about \$100.00. It has a 2.8 inch barrel length and a 5.3 inch overall length. It weighs 16 ounces, making it even more concealable than the Model 48.

- e. Defendant Colt markets the Mustang .380 Pocketlite, a small semi-automatic 380 ACP pistol. This firearm has a barrel length of only 2.75 inches, and an overall length of 5.5 inches, and weighs only 18.5 ounces, making it easily concealable. As its name suggests, it readily fits in a pocket. The Mustang Pocketlite is part of Colt's Model-380 series of five .380 caliber pistols, which are compact, lightweight, and yet high-powered.
- f. Defendant Davis markets the Model P-380, which is a .380 caliber semi automatic pistol. This firearm has only a 2.8-inch barrel length, a 5.4 inch overall length, and it is only 4 inches in height. It has a five-round magazine capacity. The somewhat smaller magazine size makes this firearm even more concealable. This firearm sells for approximately \$98.00.
- g. Defendant Glock markets the Model 17, which is a 9mm semi-automatic pistol. "The firearm, which has a polymer frame, has a barrel length of 4.5 inches and an overall length of 7.32 inches. It weighs only 22 ounces without a magazine. It has a ten-round magazine capacity, but can accept up to a 30 round magazine. Glock also markets the Model 26, a 9mm semi-automatic pistol with a 3.5-inch

barrel and a total weight of only 22 ounces. This firearm accepts a 10-round magazine. The characteristics of this firearm make it readily concealable.

- h. Defendant H&R markets the Model 732 revolver. This firearm is a .32 S&W caliber revolver which accepts six rounds and has only a 2.5-inch barrel, making it easily concealable.
- i. Defendant Hi-Point markets the Model CF-380. This firearm is a 380 ACP semiautomatic pistol with a barrel length of only 3.5 inches, and yet has a capacity of 8 shots. It has a retail price of about \$100.00.
- j. Defendant Lorcin markets the Model L-25, a .25 caliber semi-automatic pistol. It has a seven-round magazine capacity and is similar in size to the Davis .25 and the Phoenix Raven, making it a small and concealable firearm. It costs less than \$100.00. Lorcin also markets the Model L-380, a .380 caliber semi-automatic pistol with a magazine capacity of seven. It has a barrel length of 3.5 inches, a combat-style trigger, and it sells for approximately \$150.00.
- k. Defendant Phoenix markets the Model Raven, a .25 caliber semi-automatic pistol. It has an approximately 2.5 inch barrel length and an overall length of 4-7.5 inches. It weighs approximately 15 ounces and has a 6-round magazine capacity, making it small and concealable. It is a hammerless pistol, meaning that it is easier to withdraw from a pocket for quick firing, without risking snagging on clothing. It costs less than \$100.00.
- l. Defendant Smith & Wesson markets the Model 36, which is a .38 caliber small frame revolver with only a 2 inch barrel and a 6 1/16 inches overall length, and weighs only 19.5 ounces. It has a 5-round capacity. It is small and concealable.

It is single - and double- action. Double-action means that the trigger pull itself cocks the hammer and rotates the cylinder, obviating the need for cocking before firing.

- m. Defendant Sturm Ruger markets the Model P89. This firearm is a 9mm semi-automatic pistol with a 10 -round magazine capacity. It has a 4.5-inch barrel and an overall length of less than 8 inches and a 5.5-inch height. It also has a combat-style trigger guard. Sturm Ruger also markets the Ruger Mini-14 Ranch Rifle, which is a .223 Rem. Caliber semi-automatic rifle with an 18.5-inch barrel.
- n. Defendant Sundance markets the Model A-25 and the Model Boa, clones of the Raven MP-25. Both of these models are .25 caliber semi-automatic pistols with a 2.47 inch barrel length, a 4.8 inch overall length., and that accept a 7-round magazine.
- o. Defendant Taurus markets the Model PT-92AF. This firearm is a 9mm semi-automatic pistol, with a 4.92-inch barrel and an overall length of 8.54 inches. The firearm has double action, which eliminates the need for manual cocking and makes the firearm easier to shoot rapidly. It also has a large magazine capacity of 10 rounds. The Model 82 is a .38 caliber revolver double-action, with a medium frame and a six-shot capacity. It comes in either a 3 -inch or 4 inch barrel.
- p. Defendant Kel-Tec markets the Kel-Tec Sub 9 as a semi-automatic rifle chambered for the 9mm Luger cartridge. It has a barrel length of 16.1 inches. By changing the grip assembly and bolt stop, the Sub 9 will accept most double high capacity magazines. By rotating the barrel upwards and back, the Sub 9 can instantly be reduced to a size of 7 x 16 inches. The reapplication of the barrel to

the shooting position can be achieved in less than one second. According to Kel-Tec's own description, the Sub 9 "will deliver much higher muzzle energy and penetrating than the relatively short barreled pistol. Further, the Sub 9 has greatly extended range compared to a hand held firearm or shot gun firearm."

31. Defendants' manufacturing and marketing strategies have caused numerous illegal and/or improper and/or dangerous firearms to enter and remain in Camden County.
32. Defendants knew or should have known that their activities, by causing and maintaining the presence of these firearms, have in the past and will in the future: (a) promote criminal activity, violence, and the violation of New Jersey State law; (b) cause grave physical, emotional and economic injury to the residents of Camden County; (c) jeopardize the public health and safety of Camden County residents; and (d) cause the County of Camden to expend substantial dollars for the purposes of ameliorating these harms.
33. Despite their knowledge that their actions have produced and will continue to produce these harms, defendants have failed and continue to fail to regulate or control, in a reasonable manner, their firearm marketing, distribution and manufacturing activities.
34. Defendants have chosen not to supervise, regulate or set reasonable marketing, distribution and manufacturing standards because such practices would limit sales of their products to a significant illegal market, thereby reducing sales and profits.

D. THE PLACEMENT OF DEFECTIVE PRODUCTS INTO THE MARKET PLACE

35. Defendants have in the past and continue now to manufacture and cause defective firearms to reach users in Camden County.

36. The defendants manufacturers have designed and/or caused to be distributed in Camden County firearms which possess, amongst other defects, one or more of the following flaws:
- a. semi-automatic features, for the non law enforcement community, which allow for unnecessarily and unreasonably rapid discharge of bullets;
 - b. semi-automatic designs which permit modifications to produce automatic or near automatic function;
 - c. semi-automatic designs, intended for the non-law enforcement market, which fail to incorporate available designs which avoid the serious dangers of accidental discharge resulting from the presence of a chambered round in the firearm, notwithstanding the removal of an ammunition magazine;
 - d. designs, for the non-law enforcement community, which permit ready concealability;
 - c. designs, for the non-law enforcement community, which permit ready use of large ammunition magazines;
 - f. designs, for the non-law enforcement community, which fail to incorporate features which prevent discharge or firing by persons other than the intended user of the firearm.
 - g. designs, for the non-law enforcement community, which fail to incorporate adequate warnings.
37. Defendants' defective designs have caused numerous illegal and/or improper and/or dangerous firearms to enter and remain in Camden County.

38. Defendants knew or should have known that their defective designs have in the past and will in the future: (a) promote criminal activity, violence, and the violation of New Jersey State law; (b) cause grave physical, emotional and economic injury to the residents of Camden County; (c) jeopardize the public health and safety of Camden County residents; and (d) cause the County of Camden to expend substantial dollars for the purposes of ameliorating these harms.
39. Despite their knowledge that their defective designs have produced and will continue to produce those harms, defendants have failed and continue to fail to manufacture and/or distribute non-defective firearms.

COUNT ONE

PUBLIC NUISANCE

40. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
41. For the purpose of reducing and restricting, in Camden County and elsewhere in the State of New Jersey, the availability of (a) illegal firearms, (b) firearms, both legal and illegal that are linked to violence and/or crime, and (c) firearms that are a danger to non-law enforcement individuals because of defective designs, [all such firearms, consisting of (a), (b), and (c), above, hereinafter collectively referred to in this complaint as "Dangerous Firearms"], the State of New Jersey has enacted strict firearm control laws, which place strict requirements and prohibitions on the possession, use and transfer of Dangerous Firearms in New Jersey and, thereby, in Camden County.
42. Such laws reflect the policy of the State of New Jersey that the citizens of Camden County, along with those of New Jersey's other counties, should not be caused to suffer

the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the presence of Dangerous Firearms in New Jersey.

43. Such laws reflect the policy of the State of New Jersey that the County of Camden, along with New Jersey's other Counties, should not be caused to suffer the costs associated with responding to and attempting to control the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the presence of Dangerous Firearms in New Jersey.
44. In contravention of the intent of these firearm control statutes, and in contravention of Camden County citizens' common law rights, the actions of the defendants, in causing the presence of Dangerous Firearms in Camden County, have unreasonably obstructed, disturbed and interfered with the ability of Camden County citizens to use and enjoy their own property, to use and enjoy the public lands of the County, and to be free from disturbance and unreasonable apprehension of danger to person and property, and to otherwise be free from endangerment to their health, safety and welfare.
45. In contravention of the intent of these firearm control statutes, and in contravention of Camden County's common law rights, the actions of the defendants, in causing the presence of Dangerous Firearms in Camden County, have caused the County of Camden to expend large sums of money in attempts to abate and ameliorate the harms caused by these Dangerous Firearms.
46. Defendants' past conduct and ongoing conduct constitutes a continuing nuisance under the law of the State of New Jersey.

COUNT TWO
DEFENDANT'S PRODUCTS ARE NOT REASONABLY FIT, SUITABLE OR
SAFE FOR THEIR INTENDED PURPOSE

47. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
48. Defendants have manufactured and/or distributed and/or sold or caused to be sold defective firearms which are not reasonably fit, suitable or safe for their intended purpose in that they a) possess semi-automatic features, intended for the non law enforcement community, which allow for the unnecessarily and unreasonably rapid discharge of bullets; b) possess semi-automatic features which permit user modifications to produce automatic or near automatic fire; c) possess semi-automatic features, intended for the non-law enforcement market, which fail to incorporate available designs which avoid the serious dangers of accidental discharge resulting from the presence of a chambered round in the firearm, notwithstanding the removal of an ammunition magazine; d) possess features intended for the non-law enforcement community, which permit ready concealability; e) possess features, intended for the non-law enforcement community, which permit ready use of large ammunition magazines; f) fail to possess features intended for the non-law enforcement community, which prevent discharge or firing by persons other than the intended user of the firearm; g) fail to possess adequate warning, for the non-law enforcement community, which provide adequate warnings; and h) are otherwise defective and unreasonably dangerous.
49. At all times pertinent hereto, technical and feasible alternative designs existed and were available to the defendants which would have corrected these defects without substantially impairing any intended, legitimate function of the firearms.

50. At all time pertinent hereto, the firearms possessing the aforesaid defects were egregiously unsafe.
51. At all times pertinent hereto, the firearms possessing the aforesaid defects were ultra hazardous.
52. At all times pertinent hereto, the ordinary and foreseeable users and consumers of the defective firearms could not reasonably have been expected to have knowledge of the risks associated with the use or exposure to the defective firearms.
53. At all times pertinent hereto, the defective firearms posed a serious risk of injury to persons other than the persons who the defendants intended to be the users and consumers of the defective firearms.
54. At all times pertinent hereto, the defective firearms have served little or no useful purpose.
55. As a direct and proximate result of the actions of the defendants in manufacturing and/or marketing the defective firearms, the citizens of Camden County have been caused to suffer innumerable harms, including, but not limited to homicides, suicides, accidents, and other violence, injury and the apprehension of harm occasioned by the presence of the defective firearms in Camden County.
56. As a direct and proximate result of the actions of the defendants in manufacturing and/or marketing the defective firearms, the County of Camden has been caused to suffer the costs associated with responding to and attempting to control the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the presence of the defective firearms in Camden County.

COUNT THREE

NEGLIGENCE

58. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
59. At all times pertinent hereto, defendants, in contravention of their duty to act with reasonable care, negligently, carelessly and recklessly marketed and distributed, or caused to be marketed and distributed, Dangerous Firearms to persons residing in or entering the County of Camden.
60. As a direct and proximate result of these actions by defendants, citizens and visitors to Camden County have been caused to suffer innumerable harms, including, but not limited to homicides, suicides, accidents, and other violence, injury and apprehension of harm.
61. As a further direct and proximate result of these actions by defendants, the County of Camden has been caused to suffer the costs associated with responding to and attempting to control, abate, and ameliorate the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the illegal, and/or improper and/or dangerous use or discharge of Dangerous Firearms in Camden County.

COUNT FOUR

ASSAULT

62. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
63. At all times pertinent hereto, the actions of the defendants in causing Dangerous Firearms to be present in Camden County have caused citizens and visitors to Camden County to

apprehend an immediate threat of injury and bodily harm, and to experience bodily harm, including but not limited to homicides, suicides, accidents, and other violence.

64. Such actions constitute assaults and/or batteries by the defendants upon the citizens of Camden County and its visitors.
65. As a direct and proximate result of these assaults and batteries by defendants, the County of Camden has been caused to suffer the costs associated with responding to and attempting to control, abate, and ameliorate the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the illegal, and/or improper and/or dangerous use or discharge of Dangerous Firearms in Camden County.

COUNT FIVE

INTENTIONAL INTERFERENCE WITH AN ECONOMIC ADVANTAGE

66. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
67. Camden County, pursuant to statute, provides for the health, safety, and welfare of its citizens and visitors.
68. In order to provide for such health safety and welfare, the County must allocate its resources, provided by its citizens through its tax dollars, for various purposes including but not limited to the maintenance of its roads and highways, the provision of various health and human services, the maintenance of parks and recreation facilities, the preservation of the environment, economic development, assistance to the needy, the provision of buildings and other resources for the judiciary, and law enforcement activities.

69. The County at all times seeks to expend taxpayer funds for the collective advantage of the taxpayers, in a manner which fairly allocates those resources to accomplish the preeminent public good.
70. The defendants, by their introduction of Dangerous Firearms into Camden County, have unjustly and wrongfully interfered with these economic expectations of the County, in that they have forced the County to spend inordinate sums in order to respond to, and to attempt to control, abate, and ameliorate the homicides, suicides, accidents, and other violence, injury and apprehension of harm occasioned by the presence of Dangerous Weapons.
71. Defendants knew or should have known of the economic expectations of the County.
72. Defendants, by their actions and omissions, wrongfully and without justification interfered with the County's expectation of economic advantage.
73. In the absence of the wrongful act or omission of the defendants, it is reasonably probable that the County would have realized its economic advantage.

DAMAGES

74. Each prior paragraph of this complaint is incorporated herein by reference and relied upon by the Plaintiff. For the sake of brevity, same is not set forth at length.
75. As a direct and proximate result of the wrongful actions as herein above set forth, plaintiff has in the past and will in the future be required to continue to spend large sums of money to enhance the operations of various County departments and agencies, including, but not limited to: (a) the office of the Camden County Prosecutor, which is responsible, amongst its other duties., for the detection, arrest, indictment, and prosecution of offenders whose

criminal activity entails the possession, use or threatened use of firearms; (b) the office of the Camden County Sheriff, which, amongst its other duties, is responsible for the identification, detection, and arrest of offenders whose criminal activity entails the possession, use or threatened use of firearms, and which is responsible for providing judicial system security services in Camden County, for the purpose of preventing the possession, use, or threatened use of firearms in the Camden County Court House and related facilities; (c) the Camden County Correctional Facility, which houses, amongst other inmates, those who have been accused of or have been convicted of crimes relating to the possession, use or threatened use of firearms; (d) the Office of the Medical Examiner, which amongst its various duties, investigates crimes and/or injuries related to the use of firearms; (e) the judicial system within County of Camden, insofar as various capital and operational costs associated with the adjudication of legal matters involving the possession, use, or threatened use of firearms remain the responsibility of the County; (f) the Camden County Park Police, whose law enforcement duties include the detection, investigation and arrest of individuals whose criminal activities relate to the possession, use, or threatened use of firearms; (g) the County's juvenile detention facility and other related facilities and programs which deal with delinquent youth, many of whom have been involved with the possession, use, or threatened use of firearms for illegal or improper purposes; and (h) the various training facilities for law enforcement personnel, whose programs, in part, focus upon the critical law enforcement issues related to the illegal and/or improper use of firearms in Camden County.

76. As a direct result of the actions of the defendants, as aforesaid, the County has experienced lost growth and investment opportunities which would have increased the tax

base of the County, which in turn would lower property taxes and otherwise cause monetary advantages to accrue to Camden County and its citizens.

WHEREFORE, the plaintiff prays for relief and judgment against the defendants and each of them as follows:

1. For compensatory and consequential damages in an amount sufficient to reimburse plaintiff for all sums which it has expended and will expend on account of the defendants' wrongful conduct;
2. For pre-judgment interest, as well as plaintiffs reasonable attorneys' fees, expert witness fees and other costs of this action;
3. For punitive damages in such amount as will sufficiently punish the defendants for their conduct and as will serve as an example to prevent a repetition of such conduct in the future;
4. For permanent injunctive relief sufficient to abate the harms caused by the defendants, including but not limited to:
 - a. prohibiting the sale of Dangerous Firearms in a manner which causes such firearms to inappropriately enter the State of New Jersey;
 - b. prohibiting the sale of Dangerous Firearms to individuals under circumstances that place the defendants on direct or constructive notice that the firearms will not be used for the purchaser's personal use or otherwise will not be used for legal purposes;
 - c. requiring defendants to systematically monitor the sales of dealers through which they distribute their firearms to ensure that they are being sold legally and

responsibly, and to terminate shipments of firearms to dealers who do not enforce standards and practices that prevent sales to persons whom the dealer has direct or constructive notice will not use them lawfully and responsibly;

d. requiring defendants to provide adequate training to the firearms dealers through which they distribute their firearms to ensure the dealers' compliance with federal, state and local laws;

e. requiring firearms manufacturers and distributors to participate in a court-ordered study of lawful demand for firearms and to cease sales in excess of lawful demand;

f. requiring defendants to manufacture and market personalized firearms that can only be used by the lawful purchaser;

g. requiring defendants to appropriately label and warn of the firearm's dangers, including but not limited to matters relating to storage, cartridges in the firing chambers, proper use, and dangers presented by the presence of weapons in a household;

h. requiring such other and further extraordinary equitable, declaratory and/or injunctive relief as permitted by law as necessary to assure that plaintiff has an effective remedy; and

6. For such other further relief as the Court deems just and proper, to which plaintiff is entitled.

JURY DEMAND

Plaintiff hereby demands a Jury Trial as to all issues of this suit.

CERTIFICATION

I hereby certify that, to the best of my knowledge and belief, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding,

Dated: June 1, 1999

Respectfully submitted,

By:

Robert G. Millenky
County Counsel

Dated: June 1, 1999

Respectfully submitted,

By:

Deborah Silverman Katz
Assistant County Counsel