



CASE NO: A-21-838762-C
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DISTRICT COURT
CLARK COUNTY, NEVADA

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

CASE NO.
DEPT. NO.

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

COMPLAINT

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

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

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

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

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

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

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

Plaintiffs,

v.

KYUNG CHANG INDUSTRY USA, INC. d/b/a
KCI USA, a Nevada corporation;
KYUNGCHANG INDUSTRY CO., LTD., a
foreign limited liability company; DOES I

1 through X, inclusive; and ROE BUSINESS
2 ENTITIES XI through XX, inclusive,

3 Defendants.

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

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

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

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

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

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

16 6. This case is about what happens when companies recklessly market and
17 sell these instruments of mass slaughter to the general public, indiscriminately, and
18 without reasonable practices. And not just the 20 or 30 round magazines that Mr.
19 Ruger found unacceptable for civilians, but magazines with three to five times that
20 capacity that enable the firing of 100 rounds without reloading.

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

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

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

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

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

14 12. Defendants’ reckless actions directly and foreseeably channeled a 100-
15 round double-drum magazine (the “Magazine”) into the hands of a mass shooter (the
16 “Shooter”).¹ The Shooter did exactly what Defendants knew or should have known
17 one of its customers would do with their instrument of mass slaughter: he obtained
18 Defendants’ 100-round magazine from an online vendor identified on KCI USA’s
19 website; he then combined the Magazine with an AR-15 style firearm (the “Firearm”)
20 to perpetrate a mass shooting, transforming a popular, commercial district into a war
21 zone. This shooting—a week after an LCM mass shooting at the Gilroy, California
22 Garlic festival (in which 14 people were shot, 3 fatally), 13 hours after an LCM mass
23 shooting at an El Paso Wal-Mart (in which 46 people were shot, 23 fatally)—occured
24 in Dayton, Ohio on August 4, 2019 (the “Attack”).

25
26 _____
27 ¹ This complaint refers to this individual in generic terms so as to avoid giving notoriety to
28 criminals.

1 13. This is the Magazine, recovered by police after the Attack:
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14
15 14. Defendants' Magazine enabled the Shooter to fire 41 rounds in
16 approximately 32 seconds.

17 15. 26 people were shot with rounds expended from the Magazine during
18 the Attack, and 9 perished.

19 16. The victims included Plaintiffs' family members and loved ones Derrick
20 Fudge, Lois Oglesby, Logan Turner, and Nicole Warren-Curtis.

21 17. Dion Green is the only son of Derrick Fudge, who was killed in the
22 Attack. Derrick was 57 years old. Derrick was not just Dion's father, but one of his
23 best friends. Dion was out with his father on August 4. When the shooting began,
24 Derrick was standing in front of his son, and took the gunfire. Dion realized his father
25 was shot and held him. Dion just wanted to tell his dad that he loved him. Dion's
26 father died in his arms.
27

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

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

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

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

19 22. Upon information and belief, Defendants continue to market and sell
20 their 100-round LCMs today as they did to supply the Shooter.

21 23. This shooting would not have been possible without Defendants’ 100-
22 round LCM, or Defendants’ reckless sales and marketing practices.

23 24. The Shooter needed Defendants’ instrument of slaughter to accomplish
24 his mission—to kill and terrorize many people quickly.

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

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

3 27. Upon information and belief, the Defendants have not changed their
4 reckless and unreasonable practices relating to 100-round LCMs in any way since the
5 Attack.

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



1 Oglesby was at all times relevant to this litigation a resident of Montgomery
2 County, Ohio.

3 35. DANITA TURNER (hereinafter “Ms. Turner”) was at all times
4 relevant a resident of Warren County, Ohio. Ms. Turner is the mother of Logan
5 Turner and an heir to the Estate of Logan M. Turner. Logan Turner was at all
6 times relevant to this litigation a resident of Montgomery County, Ohio. Ms. Turner
7 is the Administrator and Personal Representative of Logan Turner’s Estate.

8 36. MICHAEL TURNER (hereinafter “Mr. Turner”) was at all times
9 relevant a resident of Hamilton County, Tennessee. Mr. Turner is the father of
10 Logan Turner and an heir to the Estate of Logan M. Turner. Logan Turner was at
11 all times relevant to this litigation a resident of Montgomery County, Ohio.

12 37. NADINE WARREN (hereinafter “Ms. Warren”) was at all times
13 relevant a resident of Carrollton, Isle of Wight County, Virginia. Ms. Warren is the
14 mother of Beatrice Nicole Warren-Curtis and an heir to the Estate of Beatrice
15 Nicole Warren-Curtis. Beatrice Nicole Warren-Curtis was at all times relevant to
16 this litigation a resident of Carrollton, Isle of Wight County, Virginia. Ms. Warren is
17 the Administrator and Personal Representative of Beatrice Nicole Warren-Curtis’s
18 Estate.

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

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

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

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

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

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

23 44. The true names or capacities of Defendants, ROE BUSINESS
24 ENTITIES XI through XX, inclusive, are unknown to Plaintiffs who, therefore, sue
25 said Defendants by such fictitious names. Defendants designated herein as ROE
26 BUSINESS ENTITIES XI through XX, and each of them, are predecessors-in-

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

15 JURISDICTION & VENUE

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

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

25 47. Upon information and belief, KCI is the parent company of KCI USA
26 and purposefully directed activities at Nevada by overseeing, directing, or otherwise
27

1 participating in the manufacture, distribution, and sale of the Magazine in
2 coordination with KCI USA and with the express intention that KCI USA act as the
3 sole distributor of KCI products in the United States.

4 48. Plaintiffs' claims arise out of KCI's substantial contacts with Nevada.

5 49. Thus, venue and jurisdiction are proper in this Court.

6 **GENERAL ALLEGATIONS**

7 **A. DEFENDANTS' LCMS ARE UNREASONABLY DANGEROUS**
8 **FIREARMS ACCESSORIES WHICH ARE DESIGNED TO**
9 **ENABLE UNLAWFUL MASS SHOOTINGS LIKE THE ATTACK**
10 **WHEN SOLD TO CIVILIANS.**

11 50. Defendants manufacture, distribute, and/or sell LCMs like the
12 Magazine as firearms accessories for members of the civilian public to add to guns so
13 they can fire 100 without reloading (or 101 rounds if there is a round in the chamber).

14 51. A 100-round LCM like the Magazine is not a component part of a
15 firearm.

16 52. Upon information and belief, the Magazine was not sold or packaged
17 with a firearm.

18 53. Upon information and belief, Defendants' 100-round LCMs are rarely
19 sold or packaged with any firearm.

20 54. A 100-round LCM is not essential to the discharge of a gun.

21 55. Indeed, a gun like the Firearm can and will fire with a smaller magazine
22 or with no magazine attached but a round in the chamber.

23 56. Defendants' LCMs are firearms accessories.

24 57. LCM accessories are useful when combined with guns—especially
25 military-style assault firearms like AR-15-style guns—to inflict a high number of
26 casualties.

27 58. The people in the civilian market who need LCMs are mass killers.

1 59. Defendants have long known that mass killers are attracted to LCMs,
2 and they use LCMs to commit horrific, mass slaughters.

3 60. These incidents include, but are not limited to:

4 a. On July 28, 2019, a shooter armed with an AK-47-style rifle, a 75-
5 round drum magazine, and multiple 40-round magazines
6 attacked people attending a festival in Gilroy, California and shot
7 16 people, 3 who were killed.

8 b. On November 7, 2018, a shooter armed with a pistol and multiple
9 30-round magazines attacked people at a bar and grill in
10 Thousand Oaks, California and killed 12 people.

11 c. On February 14, 2018, a shooter armed with an AR-15-style rifle
12 and several 30- or 40-round magazines attacked people at
13 Marjory Stoneman Douglas High School in Parkland, Florida and
14 killed 17 people while wounding 17 more.

15 d. On November 5, 2017, a shooter armed with an AR-15-style rifle
16 and around fifteen 30-round magazines attacked worshippers
17 attending church in Sutherland Springs, Texas and killed 26
18 people while wounding 20 more.

19 e. On October 1, 2017, a shooter armed with multiple firearms—
20 including several AR-15-style rifles—twelve 100-round
21 magazines, and a 40-round magazine attacked people at a music
22 festival in Las Vegas, Nevada and killed 58 people while
23 wounding hundreds.

24 f. On June 12, 2016, a shooter armed with multiple firearms—
25 including an assault-style rifle—and multiple 30-round
26

1 magazines attacked people at a nightclub in Orlando, Florida and
2 killed 49 people while wounding 53 more.

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

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

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

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

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

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

25 62. In addition to these specific, illustrative examples, a publicly available
26 analysis released by Everytown for Gun Safety on March 22, 2019, surveyed mass
27

1 shootings from 2009-2017 and found that 58% of mass shootings with known
2 magazine capacity data involved firearms with LCMs.

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

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

9 65. If he had Defendants’ LCM 100 round magazine, he could have kept
10 shooting and inflicted triple the damage.

11 66. The scarcity of reloading intervals decreases opportunities for victims to
12 escape or fight back and makes it harder for law enforcement or others to intervene
13 to stop the shooter.

14 67. This helps explain why mass shootings involving LCMs, on average,
15 result in over 2 times as many deaths and over 14 times as many injuries as mass
16 shootings that do not involve LCMs.

17 68. A 100-round magazine is an even more clearly and egregiously
18 unnecessary and dangerous product than the smaller LCMs used in many of these
19 mass shootings.

20 69. Upon information and belief, because many mass shooters delusionally
21 seek fame or glory by maximizing their number of victims, a lack of access to LCMs
22 which enable a high casualty count would cause many potential mass shooters to
23 delay or cancel planned attacks.

24 70. Many mass shooters only launch military-style mass attack on civilians
25 if they are first armed for “war”; instruments of mass slaughter like Defendants’ 100-

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1 round LCM embolden them as well as enable them. Without those instruments, many
2 would not even initiate their attacks.

3 71. This would, in turn, provide crucial opportunities for law enforcement
4 or others to intervene before these individuals commit any violent crimes—or would
5 simply stop the shooters in their tracks.

6 72. Upon information and belief, this may well have happened to stop this
7 Shooter, if Defendants had acted legally and responsibly.

8 73. While LCMs are necessary to effectively engage in mass slaughters, they
9 are unnecessary for lawful self-defense or hunting.

10 74. This reality was recently illustrated by the evidence presented in two
11 separate challenges to state LCM restrictions preceding the Attack.

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

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

19 24 F. Supp. 3d at 1069.

20 76. The court further underscored that “of the many law enforcement
21 officials called to testify, none were able to identify a single instance in which they
22 were involved where a single civilian fired more than 15 shots in self-defense.” *Id.*
23 at 1069-1070.

24 77. An expert report in that litigation noted that analyses of two sets of
25 hundreds of self-defense uses of firearms had both found average number of shots
26 fired in self-defense to be just over 2.

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

4 79. There have been no incidents of which Plaintiffs are aware in which a
5 100-round LCM was needed—or even used—for lawful self-defense or protection.

6 80. A 100-round LCM is totally unnecessary for the lawful use of a firearm
7 in self-defense.

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

12 82. Upon information and belief, a 100-round LCM is not only unnecessary
13 but even counter-productive, for hunting game.

14 83. This is because firing scores of rounds at an animal target will effectively
15 disintegrate the animal and make eating or mounting the animal carcass all but
16 impossible.

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

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

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

4 87. There is overwhelming consensus supported by clear data that a 100-
5 round LCM like the Magazine is unreasonably dangerous to manufacture, distribute,
6 and sell to the general civilian public.

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



1 **B. DEFENDANTS ASSUMED A DUTY TO EXERCISE THE**
2 **HIGHEST DEGREE OF REASONABLE CARE IN REGARDS TO**
3 **FIREARMS ACCESSORIES.**

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

8 90. This duty is multifaceted.

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

12 92. Another key aspect of this duty involved a requirement to implement
13 protocols or safeguards to prevent dangerous parties like the Shooter from acquiring
14 dangerous products like the Magazine.

15 93. Another aspect of the duty was to follow all applicable laws, including
16 not causing a public nuisance in violation of Nevada law.

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

20 95. Defendants were obligated to continually monitor information from law
21 enforcement, the media, and other sources about the misuse of LCMs in acts of gun
22 violence and to reform their business practices whenever such information indicates
23 that flaws in Defendants' business practices may help divert a dangerous product into
24 the hands of a criminal actor.

25 96. Defendants were obligated to exercise oversight to verify that all retail
26 sellers and downstream distributors of Defendants' products like the Magazine
27 comply with safeguards to minimize the risk of criminal use and to terminate
28

1 business relationships or otherwise discipline downstream actors who are not in
2 compliance with said safeguards.

3 97. Defendants were obligated to implement reasonable safeguards,
4 including supervising downstream retail sellers of their products.

5 98. Such safeguards include, but are not limited to, only providing 100-
6 round LCMs like the Magazine (either directly or through other distributors
7 following similar safeguards as those described herein) to retail sellers who commit
8 to:

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

1 **C. DEFENDANTS HAD ACTUAL OR CONSTRUCTIVE**
2 **KNOWLEDGE, SINCE BEFORE 2019, THAT VIOLATING THEIR**
3 **DUTY OF CARE WOULD LIKELY RESULT IN A MASS**
4 **SHOOTING LIKE THE ATTACK.**

5 99. Upon information and belief, all the Defendants had actual or
6 constructive knowledge that violations of their duty of care by manufacturing,
7 distributing, and/or selling products like the Magazine without reasonable
8 safeguards and/or in violation of one or more relevant laws would likely result in one
9 or more of said products being used in one or more mass shootings like the Attack.

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

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

19 **D. DEFENDANTS VIOLATED THEIR DUTY OF CARE IN WAYS**
20 **WHICH DIRECTLY AND FORESEEABLY CHanneled THE**
21 **MAGAZINE TO THE SHOOTER AND CAUSED PLAINTIFFS'**
22 **HARM.**

23 102. Despite their actual or constructive knowledge that violation of one or
24 more aspects of their duties of care would create a significant risk that a product like
25 the Magazine would be used to perpetrate a mass shooting like the Attack,
26 Defendants chose to violate one or more aspects of their duty of care in ways which
27 directly and foreseeably led to the Attack.

1 103. First, Defendants unreasonably manufactured, distributed, and/or sold
2 100-round LCMs with full awareness that 100-round LCMs have no or negligible
3 utility for lawful uses of firearms but pose a tremendous risk to public safety because
4 they are extremely effective and attractive for use in unlawful mass shootings.

5 104. Had Defendants not violated their duty of reasonable care by placing an
6 unreasonably dangerous product on the civilian market, the Shooter would never
7 have gained access to the Magazine.

8 105. Second, upon information and belief, none of the Defendants
9 implemented any reasonable safeguards or protocols to screen out potentially
10 dangerous purchasers (such as those described herein).

11 106. Upon information and belief, the Defendants did not, for example,
12 exercise supervision over downstream distributors and/or retail sellers of their
13 products to make sure they were appropriately seeking to screen out dangerous actors
14 or straw purchasers.

15 107. Here, upon information and belief, the third party assisting the Shooter
16 was able to acquire the Magazine from an online retailer named Gun Magazine
17 Warehouse.

18 108. Defendants knew that criminals, including mass killers and their
19 suppliers, are attracted to the Internet because of its anonymity and lack of
20 regulation.

21 109. Defendants nonetheless allowed and continue to allow their LCMs to be
22 sold online, without any safeguards, screening, or reasonable conditions.

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

1 111. Upon information and belief, Defendants provided the Magazine to Gun
2 Magazine Warehouse either directly or through intermediaries, including the DOE
3 and ROE Defendants.

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

9 113. Had the Defendants complied with their duty of care by supervising
10 their chains of distribution so as to require the retail sale of their products to be
11 governed by reasonable procedures, the Shooter would, upon information and belief,
12 not have had access to the Magazine because such safeguards would have blocked the
13 third party assisting the Shooter from acquiring the Magazine.

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

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

24 116. This was because, *inter alia*, of a lengthy history of mass shootings
25 involving LCMs—often smaller LCMs than a monstrous 100-round magazine—
26 leading up to 2019.

1 117. This foreseeable harm is precisely what materialized.

2 118. Early on the morning of August 4, 2019, the Shooter, wielding the
3 Firearm with Defendants' 100-round Magazine attached, opened fire in a popular
4 nightlife district in Dayton, Ohio.

5 119. Defendants' LCM enabled the Shooter to transform the popular
6 commercial district into a war zone, in seconds.

7 120. As a result of the massive capacity of the Magazine and the
8 corresponding lack of a need to pause and reload, the Shooter was able to discharge
9 41 rounds in approximately 32 seconds, before being killed by responding police
10 officers.

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

13 122. The Defendants' unlawful and reckless conduct in manufacturing,
14 distributing, and/or selling the unreasonably dangerous Magazine directly and
15 foreseeably led to 26 people being shot with bullets expended from the Magazine
16 during the Attack, including 9 who suffered fatal wounds.

17 123. The Shooter could not have inflicted this damage without Defendants'
18 100-round Magazine and their unlawful and reckless practices.

19 124. Upon information and belief, Defendants' 100-round Magazine
20 emboldened the Shooter and enabled his attack; he would not launched this mass
21 attack unless he was armed for "war."

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

24 126. Plaintiffs are, thus, entitled to civil justice against the Defendants in
25 terms of redress for the damages directly and proximately flowing from the
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1 Defendants' negligent business practices in manufacturing, distributing, and/or
2 selling the Magazine.

3 127. Upon information and belief, the Defendants have also not changed
4 their negligent practices in any manner since the Attack.

5 128. As a result, Plaintiffs are entitled to injunctive relief to abate the
6 ongoing nuisance created by Defendants' misconduct with regards to 100-round
7 LCMs.

8
9 **FIRST CAUSE OF ACTION**
(Negligence—All Defendants)

10 DION GREEN, as Personal Representative of the ESTATE OF DERRICK FUDGE,
11 deceased;
12 DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased;

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

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

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

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

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

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

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

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

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

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

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

21 140. Defendants' outrageous and unconscionable conduct warrants an award
22 of exemplary and punitive damages pursuant to NRS 42.005, in an amount
23 appropriate to punish and make an example of Defendants, and to deter similar
24 conduct in the future. As Personal Representative of Derrick Fudge's Estate, Dion
25 Green seeks exemplary and punitive damages pursuant to NRS 41.100.

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

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

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

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

11 DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased;
12

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

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

17 145. Plaintiff Dion Green brings this cause of action pursuant to NRS
18 41.085(4), as an heir of Derrick and pursuant to NRS 41.085(5) as the administrator
19 of Derrick's estate. Green alleges that Defendants negligence is a legal and/or
20 proximate cause of Derrick's death.

21 146. All Defendants voluntarily assumed a multifaceted duty of care to only
22 manufacture, distribute and/or sell firearms accessories in the safest possible
23 manner so as to minimize the risk of misuse of their products in incidents like the
24 Attack.
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1 147. All Defendants violated one or more aspects of this duty by placing an
2 unreasonably dangerous product on the market without sufficient safeguards to
3 prevent its foreseeable misuse.

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

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

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

12 151. This is precisely what occurred in this case.

13 152. Thus, Defendants' negligent and unlawful conduct directly and
14 proximately caused Plaintiffs' harm.

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

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

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

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

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

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

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

1 **THIRD CAUSE OF ACTION**
2 **(Negligent Entrustment—All Defendants)**

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

5 DION GREEN, individually, and as surviving child of DERRICK FUDGE, deceased;
6 160. Plaintiffs incorporate by reference all preceding paragraphs in this
7 complaint as if restated fully herein.

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

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

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

17 164. All Defendants had a duty not to entrust a lethal instrument to a party
18 displaying indications he or she would misuse that instrument to harm himself or
19 others—including by transferring the product to another malicious actor who would
20 employ it in a violent act.

21 165. All Defendants breached this duty by providing the Magazine to the
22 third party assisting the Shooter either directly or through one or more
23 intermediaries.

24 166. As a direct and foreseeable consequence of Defendants' negligent
25 entrustment of the Magazine, the Shooter was able to acquire the Magazine and
26 misuse it in the Attack.

1 167. Thus, Defendants' negligent entrustment of the Magazine to the third
2 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

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

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

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

18 171. Defendants' outrageous and unconscionable conduct warrants an
19 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount
20 appropriate to punish and make an example of Defendants, and to deter similar
21 conduct in the future. As the Personal Representative of the Estate of Derrick
22 Fudge, Dion seeks exemplary and punitive damages pursuant to NRS 41.100.

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

1 180. All Defendants breached this duty by providing the Magazine to the
2 third party assisting the Shooter either directly or through one or more
3 intermediaries.

4 181. As a direct and foreseeable consequence of Defendants' negligent
5 entrustment of the Magazine, the Shooter was able to acquire the Magazine and
6 misuse it in the Attack.

7 182. Thus, Defendants' negligent entrustment of the Magazine to the third
8 party assisting the Shooter thus directly and proximately caused Plaintiffs' harm.

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

16 184. As a further actual and proximate or legal result of Defendants'
17 negligence and/or wrongful acts, Derrick endured pain, suffering, and/or
18 disfigurement. As Derrick's heirs, Plaintiffs, and each of them, seek general
19 damages for Derrick's pain, suffering, and/or disfigurement pursuant to NRS
20 41.085(4) in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

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

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

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

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

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

14 196. Plaintiffs are entitled to recover these damages in a claim sounding in
15 public nuisance.

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

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

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

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

13 201. Defendants' outrageous and unconscionable conduct warrants an
14 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount
15 appropriate to punish and make an example of Defendants, and to deter similar
16 conduct in the future. As personal representative of Derrick's estate, Plaintiff Dion
17 Green seeks exemplary and punitive damages pursuant to NRS 41.085(5) and NRS
18 41.100.

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

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

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

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

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

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

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

25 217. Defendants' outrageous and unconscionable conduct warrants an
26 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount
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1 appropriate to punish and make an example of Defendants, and to deter similar
2 conduct in the future. As personal representative of Derrick's estate, Plaintiff Dion
3 Green seeks exemplary and punitive damages pursuant to NRS 41.085(5).

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

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

11 **SEVENTH CAUSE OF ACTION**
12 **(Wrongful Death—All Defendants)**

13 LASANDRA JAMES, as Guardian of HANNAH OGLESBY, surviving minor child of
14 LOIS OGLESBY, deceased;

15 LASANDRA JAMES, as Guardian of REIGN LEE, surviving minor child of LOIS
16 OGLESBY, deceased;

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

19 221. Plaintiff Lasandra James is the mother of Lois Oglesby, the personal
20 representative of Lois's estate and the Guardian of Lois's daughters, HANNAH
21 OGLESBY and REIGN LEE.

22 222. Plaintiff Lasandra James brings this cause of action pursuant to NRS
23 41.085(4), as an heir of Lois. James alleges that Defendants' negligence is a legal
24 and/or proximate cause of Lois's death.

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

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

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

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

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

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

15 229. Thus, Defendants' negligent and unlawful conduct directly and
16 proximately caused Plaintiffs' harm.

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

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

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

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

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

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

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

1 **EIGHTH CAUSE OF ACTION**
2 **(Negligence—All Defendants)**

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

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

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

8 238. Danita brings this claim as Personal Representative of the Estate of
9 Logan Turner pursuant to NRS 41.100.

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

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

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

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

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

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

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

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

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

15 248. Defendants' outrageous and unconscionable conduct warrants an
16 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount
17 appropriate to punish and make an example of Defendants, and to deter similar
18 conduct in the future. As Personal Representative of Logan Turner's Estate, Danita
19 Turner seeks exemplary and punitive damages pursuant to NRS 41.100.

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

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

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

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

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

251. Plaintiff Danita Turner is the mother of Logan M. Turner and the personal representative of Logan's estate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 308. Defendants' outrageous and unconscionable conduct warrants an
23 award of exemplary and punitive damages pursuant to NRS 42.005, in an amount
24 appropriate to punish and make an example of Defendants, and to deter similar
25 conduct in the future. As personal representative of Logan's estate, Plaintiff Danita
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1 Turner seeks exemplary and punitive damages pursuant to NRS 41.085(5) and NRS
2 41.100.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 **NINETEENTH CAUSE OF ACTION**
3 **(Public Nuisance—All Defendants)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 415. However, upon information and belief, Defendants have also not
9 reformed their reckless practices in any way since the Attack.

10 416. As a result, Plaintiffs are also entitled to injunctive relief so as abate
11 an ongoing public nuisance.

12 **TWENTIETH CAUSE OF ACTION**
13 **(Wrongful Death in re: Public Nuisance—All Defendants)**

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

16 NADINE WARREN, as surviving parent of \BEATRICE NICOLE WARREN-
17 CURTIS, deceased;

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

20 418. Plaintiff Nadine Warren is the mother of Beatrice Nicole Warren-
21 Curtis and the personal representative of Nicole's estate.

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

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

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

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

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

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

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

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

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

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

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

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

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs, expressly reserving their right to amend this
24 Complaint before or at the time of trial to insert those items of damage not yet fully
25 ascertainable, demand judgment against all Defendants, and each of them, as
26 follows:

27

- 1 1. for general damages in an amount in excess of \$15,000.00;
- 2 2. for special damages in an amount in excess of \$15,000.00;
- 3 3. for punitive damages;
- 4 4. for loss of earnings;
- 5 5. for interest provided by law;
- 6 6. for all statutorily allowed damages;
- 7 7. for applicable restitution;
- 8 8. for an injunction requiring all Defendants to abate and/or cease
- 9 contributing to the public nuisance they are creating in violation of one or more
- 10 relevant statutes by unreasonably supplying 100-round LCMs like the Magazine to
- 11 the public without reasonable safeguards to prevent their misuse;
- 12 9. for reasonable attorney fees and costs of suit incurred; and
- 13 10. for such other and further relief as this Court deems proper.

14 Submitted By:

15 /s/ Sean K. Claggett

16 _____
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