

crimes. Defendants employ a strategy which couples manufacturing decisions, marketing schemes, and distribution patterns with a carefully constructed veil of deniability regarding particular point-of-sale transactions. Through this calculated strategy of willful blindness, defendants exploit, rely upon, and help maintain an active illegitimate secondary market in firearms. The resulting flood of guns for criminal use has created a public nuisance within the City of Boston by threatening the public health and safety of Boston's citizens.

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 Boston and its citizenry.

The vast majority of firearms used to commit crimes in Boston, as throughout the country, are purchased or otherwise diverted from licensed dealers in a wide and ever changing array of schemes, including sham or "straw" purchases, multiple sales, and diversions by corrupt dealers, designed to supply guns to an illegitimate secondary market of felons, juveniles, and other dangerous individuals who could not qualify to purchase guns on their own. Defendants not only know that this diversion takes place; they depend upon it. Defendants have the ability to dramatically reduce the flow of firearms to this illegitimate secondary market. They have chosen not to do so. Instead, they rely upon and exploit this market as a steady and lucrative source of profit.

Defendants affirmatively rely upon the laxness of dealers and the ingenuity of criminals to ensure that thousands of firearms find their way to their expected place in the illegitimate secondary market. In order to facilitate this strategy, defendants have erected a veil of deniability between themselves and the distributors and dealers. Defendants scrupulously avoid monitoring distributors and dealers. They are careful not to provide training or guidance to either. They do not curtail shipments to distributors or dealers who supply firearms to the illegitimate secondary market. Indeed, defendants make no efforts to ascertain which of their distributors or dealers are supplying guns to criminals. What defendants do know -- what they depend upon and budget for -- is that so long as they continue their strategy of willful blindness, thousands of profitable firearms will get to their expected illegitimate buyers and users.

Defendant distributors and dealers are compliant in this enterprise. Many dealers make openly illegal sales without filling out required federal paperwork or conducting background checks on purchasers. Others conveniently look the other way while sales are made to straw purchasers or under circumstances where the dealer knows or should know the gun will thereafter be diverted into the illegal secondary market to unauthorized buyers who will use the guns in crime.

From the perspective of the defendants, this strategy has been a resounding success. Producing thousands of firearms for indirect but predictable sale on the illegitimate secondary market has been enormously lucrative. From the perspective of the City of Boston and its citizens, the consequences of this strategy have been nothing short of disastrous. Hundreds of lives are lost each year in crimes committed with firearms supplied by the defendants in this fashion. Hundreds of millions of dollars must be spent by the City to investigate and prosecute crimes committed with firearms supplied by the defendants in this fashion. Millions more dollars must be spent on emergency services and other costs responding to this crisis. Put simply, defendants have adopted a strategy which allows them to sell thousands of firearms to criminals at enormous cost to the City of Boston and its citizens. Defendants have knowingly and unreasonably subsidized their lucrative business at plaintiffs' expense.

In addition, defendants have willfully, deliberately, and negligently marketed defective and unreasonably dangerous firearms which have injured the City of Boston and its citizens. Despite the foreseeable risk of injury and death attending the use of guns, the defendants have knowingly, willfully, and negligently failed to install even the most basic safety features and have failed to adequately warn

users of the dangers associated with the use of their product. Although inexpensive safety devices have existed for years, and in some cases, decades, to prevent the accidental pulling of the trigger, to indicate whether or not a gun is loaded, to prevent the firing of a gun when the magazine has been removed, and to prevent the firing of the gun by an unauthorized user, the defendants have failed to incorporate such devices.

Defendants have also made their guns unreasonably dangerous by their failure to provide any sort of meaningful warning on the products. Even a disposable lighter has certain safety devices and contains warnings regarding the risk of misuse of the product. In fact, some of the most common products used in homes warn of even obvious dangers attending their use. Nevertheless, despite the latent dangers that defendants have designed into their products, by failing to provide adequate safety devices, the defendants have made no attempt to insure that the end user of their products 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 members of the household.

The defects in the design of firearms not only pose a danger to the user of the products, but the intentional, willful, and negligent defective design features of the products make them unreasonably dangerous to all citizens of Boston. Instead of developing design improvements to enhance the safety of the products, the defendants have willfully, intentionally, and negligently developed, designed and marketed their guns without such safeties.

As a result of the defendants' actions, the plaintiffs have had to expend significant money in investigating crime, preventing crime, transporting and treating the injured and those who have died, and supporting the victims of gun violence. In so incurring costs for which the defendants are responsible, the defendants have been unjustly enriched at the expense of the plaintiffs. Moreover, the City of Boston has lost revenue and property value as a result of defendant's acts and omissions. For these reasons, the plaintiffs seek injunctive and compensatory relief as set forth herein.

B. PARTIES

1. The City of Boston is a body politic and corporate entity, existing under the laws of the Commonwealth of Massachusetts and is located in Suffolk County, Massachusetts.
2. The Boston Public Health Commission is a political subdivision of the Commonwealth of Massachusetts with its usual place of business at 1010 Massachusetts Avenue, Boston, Massachusetts.
3. The following defendants, in paragraphs 4 through 38, manufacture, distribute, sell or promote firearms that are found and used in the City of Boston on an on-going and continuous basis.
4. 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.
5. Defendant B.L. JENNINGS Corp. ("JENNINGS") is a corporation organized and existing under the laws of the State of Nevada with its principal place of business in Nevada.
6. Defendant BROWNING ARMS Corp. ("BROWNING") is a corporation organized and existing under the laws of the State of Utah with its principal place of business at One Browning Place, Morgan, Utah.
7. 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.

8. Defendant CHARTER ARMS Corp. ("CHARTER ARMS") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at 430 Sniffens Lane, Stratford, Connecticut.
9. 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.
10. Defendant DAVIS INDUSTRIES Corp. ("DAVIS") is a corporation organized and existing under the laws of the State of California with its principal place of business at 15150 Sierra Bonita Lane, Chino, California.
11. Defendant FIREARMS IMPORT & EXPORT CORP. ("F.I.E") is a corporation organized and existing under the laws of the State of Florida with its principal place of business at PO Box 4866, Hialeah, Florida.
12. 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.
13. Defendant HARRINGTON & RICHARDSON Corp. ("H&R") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business at 60 Industrial Rowe, Gardner, Massachusetts.
14. Defendant HERITAGE MANUFACTURING, INC. ("HERITAGE") is a corporation organized and existing under the laws of the State of Florida with its principle place of business at 4600 N.W. 135th Street, Opa Locka, Florida.
15. Defendant HI-POINT FIREARMS Corp. ("HI-POINT") is a corporation organized and existing under the laws of the State of Ohio with its principal place of business at 5990 Philadelphia Drive, Dayton, Ohio.
16. 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.
17. Defendant KEL-TEC CNC, INDUSTRIES, Inc. ("KEL-TEC") is a corporation organized and existing under the laws of the State of Florida with its principal place of business at Kel-Tec CNC Industries Inc., Cocoa, Florida.
18. Defendant IMPORT SPORT Corp., d/b/a SGS Importers International Inc. ("IMPORT SPORT") is a corporation organized and existing under the laws of the State of New Jersey, with its principal place of business at 1750 Brielle Ave., Unit B1, Wanamassa, NJ.
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 Sevaine Way, Suite A, Mira Loma, California.
20. Defendant MARLIN FIREARMS Corp. ("MARLIN") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at 100 Kenna Drive, North Haven, Connecticut.

21. Defendant MOSSBERG & SONS O.F Corp. ("MOSSBERG") is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business at 7 Grasso Avenue, North Haven, Connecticut.
22. 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 130th Street, Miami, Florida.
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.
24. Defendant U.S. REPEATING ARMS Corp. ("US REPEATING") is a corporation organized and existing under the laws of the State of Utah with its principal place of business at 275 Winchester Ave., Morgan Utah.
25. Defendant REMINGTON ARMS Corp. ("REMINGTON") is a corporation organized and existing under the laws of the State of North Carolina with its principal place of business at 870 Remington Drive, Madison North Carolina.
26. Defendant SAVAGE ARMS Corp. ("SAVAGE") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business at 100 Springfield Road, Westfield, Massachusetts.
27. 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.
28. 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.
29. Defendant STURM, RUGER & CO Inc. ("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.
30. Defendant SUNDANCE INDUSTRIES Corp. ("SUNDANCE") is a corporation organized and existing under the laws of the State of California with its principal place of business at 25163 W. Avenue Stanford, Valencia, California.
31. 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.
32. 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 firearms manufacturers and sellers, including some or all of the defendant manufacturers.
33. 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 firearms manufacturers and sellers, including some or all of the defendant manufacturers.

34. 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 firearms manufacturers and sellers, including some or all of the defendant manufacturers.

35. DOES 1-50, inclusive, are business entities, the status of which are currently unknown. DOES 1-50 manufactured firearms that are or were distributed, marketed, sold and/or possessed within the City of Boston.

36. DOES 51-100, inclusive, are business entities, the status of which are currently unknown. DOES 51-100 are retailers of firearms that are or were found within the City of Boston.

37. DOES 101-225, inclusive, are business entities, the status of which are currently unknown. DOES 101-225 distribute and/or market firearms that are or were found within the City of Boston.

38. DOES 226-250, inclusive, are business entities, the status of which are currently unknown. DOES 226-250 are industry trade associations which are composed of firearm manufacturers, distributors and retailers.

39. Plaintiffs are not aware of the true names and capacities of defendants referred to as DOES 1-250. Plaintiffs allege that each of the fictitiously named defendants is responsible in some manner for the violations alleged herein. Plaintiffs will seek leave to amend this Complaint to allege such names and capacities as soon as they are ascertained.

C. JURISDICTION

40. The plaintiffs' causes of action against the defendants arise from the defendants' transacting business in the Commonwealth; contracting to supply services or things in the Commonwealth; causing tortious injury by an act or omission in the Commonwealth; causing tortious injury in the Commonwealth by an act or omission outside of the Commonwealth; regularly doing and soliciting business and engaging in other persistent courses of conduct and deriving substantial revenue from goods used or consumed or services rendered in the Commonwealth; and having an interest in, using or possessing real property in the Commonwealth.

D. SPECIFIC FACTUAL ALLEGATIONS

41. The widespread availability and misuse of firearms by juveniles, felons, and other unauthorized users is a national problem of immense proportions. Gun violence is the second leading cause of injury-related death in the United States. In 1996, more than 34,000 people were killed with firearms. Of these, more than 14,300 were homicides and about 18,100 were suicides, with more than 1,100 deaths from unintentional shootings. This death toll strikes particularly hard at children and teenagers, with approximately 13 children a day killed by gunfire, or more than 4,600 a year. More than one child a day is killed in an unintentional shooting.

42. In addition, based on 1992 data, approximately 99,000 individuals are treated annually in hospital emergency rooms for non-fatal firearm injuries, with about one-fifth of these for accidental shootings. The cost of these shootings to cities like Boston is staggering. It is estimated that nationally, gun-related violence costs taxpayers more than \$4.5 billion dollars per year. Most of these injuries and deaths are caused by handguns.

43. One of the most serious problems facing Boston, as with most major cities in the United States, is the high level of violent crime committed with firearms. For example, from 1996 to 1998, more than

1,400 guns manufactured by the defendants were involved in crimes committed in the City of Boston. Of these crimes, there were 30 homicides, 131 aggravated assaults, 37 armed robberies, and 29 suicides. In addition, during a two-year period from July 1, 1996 through July 31, 1998, the Boston Police Department seized more than 1,470 crime guns found on the streets of Boston.

44. This staggering toll of gun violence and crime is fueled by the easy movement of firearms from the legal marketplace to unauthorized and illegal users through an illegal secondary firearms market.

45. Surveys have consistently shown how easily juveniles and convicted criminals can obtain firearms. 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.

46. Tracing of crime guns by the Federal Bureau of Alcohol, Tobacco and Firearms ("ATF") confirms that juveniles, felons, and other unauthorized users can easily obtain firearms for crime. A just-released ATF study of 27 major urban centers throughout the United States, including Boston, which analyzed more than 75,000 guns traced to crime over a one-year period, reported that more than 11% of guns picked up in crime have been possessed by children under age 18. In Boston, the percentage of crime guns seized from juveniles was also 11%. (An ATF study from the prior year indicated that more than 14% of crime guns in Boston were picked up from juveniles.) 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 law. Moreover, ATF tracing of trafficked crime guns found that more than 45% of the weapons seized were illegally possessed by convicted felons. Large percentages of these guns have been used in assaults, robberies, homicides, and other violent crimes. More than 80% of the firearms seized in crime are handguns.

47. 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 firearms. ATF tracing data indicates that as many as 43% of firearms traced to crime in urban centers across America have been bought from retail dealers less than three years earlier, which is a strong indication that the firearm has been trafficked. The same tracing data indicates that between 40 and 44% of the crime guns most frequently seized in Boston were sold at retail less than three years earlier. For certain types of firearms, such as semiautomatic pistols, this time-to-crime is even more rapid.

48. The flow of defendants' firearms into the unlawful market and into the hands of unauthorized and irresponsible persons, including children under age 21 and convicted felons, has occurred in numerous ways, including but not limited to those methods listed below. Defendants knew or should have known of these methods of illegal diversion and could have taken action to control and prevent the diversion, but have failed to do so.

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 firearms 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 unlawful market after first being part of multiple sales, wherein the purchaser buys more than one gun at a time or 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 firearms under federal and state regulations, such as a child under 21 or convicted felon. Many multiple sales have occurred under circumstances which have indicated or should have indicated to the firearm seller that the firearms 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 firearms 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 firearms from a retail store. Many of these firearms dealers, although federally licensed, have sold firearms without completing background checks on purchasers or complying with other reporting requirements, or have otherwise diverted guns into the illegal 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 firearms.

d. Thousands of firearms have also reached the unlawful 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 firearms 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 ATF study of 27 major urban centers found, on average, that more than 11% of the guns traced to crime had obliterated serial numbers. An earlier study specific to Boston found that approximately 20% of firearms picked up from Boston street gangs had obliterated serial numbers.

f. Firearms also move from states with weak gun control laws to areas with stronger gun control laws, such as Boston, Massachusetts. The recent ATF study of crime guns seized in Boston indicated that approximately 70% of those guns were originally sold at retail outside of Massachusetts.

g. Firearms 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. 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 firearms being diverted into the illegal marketplace.

49. The examples listed above are just some of the ways in which defendants' products have fallen into the hands of unauthorized and irresponsible persons, including children under the age of 21 and convicted felons, and used in crime. A large proportion of crime guns recovered from these individuals are quite new and have most likely been deliberately and illegally trafficked. Moreover, in more than two-thirds of the firearms trafficking investigations in one study, improperly transferred firearms were known to have been subsequently involved in additional crimes, a high percentage of which were violent crimes. Such criminal activity has injured Boston and injured and killed its citizens.

50. The harm to Boston and its citizens by gun violence is widely publicized and is a matter of common knowledge. Defendants have for years had specific knowledge and information of the harm to

Boston and its citizens caused by gun violence. For example, a 1996 study published by the Harvard University John F. Kennedy School of Government detailed the problems of juvenile access to firearms within the City of Boston. In July 1996, Massachusetts Attorney General Scott Harshbarger proposed widely-publicized handgun safety regulations which also highlighted and publicized local levels of gun violence. Gang-related shootings and other shooting incidents are also regularly reported in the Boston Globe, Boston Herald, and other media. This public information confirms that juveniles and convicted felons are obtaining and using firearms to harm Boston and its residents.

51. The fact that a substantial percentage of the firearms used to inflict the harm to Boston and its citizens by gun violence are obtained through the illegitimate secondary market is also publicized and is common knowledge within the firearms industry. For example, firearm tracing reports on crime guns prepared by ATF for Boston and other urban centers across the United States are publicly available and several can be accessed over the internet. Many of these reports have been available to defendants for years. Thus, defendants knew or should have known that a substantial percentage of the firearms used to inflict the harm to Boston and its citizens by firearms violence are obtained through the illegitimate secondary market. Moreover, defendants are aware that specific guns they have made and/or sold have been traced to crime because ATF has contacted them in conducting traces of crime guns.

52. 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.

53. Defendants' willful, deliberate, reckless, and negligent distribution of guns is exacerbated by the unsafe design of their guns, and specifically their failure to incorporate features which would inhibit unlawful access, transfer, or theft by criminals, juveniles, and other prohibited or unauthorized users. The defective design of defendants' guns further 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 causes as many as 320 to 345 deaths nationwide each year. For each of these deaths, there are countless other unintentional shooting injuries that are not fatal. This appalling total is one of the reasons 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. A number of these unintentional shootings have occurred in Boston.

54. Unintentional shootings with defendants' unsafe guns often involve adolescents. 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. A number of these unintentional shootings occur in Boston. Adolescents are naturally attracted to accessible guns and notoriously discount the risks associated with handling a firearm.

55. The unsafe design of defendants' guns also results in thousands of adolescent suicides. Studies have indicated that the odds that potentially suicidal adolescents will kill themselves double when a gun is kept in the home. 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. A number of such firearm-related teen suicides occurred in Boston.

56. Defendants' failure to incorporate "personalized" gun technology to prevent unauthorized and/or prohibited users, including juveniles and felons, from obtaining access to and firing their firearms also results in thousands of homicides and other crimes committed by those users, a number of which occur in Boston. Many of these homicide victims or victims of other crimes are themselves children and teenagers. The perpetrators of these crimes gain access to these unlocked guns in numerous ways. Gun manufacturers are in the best position to conduct research and development to correct the design of their products and to make them safer for children and less accessible to minors and criminals. Defendants have been aware of the need for design features which would inhibit straw purchases, the reuse of stolen weapons, and accidental discharges by unauthorized users. However, defendants have failed to research, develop, and implement feasible, available technology to safeguard the public.

57. 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 estimates 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 responded in surveys that they can acquire a gun should they want one.

58. At all pertinent times, defendants have been aware, or should have been aware, that when unauthorized users gain access to defendants' guns, tragic, preventable shootings may result. Unintentional shootings, especially among children, teen suicides, and homicides and other crimes committed by juveniles and other unauthorized users could all be prevented had defendants cared to implement safer gun designs, including the incorporation of built-in locking systems to "personalize" guns, and the addition of magazine-disconnect safeties, chamber loaded indicators, and other feasible safeties. Defendants have failed to incorporate these feasible safeties in the guns they sell. The defendants further knew that by failing to make and sell firearms 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.

59. Boston and its citizens, particularly its children, have been repeatedly victimized by defendants' unreasonably dangerous products. Year after year, a number of children in Boston are grievously injured and/or killed because defendants' firearms 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 firearms, and without adequate instruction regarding the importance of proper storage of firearms.

60. At the time the defendants manufactured, distributed, promoted and/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, defendant gun manufacturers 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, promotions and advertising, all of which would safeguard the public. Defendants also failed to adequately warn customers of these dangers, failed

to inform customers 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.

61. At all times pertinent, these defendants purposefully and intentionally engaged in these activities, and continue to do so, knowing full well that their products could be sold and/or made with the means to prevent their firing by unauthorized users. Furthermore, these defendants purposefully and intentionally engaged in these activities knowing that citizens of Boston 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 the City of Boston would be injured and be forced to bear substantial expenses as a result of their irresponsible conduct.

62. At all times pertinent, manufacturing and distributing defendants, who account for most of the firearms sold to the general public, have acted in concert with each other and with defendant trade associations, have tacitly agreed or cooperated, and/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. discouraging 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 to the importance of proper storage of guns.

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

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

- a. one out of three handguns is kept loaded and unlocked in the home;
- b. 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;
- c. a gun is used for protection in fewer than two percent of home invasion crimes when someone is home; and
- d. 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.

65. 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.)

66. These statistics have been proven real in Boston, where numerous deaths and injuries have occurred because firearms were purchased for home protection but were thereafter foreseeably used in unintentional shootings, teen suicides, domestic disputes and other acts of violence.

67. Defendants' conduct has caused the City of Boston to incur public costs for the care and treatment of both intentional and accidental gunshot injuries. Moreover, the City has suffered economic injury as a result of increased spending on, among other things, law enforcement, emergency rescue services, increased security at public schools and public buildings, costs for coroner and funeral services for unknown victims, pensions, disability benefits, unemployment benefits, higher prison costs, and youth intervention programs. The City has further been damaged by lower tax revenues and lower property values.

COUNT I (PUBLIC NUISANCE)

68. The plaintiffs incorporate herein by reference paragraphs 1 through 67 as set forth above.

69. The Preamble to the Massachusetts Constitution states that the object of the government is "to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying it in safety and tranquility." Article X of the Massachusetts Constitution states that "[e]ach individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws." Mass. Const. Pt. 1, Art. 10.

70. Defendants' ongoing conduct relating to their creation and supply of an illegitimate secondary market for firearms has created and maintained a public nuisance in the City of Boston, as thousands of firearms that they directly or indirectly supply to the illegitimate firearms market are thereafter used and possessed in connection with criminal activity in the City of Boston. As a result of the continued use of many of these firearms after they enter the City, residents of Boston have been and will continue to be killed and injured by these firearms and residents of Boston 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.

71. Defendants have also created a public nuisance in the City of Boston by defectively designing and distributing firearms that are unsafe in that they do not contain essential safety features such as internal locking or "personalized" safety systems, and 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 firearms.

72. Defendants' false and deceptive advertising and promotion of 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 members of the household also creates a public nuisance in the City of Boston.

73. Pursuant to M.G.L. c.111, §122, the Boston Public Health Commission as the Board of Health for the City of Boston has declared that guns manufactured by defendants and found on the streets of Boston are a public health nuisance.

74. Defendants have intentionally and negligently interfered with the rights of the citizens of Boston to be free from avoidable injury and death, have caused damage to the public health, the public safety and

general welfare of the residents of the City of Boston, and have thereby wrongfully caused the plaintiffs to incur enormous costs in support of the public health, safety and welfare.

75. The presence of illegitimately possessed and used firearms in the City of Boston, the widespread distribution of unreasonably dangerous firearms in Boston, and defendants false and deceptive advertising and promotion regarding the safety of firearms for home and personal use, proximately results in significant costs to the City to enforce the law, arm its police force and to treat the victims of firearms. Stemming the flow of firearms into the illegitimate firearms market, creating safer firearms, and stopping the deceptive statements regarding the dangers of firearms, will help abate the nuisance, for to do so will take the firearms away from criminals and juveniles and will save lives, prevent injuries and will make the City of Boston a safer place to live.

**COUNT II
(NEGLIGENT DISTRIBUTION AND MARKETING)**

76. The plaintiffs incorporate herein by reference paragraphs 1 through 75 as set forth above.

77. Defendant manufacturers have acted negligently and breached their duty of care to the City of Boston and its citizenry by creating an illegitimate secondary market for firearms, whose buyers consist of convicted felons, gang members, minors under the age of 21, and other prohibited firearm purchasers and users. Defendants created this market or negligently failed to inhibit its formation and functioning by failing to exercise adequate control over the distribution and sale of their firearms. Defendants failed to control or limit straw purchases; failed to prohibit or restrict sales to kitchen table and/or corrupt dealers; failed to prevent multiple purchases of their firearms; failed to prevent diversion of their firearms at gun shows; failed to require distributors and dealers to secure their firearms from theft; failed to make their products so that the serial numbers on them cannot be readily obliterated; and failed to prevent the movement of firearms from states with weak gun control laws to areas such as Boston with stronger gun control laws.

78. Defendant manufacturers are individually and jointly negligent because they:

- a. market and distribute their firearms without adequate supervision or control over distributors and dealers;
- b. market and distribute their firearms 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;
- c. cause and/or permit their firearms 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;
- d. fail to implement reasonable controls to regulate the distribution of firearms, including even failing to investigate the background and business practices of the distributors and retail sellers of their firearms;
- e. fail to take reasonable efforts to ensure that their firearms are not acquired by unauthorized and irresponsible persons, including minors under 21 and convicted felons.

79. In short, defendant manufacturers 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 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 illegal secondary market that is responsible for much of the firearms involved in criminal activity in the City of Boston. Defendants knew or reasonably should have known that their negligent conduct would create an illegitimate secondary market in firearms that has caused and continues to cause the City to expend substantially more resources than it otherwise would in the form of police services, fire services, emergency medical services, pension benefits, disability benefits, workers' compensation benefits, health care, expenses to provide additional security measures in public schools and other public facilities.

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

**COUNT III
(BREACH OF WARRANTY -DEFECTIVE DESIGN)**

81. The plaintiffs incorporate herein by reference paragraphs 1 through 80 above.

82. The defendants are engaged in the business of manufacturing and selling firearms which were expected to, and did, reach citizens of the City of Boston, including households with children or mentally impaired persons, without substantial change in the condition in which they were sold.

83. The defendants initiated and participated in the manufacture and sale of the firearms by developing, designing, manufacturing, assembling, inspecting, testing, packaging, labeling, distributing, selling, advertising and marketing the products.

84. The defendants, pursuant to G.L. c. 106, § 2-314, § 2-315, and § 2-318, are merchants of the guns found in the City of Boston. The defendants could have reasonably foreseen that the City of Boston and its citizenry would be injured by the defectively designed guns.

85. Defendants breached their implied warranties of merchantability and of fitness for a particular purpose with respect to their firearms because those firearms were unreasonably dangerous. Yet defendants failed to incorporate feasible alternative designs to their products which would have reduced, if not prevented, injury to the City of Boston and its citizenry. The defendants failed to incorporate numerous safety features including, but not limited to, the following:

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

86. The City of Boston and the Boston Public Health Commission are persons whom the defendants might reasonably have expected to be injured by the use of their products.

87. As a result of the acts and omissions of the defendants, the residents of the City of Boston have been and continue to be killed or seriously injured by defective and unreasonably dangerous guns, which

has directly caused the City of Boston and the Boston Public Health Commission to sustain substantial damages.

88. As a direct and proximate result of the defendants' breach of their implied warranty of merchantability and of fitness for a particular purpose by the sale of defective products or their component parts, all as aforesaid, the plaintiffs have paid and will continue to pay increased sums of money for police services, law enforcement, fire and rescue services, indigent health care, emergency medical services and other emergency services, pension benefits, disability benefits, workers' compensation benefits, health care, prison costs, increased security and other services in the public schools and other necessary facilities and services due to the threat of or actual use of the defendants' firearms.

89. Furthermore, as a direct result of the defendants' manufacture, sale and distribution of defective firearms, the City of Boston has suffered from diminished tax revenues and property values.

**COUNT IV
(BREACH OF WARRANTY - FAILURE TO WARN)**

90. The plaintiffs incorporate herein by reference paragraphs 1 through 89 as set forth above.

91. The defendants are engaged in the business of manufacturing and selling guns or such component parts and these firearms were expected to, and did, reach citizens of the City of Boston including, households with children or mentally impaired persons, without substantial change in the condition in which they were sold.

92. The defendants, pursuant to G.L. c.106, § 2-314, § 2-315, and § 2-318, are merchants of the guns found in the City of Boston. The defendants could have reasonably foreseen that the City of Boston and its citizenry would be injured by the guns.

93. Defendants' firearms are unreasonably dangerous and it was reasonably foreseeable at the time of sale that these firearms would inflict serious harm on the City of Boston and its citizenry and that warning the user of such dangers would have greatly reduced the likelihood of injury.

94. Defendants have provided inadequate, incomplete, or no warnings or instructions regarding the risks associated with the use, handling, storage or operation of their firearms and the attendant harm that could and did occur, including but not limited to:

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

95. Defendants' product warnings and instructions were defective or absent, and their firearms were, therefore, not merchantable, safe and fit as warranted by the defendants. As a result of the defendants' failure to warn, the City of Boston and the Boston Public Health Commission have sustained serious injuries. The defendants, therefore, breached these warranties.

96. The City of Boston and the Boston Public Health Commission are persons whom the defendants might reasonably have expected to be injured by the use of their products.

97. Pursuant to G.L. c.106, § 2-314, § 2-315, and § 2-318, and as a direct and proximate result of the defendants' breach of their implied warranty of merchantability by the sale of products or their component parts without adequate warnings, all as aforesaid, the plaintiffs have paid and will continue to pay increased sums of money for police services, fire and rescue services, emergency medical services and other emergency services, pension benefits, disability benefits, workers' compensation benefits, health care, and other necessary facilities and services due to the threat of or actual use of the defendants' firearms.

98. Furthermore, as a direct result of the defendants' manufacture, sale and distribution of firearms with defective or absent warnings, the City of Boston has suffered from the lost productivity of certain citizens and employees harmed as a result of the use of defendants' products and suffered a direct loss of revenue from lost tax revenues due to diminished property values in areas of the City where defendants' products are used.

99. Furthermore, as a direct result of the defendants' manufacture, sale and distribution of defective firearms, the City of Boston has suffered from diminished tax revenues and property values.

COUNT V (NEGLIGENCE)

100. The plaintiffs incorporate herein by reference paragraphs 1 through 99 as set forth above.

101. The defendants owed a duty to the City of Boston, its residents, and the general public to act in a reasonably prudent manner in connection with the sale, marketing, distribution and design of their products.

102. Defendants violated this duty and were negligent in marketing, distributing and designing the products in a manner that the defendants foresaw or should have foreseen would bring the products into the possession of criminals, juveniles, and other unauthorized or improper persons. Further, the defendants designed, marketed, distributed and sold their products in a manner that the defendants foresaw or should have foreseen would bring the products into the hands of persons who were unaware of the dangers of a firearm or persons untrained in the use of firearms, or into households with children or mentally impaired persons.

103. Defendants further violated this duty by designing, manufacturing, and/or distributing guns which they knew or should have known did not have adequate safety devices, including, but not limited to the following:

- a. devices that prevent the products from being fired by unauthorized users;
- b. devices that increase the pressure required to activate the trigger;
- c. devices that alert users that a round is in the chamber;

- d. devices that prevent these products from being fired when the magazine is removed from them;
- e. devices that would inhibit unlawful use by prohibited or unauthorized users; and
- f. devices that would inhibit the illegal sale or distribution of firearms.

104. Defendants further violated this duty by designing, manufacturing, and/or distributing guns with inadequate, incomplete, or nonexistent warnings as to the risks of the product, including, but not limited to:

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

105. Defendants have also acted in concert with each other and with defendant trade associations, have tacitly agreed or cooperated, and/or colluded to adhere 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. Discouraging 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 to the importance of proper storage of guns.

106. 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 the City of Boston and its citizenry, thereby causing plaintiffs to pay substantial sums of money for police services, law enforcement, fire and rescue services, emergency medical services and other emergency services, indigent health care, pension benefits, disability benefits, workers' compensation benefits, health care, prison costs, increased security and other services in the public schools and other necessary facilities and services due to the threat of or actual use of the defendants' firearms.

107. Furthermore, as a direct result of the defendants' manufacture, sale and distribution of unreasonably dangerous and defective firearms, the City of Boston has suffered diminished tax revenues and property values.

**COUNT VI
(UNJUST ENRICHMENT)**

108. The plaintiffs incorporate herein by reference paragraphs 1 through 107 as set forth above.

109. The 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 firearms, including children under the age of 21 and convicted felons, from the sale of defective and unreasonably dangerous firearms, and from firearms sold because of false and deceptive advertising and promotion regarding home and personal security. Such sales have occurred in and around the City of Boston and the Commonwealth of Massachusetts, as well as outside the Commonwealth where the firearm was thereafter transported or caused to be transported into the City of Boston.

110. The defendants' gun sales and transfers to unauthorized or prohibited purchasers and users of firearms, sales of defective and unreasonably dangerous firearms, and sales due to false and deceptive advertising and promotion, where the firearm is sold in and around the City of Boston or brought into the City, have resulted in enormous increases in the City's expenditures directly attributable to defendants in the following areas: police services, fire services, emergency medical services, pension benefits, disability benefits, workers' compensation benefits, public health resources, human services, social services, school-based expenses and health care.

111. The plaintiffs have 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 Boston.

112. The 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 the Boston Public Health Commission, the City of Boston and its citizens.

113. The defendants have, without justification, refused and failed to pay for the consequences of their wrongful conduct.

114. As a result, the plaintiffs have been required to pay for the associated costs resulting from the defendants' wrongful conduct.

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

116. The plaintiffs have incurred expenses resulting from defendants' conduct that in law, equity and fairness ought to have been borne by the defendants.

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

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

119. As a proximate result of the defendants' conduct, the City of Boston and the Boston Public Health Commission have suffered and will continue to suffer substantial injuries and damages for which the City and the Commission are entitled to recover.

**DAMAGES
RELIEF REQUESTED**

As To Counts I, II and V:

Allocate monetary damages attributable to each defendant to compensate the City of Boston and the Boston Public Health Commission for the costs that they have 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;

As To Counts III and IV:

Allocate monetary damages attributable to each defendant to compensate the City of Boston and the Boston Public Health Commission for the costs that they have incurred and will continue to incur as a result of the infusion into the marketplace of firearms without appropriate safety devices, and the failure of the defendants to provide adequate warnings regarding their products;

As To Count VI:

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 Boston and the Boston Public Health Commission for the costs that they have 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;

As To All Counts:

1. 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 Boston;
2. Grant preliminary and permanent injunctive relief requiring defendants:
 - a. To create and implement standards and training regarding their own distribution of firearms, as well as the conduct of the gun dealers and distributors to whom they distribute firearms, for the purpose of eliminating or substantially reducing the illegal secondary market that currently exists in Boston and elsewhere;
 - b. To cease manufacturing, distributing, or offering for sale firearms without appropriate safety devices and warnings, including devices designed to prevent unauthorized use;
 - c. To fund a public education campaign to inform citizens of Boston about the dangers and health consequences of guns; the campaign to be administered and controlled by the Boston Public Health Commission; and,
 - d. To fund a violence prevention program in each school and correctional facility in the City of Boston; the campaign to be administered and controlled by the Boston Public Health Commission.
3. Award the plaintiffs their costs and attorneys' fees; and

4. Grant any other legal or equitable relief that the Court deems just and appropriate.
5. As to All Counts market share liability as to all defendants identified:
6. Money damages as to each and every defendant manufacturer, retailer, and distributor 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 plaintiffs with regard to public health, safety, and welfare in an amount equivalent to the national market share of each such manufacturer, distributor or retailer.
7. Money damages as to each and every defendant manufacturer, retailer, and distributor 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 firearms that exists in the City of Boston, 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.
8. Special damages, as to each defendant manufacturer, distributor and retailer, incurred by the plaintiffs as a result of the public nuisance created by firearms in the City of Boston 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.
9. Award the plaintiffs their costs and attorneys' fees; and
10. Grant any other legal or equitable relief that the Court deems just and appropriate.

WHEREFORE, the plaintiffs respectfully request that this Court enter judgment against the defendants and order appropriate relief.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY AS TO ALL ISSUES SO TRIABLE

Respectfully Submitted,
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The Boston Public Health Commission

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