

**THE CITY OF PHILADELPHIA**  
Diana P. Cortes (PA ID No. 204274)  
Renee M. Garcia (PA ID No. 315622)  
Benjamin H. Field (PA ID No. 204569)  
Lydia Furst (PA ID No. 307450)  
Ryan Smith (PA ID No. 324643)  
One Parkway Building  
1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, PA 19102  
Tel: 215-683-5000  
Fax: 215-683-5299  
[Diana.Cortes@phila.gov](mailto:Diana.Cortes@phila.gov)  
[Renee.Garcia@phila.gov](mailto:Renee.Garcia@phila.gov)  
[Benjamin.Field@phila.gov](mailto:Benjamin.Field@phila.gov)  
[Lydia.Furst@phila.gov](mailto:Lydia.Furst@phila.gov)  
[Ryan.Smith@phila.gov](mailto:Ryan.Smith@phila.gov)

**HAUSFELD LLP**  
Katie R. Beran (PA ID No. 313872)  
325 Chestnut Street, Suite 900  
Philadelphia, PA 19106  
Tel: 215-985-3270  
Fax: 215-985-3271  
[kberan@hausfeld.com](mailto:kberan@hausfeld.com)

**CITY OF PHILADELPHIA**  
One Parkway Building  
1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, PA 19102

Plaintiff,

v.

**POLYMER80, INC.**  
134 Lakes Blvd.  
Dayton, NV 89403  
[NVSOS@gundersonlaw.com](mailto:NVSOS@gundersonlaw.com)

**JSD SUPPLY, INC.**  
1052 New Castle Road  
Prospect, PA 16052  
[info@jsdsupply.com](mailto:info@jsdsupply.com)

James Gotz (*pro hac vice* forthcoming)  
One Marina Park Drive, Suite 1401  
Boston, MA 02210  
Tel: 617-207-0600  
Fax: 617-830-8312  
[jgotz@hausfeld.com](mailto:jgotz@hausfeld.com)

Erika A. Inwald (*pro hac vice* forthcoming)  
Broad Financial Center  
33 Whitehall Street, 14<sup>th</sup> Floor  
New York, NY 10002  
Tel: (646) 357-1100  
Fax: (212) 202-4322  
[einwald@hausfeld.com](mailto:einwald@hausfeld.com)

**GIFFORDS LAW CENTER**  
David Pucino (*pro hac vice* forthcoming)  
244 Madison Avenue, Suite 147  
New York, NY 10016  
Tel: 917-524-7816  
[dpucino@giffords.org](mailto:dpucino@giffords.org)

Esther Sanchez-Gomez (*pro hac vice* forthcoming)  
268 Bush Street, #555  
San Francisco, CA 94104  
Tel: 415-433-2062  
[esanchezgomez@giffords.org](mailto:esanchezgomez@giffords.org)

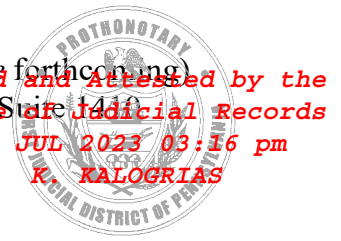
Kelly Percival (*pro hac vice* forthcoming)  
P.O. Box 51196  
Washington, D.C. 20091  
Tel: 415-433-2062  
[kpercival@giffords.org](mailto:kpercival@giffords.org)

PHILADELPHIA COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

No:

**COMPLAINT – CIVIL ACTION**  
**JURY TRIAL DEMANDED**



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Plaintiff, City of Philadelphia (“City,” “Philadelphia,” or “Plaintiff”), by and through the undersigned attorneys, alleges the following:

## INTRODUCTION

1. Gun violence has afflicted the United States, and Philadelphia specifically, for years, but law enforcement and city governments are now facing a new challenge in eradicating this pernicious ill. So-called “ghost guns”—home-assembled, unserialized, and untraceable firearms that are sold and purchased without regard to firearm regulations—have become the weapon of choice for those seeking to evade firearm laws. Unsurprisingly, the number of ghost guns recovered at crime scenes has skyrocketed in recent years.<sup>1</sup>

2. Philadelphia continues to suffer from the proliferation of ghost guns. As representative examples:

- a. Last summer, while Philadelphians were out enjoying a warm Saturday night, three were left dead and eleven injured when a shooter using a ghost gun perpetrated a mass shooting on one of the most crowded sections of South Street in Philadelphia.<sup>2</sup>
- b. Just a few months later, in broad daylight on a weekday afternoon in West Philadelphia, a 41-year-old mother of three was sweeping the grounds of a Philadelphia recreational center and playground where she worked as a city employee when a shootout began. The mother of three tried to run from the

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<sup>1</sup> Ghost guns are also sometimes called “privately manufactured firearms” or “PMFs.”

<sup>2</sup> Simon Druker, *Arrest Made, Ghost Gun Recovered in Philadelphia Mass Shooting*, United Press International, Inc. (Jun. 6, 2022), [https://www.upi.com/Top\\_News/US/2022/06/06/arrest-made-ghost-gun-recovered-philadelphia-mass-shooting/1091654551003/](https://www.upi.com/Top_News/US/2022/06/06/arrest-made-ghost-gun-recovered-philadelphia-mass-shooting/1091654551003/).

chaos, but was struck by a bullet shot by a fifteen-year-old wielding a Polymer80 ghost gun, and pronounced dead later that evening.<sup>3</sup>

3. The victims of these shootings joined an increasingly long list of Philadelphians murdered with ghost guns. The survivors—including the family members of those killed—will suffer for years to come.

4. Philadelphia law enforcement are increasingly recovering ghost guns in a wide variety of criminal investigations including those involving drugs, juvenile possession, and intimate partner violence. Ghost guns have also been involved in suicides, where firearm access plays a crucial role in mortality.<sup>4</sup>

5. Ghost guns are sold in disassembled form and then quickly assembled into unserialized fully functional guns by purchasers, at home, using common household tools. Ghost guns can be acquired without a background check, and therefore, are the weapons of choice for those seeking to illegally traffic guns and for those who cannot legally acquire a firearm, including minors and persons with a history of felony convictions.

6. In 2019, ghost guns represented just 2 percent of firearms recovered in criminal investigations across Philadelphia. Driven by Defendants' increased sales, by 2022, the number of ghost guns recovered had increased a staggering 311 percent.<sup>5</sup> In 2022 alone, the Philadelphia Police Department recovered over 575 ghost guns while conducting criminal investigations.<sup>6</sup>

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<sup>3</sup> Chris Palmer, *A 15-year-old Was Held for Trial on Murder Charges in the Killing of a West Philly Rec Center Employee*, The Philadelphia Inquirer (Jan. 11, 2023), <https://www.inquirer.com/news/west-philly-rec-center-tiffany-fletcher-murder-shooting-20230111.html>.

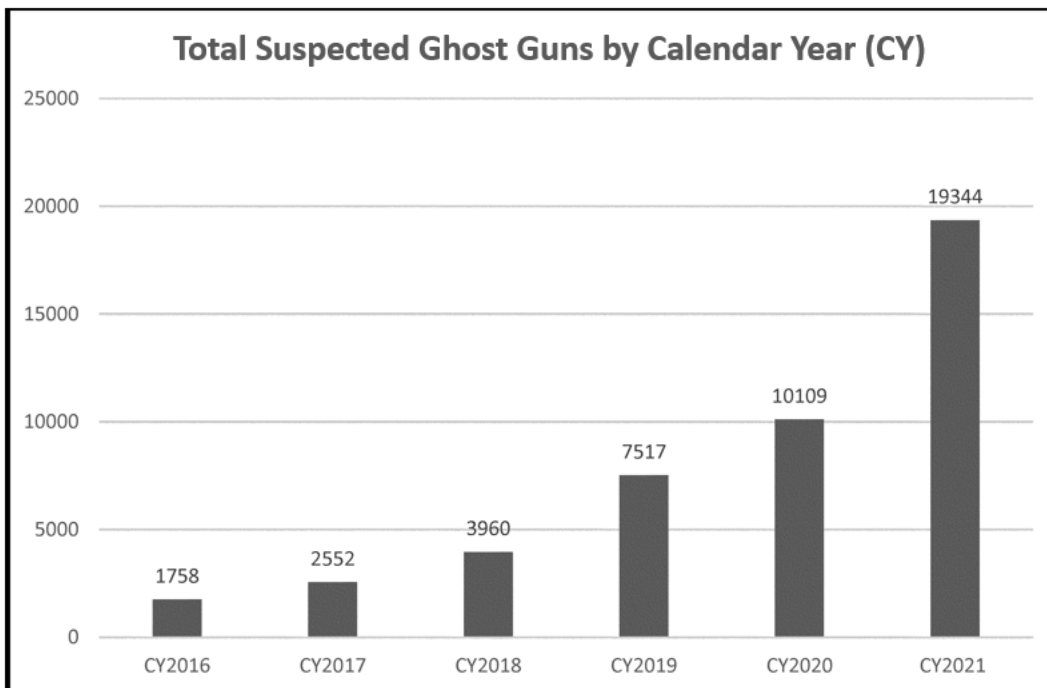
<sup>4</sup> *Firearms Access Is a Risk Factor for Suicide*, Harvard T.H. Chan, <https://www.hsph.harvard.edu/means-matter/means-matter/risk/> (last visited May 19, 2023).

<sup>5</sup> City of Philadelphia Police Dep't, Crime Gun Stats Dashboard (Apr. 17, 2023).

<sup>6</sup> *Id.*

7. Ghost guns have similarly proliferated throughout the Commonwealth of Pennsylvania. From 2017 to 2021, law enforcement recovered more ghost guns in Pennsylvania than in all but three states: California, Illinois, and Maryland.

8. Ghost guns are also causing harm beyond Pennsylvania. Nationally, the number of ghost guns recovered by law enforcement has exploded in recent years and accelerated during the pandemic. From January 1, 2016 through December 31, 2021, law enforcement agencies across the country reported recovering more than 45,000 ghost guns. And the frequency of their recovery increased exponentially year after year: 1,758 recovered in 2016; 2,552 in 2017; 3,960 in 2018, 7,517 in 2019; 10,109 in 2020; and nearly 20,000 in 2021.<sup>7</sup>



<sup>7</sup> Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, (Aug. 26, 2022), <https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms>.

9. If left unchecked, ghost guns may continue proliferating locally and nationally at an astonishing rate.

10. Defendants, Polymer80, Inc. and JSD Supply, are among the largest suppliers of ghost guns into Philadelphia. Defendants will ship their unserialized ghost gun products to any address in Philadelphia without a background check or any other effort to verify the buyer's identity. Defendants' ghost gun products are also widely available—again, without any background checks—at gun shows frequently held a short drive from Philadelphia's city limits, and operated by Defendant JSD Supply under its “Eagle Shows” brand.

11. The vast majority of ghost guns recovered in criminal investigations in Philadelphia are Polymer80 guns. As of the date of this filing, 87 percent of the ghost guns recovered in Philadelphia in 2023 were Polymer80 guns.

12. Ghost gun sellers, unlike licensed firearm dealers, do not maintain records of their sales or customers in accordance with the Pennsylvania Uniform Firearms Act (“PUFA”), the Commonwealth's principal gun law. Thus, it is impossible to know with certainty how many ghost guns have been sold to Philadelphia residents. As an Assistant District Attorney in Philadelphia remarked, “[t]his is the problem we're seeing again and again, with ghost guns getting into the hands of felons. . . . There is no way for us to even know how many firearms [were] put out on the street before we were able to stop it.”<sup>8</sup> The ghost guns recovered by law enforcement are likely just the tip of the iceberg, with many more unserialized and untraceable guns circulating on the street than officially known.

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<sup>8</sup> Ellie Rushing, *Philadelphia Man Manufactured Ghost Guns, Including AR-15s, Inside His Kensington Home, Prosecutors Say*, Philadelphia Inquirer (Jan. 17, 2023, 3:33 PM), <https://www.inquirer.com/news/philadelphia-ghost-gun-arrest-luis-soto-kensington-20230117.html>.

13. Despite their growing popularity, the ghost guns sold by Defendants are illegal under Pennsylvania law. The firearm sales requirements contained in PUFA are intended to deter gun violence by requiring that guns are only sold by responsible sellers to responsible buyers. Claiming that their products are not firearms, Defendants sell firearm kits and frame blanks<sup>9</sup>—products that are designed and marketed with the sole purpose of producing functional guns—to Philadelphia customers without following applicable firearm regulations. They do not conduct background checks. They do not properly record sales. They do not abide by the provisions of PUFA.

14. Defendants boldly flout these laws, as the unserialized firearm kits they sell are legally firearms and subject to state laws applicable to the sale and marketing of firearms.

15. Defendants seek to avoid such regulations by calling their products “firearm parts” or “80% frame and jigs,”<sup>10</sup> but once a buyer obtains these products sold by Defendants, they can use ordinary household tools to easily assemble the ghost gun components into an untraceable, fully functional firearm in as little as 30 minutes.<sup>11</sup> By Defendants’ design and intention, the products they sell are firearms.

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<sup>9</sup> The phrase “firearm kits” refers to any products sold by Defendants that contain a frame or receiver blank along with additional gun parts, drill bits, or so-called “jigs,” the latter of which are guides that indicate where to drill to finish the frame or receiver blank. Frames and receivers are the key components of a firearm—usually called a “frame” for a handgun, and a “receiver” for a long gun. A blank is what Defendants call an “unfinished” frame or receiver—a frame or receiver part that has been manufactured such that minor drilling or milling must be performed before it is assembled into a functional firearm that expels projectiles.

<sup>10</sup> See *Polymer80*, <https://www.polymer80.com/> (last visited June 16, 2023).

<sup>11</sup> See ATF Application for Search Warrant ¶¶ 61-69, The business and Federal Firearms Licensee (“FFL”) known as Polymer80, Inc. (“Polymer80”) which is located at 134 Lakes Blvd., Dayton, NV 89403, Case No. 3:20-mj-123-WGC (D. Nev. 2020), <https://s.wsj.net/public/resources/documents/ghostraid-121420-warrant.pdf>; see also Harold McNeil, *Police Raid Nets Weapons and Ghost Gun Kits: ‘This Is What Feeds Everyday Gun Violence’*, *The Buffalo News* (Jun. 13, 2022), [https://buffalonews.com/news/local/crime-and-courts/police-raid-nets-weapons-and-ghost-gun-kits-this-is-what-feeds-everyday-gun-violence/article\\_afc1a5da-eb52-11ec-97a7-1bb3d1b8c1dd.html](https://buffalonews.com/news/local/crime-and-courts/police-raid-nets-weapons-and-ghost-gun-kits-this-is-what-feeds-everyday-gun-violence/article_afc1a5da-eb52-11ec-97a7-1bb3d1b8c1dd.html).

16. By marketing, selling, and distributing firearm kits and frame blanks into Philadelphia, without conducting background checks or following other point-of-sale requirements under PUFA, Defendants have created, and continue to create, a public nuisance, unduly burdening the City's law enforcement and public health institutions and resulting in significant damage and a proliferating threat to the public's right to health and safety in Philadelphia.

17. In doing so, Defendants act brazenly in pursuit of profit without regard for the rule of law, public safety, or the lives damaged by the pervasive effects of ghost gun violence.

18. Philadelphia seeks injunctive relief to stop Defendants' negligent business practices, seeks to abate the public nuisance caused by Defendants' business practices, and otherwise seeks to hold Defendants accountable for the ghost gun crisis they have inflicted on the City and its residents.

#### **PARTIES**

19. Plaintiff the City of Philadelphia (the "City" or "Philadelphia") is a municipal corporation organized under the laws of the Commonwealth of Pennsylvania.

20. Defendant Polymer80, Inc. ("Polymer80") is a Nevada corporation with its principal place of business in Dayton, Nevada. Polymer80 was incorporated in December 2014 and since that time, has advertised, offered, sold, and provided firearms—including ghost guns—to Philadelphia consumers, both directly and indirectly, via, among other means, the website [www.polymer80.com](http://www.polymer80.com).

21. Defendant JSD Supply is a Pennsylvania corporation with its principal place of business in Prospect, Pennsylvania, located at 1052 New Castle Road, Prospect, PA 16052. JSD's officer is Jordon J. Vinroe, residing at 106 Poplar Lane, Portersville, PA 16051. Established in 2013, JSD Supply sells firearms, firearm parts, and firearm-related merchandise—including ghost



guns—to Philadelphia consumers. In 2021, JSD Supply purchased Eagle Arms Gun Productions, LLC, now known as Eagle Shows, which hosts “Pennsylvania’s Largest Gun Show.”<sup>12</sup>

## **JURISDICTION AND VENUE**

22. This Court has subject matter jurisdiction over this action pursuant to the Commonwealth of Pennsylvania Constitution.

23. This Court has personal jurisdiction over Defendants because they carry on a continuous and systematic part of their general business within Pennsylvania, have transacted substantial business with Pennsylvania entities and residents, and have caused harm in Pennsylvania as a result of the specific business activities complained of herein, either directly or through their agents. Upon information and belief, Defendants ship their ghost gun products into Philadelphia.

24. Venue as to each Defendant is proper in this Court as the transactions and occurrences that form the basis for this Complaint occurred in Philadelphia County, Pennsylvania.

25. There is no federal court jurisdiction: this action lacks complete diversity of citizenship because one or more Defendants are citizens of the Commonwealth of Pennsylvania, no substantial federal question is presented, and Philadelphia’s right to relief does not necessarily depend on resolution of a substantial question of federal law.

## **GENERAL ALLEGATIONS**

### **I. Ghost Guns Are Untraceable Firearms**

26. A “ghost gun” is a term commonly used to refer to an unserialized firearm that is privately manufactured. Typically, ghost guns (a) start off as an easy-to-finish frame or receiver

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<sup>12</sup> *About Us*, Eagle Shows, <https://eagleshows.com/about-us/> (last visited June 16, 2023).

blank purchased in a kit or separately along with other necessary parts and (b) are assembled by the purchaser into a completed and functional firearm that has no serial number.<sup>13</sup>

27. Critically, the firearm kits sold by Defendants—containing unserialized frame and receiver blanks, often packaged with jigs, tools, and other components necessary to build a fully-functioning firearm—are being sold without the background check, age verification, and other point-of-sale requirements that ensure a gun purchaser is legally permitted to possess a firearm.

28. The core component of any handgun, including a ghost gun, is the frame.<sup>14</sup> The term “frame” generally refers to the core part of a pistol or handgun to which the other pieces are affixed—it is analogous to an automobile’s chassis. Other components, such as the trigger, the magazine, and the slide, fit directly or indirectly onto the frame.

29. The image below shows the parts of a 9mm, Glock-style pistol—the most commonly-recovered type of ghost gun in Philadelphia.

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<sup>13</sup> Defendants traditionally sold kits containing frame or receiver blanks, along with all the other parts required to assemble a fully functioning gun. In response to recent regulatory developments, they have begun breaking these kits into separate products, requiring buyers to purchase frame blanks and all the other parts separately or to buy multiple less comprehensive kits, such as a frame parts kit with complete trigger assembly and a compact pistol frame kit. In this Complaint, firearm kits refer to all of these various product formulations.

<sup>14</sup> “Frame” generally refers to the core part of handgun, “receiver” generally refers to the core part of a rifle or shotgun. Because the lion’s share of ghost guns used and recovered in Philadelphia are handguns, the Complaint generally refers to a ghost gun’s “frame” rather than repeating the phrase “frame or receiver” throughout.



30. “Unfinished” frames, also called frame “blanks,” are often described in marketing materials as “80%” components. This description belies the true state of manufacture: these almost-but-not-quite-completed frames are far closer to completion than “80%” would imply, and can be easily “finished” at home by the consumer.

31. The differences between the frames amount to drilling three small holes and milling down a small amount of plastic at the top of the frame. An illustration of an “unfinished” frame sold by Defendants and one “finished” by the purchaser is illustrated as follows:



32. With such a small difference between an “unfinished” frame and a “finished” one, it takes very little time, effort, or skill to complete an “unfinished” frame and build a fully

functional ready-to-shoot ghost gun using the tools and other parts sold by Defendants, often in firearm kits.

33. Ghost guns are no different than other firearms under the law. PUFA defines a “firearm,” in relevant part, as any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.<sup>15</sup>

34. PUFA’s definition of a firearm encompasses weapons that may be “readily converted” to expel a projectile. In other words, items short of a completed frame qualify as a “firearm” if they can be readily converted into an item meeting the relevant definition. A weapon meets the definition of “firearm” even if additional parts or work are required to make it fire. Firearm kits that can be fully assembled into a ready-to-shoot ghost gun in 30 minutes exemplify what it means to be “readily” convertible.

35. These products, therefore, are weapons that may be “readily converted” to expel a projectile, and thus, are firearms under Pennsylvania law.

36. Moreover, the Pennsylvania State Police, the administrative agency tasked with implementing and enforcing PUFA, has long interpreted the term “frame or receiver” as it appears in PUFA to encompass “unfinished” frames and receivers. In other words, at some point the unfinished frame is sufficiently close to completion that law enforcement will consider it a *de facto* frame, and thus, a firearm. A weapon satisfies the definition of a firearm when it is designed to shoot bullets.

37. As shown in the image below, the difference between a fully assembled, ready-to-shoot ghost gun and a traditionally manufactured handgun sold at a licensed dealer is virtually undetectable. Both fire the same ammunition, both operate identically, and both are equally lethal.

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<sup>15</sup> 18 Pa. Stat. and Cons. Stat. Ann. §§ 6105(i), 6111(f). There are other definitions of firearms within PUFA, however, most of the regulations relevant to this Complaint exist within §§ 6105 and 6111.

**Fully Assembled Ghost Gun**



**Traditionally Manufactured Handgun**



38. Defendant Polymer80 facilitates its customers' final assembly of their guns by including a "How to Manuals" section on its website with videos and pages of instructions for each ghost gun product.<sup>16</sup>

39. Likewise, Defendant JSD Supply aids its customers' builds by providing "some of the best resources for inspiration and technical know-how . . . right at your fingertips."<sup>17</sup> JSD Supply's FAQ section points customers to "Demonstration videos, instructionals, and step-by-step guides" that "are available online" and maintains a blog that "offers some of the top tips and tricks for the best shooting experience."<sup>18</sup>

40. Both Defendants' websites boast that by using the guidance Defendants provide, anyone can create a fully functional untraceable firearm within the confines of their own home.

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<sup>16</sup> See *How To Manuals*, Polymer80, <https://www.polymer80.com/how-to-manuals> (last visited June 5, 2023).

<sup>17</sup> *FAQ: Where Can I Learn More About Gun Customization?*, JSD Supply, <https://jsdsupply.com/faq/> (last visited June 16, 2023).

<sup>18</sup> *Id.*

The screenshot shows the JSD Supply website's FAQ section for Gun Customization. The page has a dark theme with white and orange text. At the top, there is a navigation bar with links for 'Monthly Deals', 'Shop By Category', 'Shop By Brand', and 'About Us', along with a search icon and a shopping cart icon. Below the navigation, there is a breadcrumb trail 'FAQ' and a main heading 'Frequently Asked Questions'. Underneath, a sub-heading 'Gun Customization' is followed by two expandable FAQ items: '+ Is customizing my gun on my own legal?' and '- Where can I learn more about gun customization?'. The second item is expanded, showing a paragraph of text: 'Some of the best resources for inspiration and technical know-how are right at your fingertips. Demonstration videos, instructionals, and step-by-step guides are available online. The JSD Supply blog also offers some of the top tips and tricks for the best shooting experience alongside industry and legislative news that keeps you informed. Don't forget to be active in your local firearms community, where you will find experienced Second Amendment hobbyists, amateur gunsmiths, and like-minded patriots who can help you elevate your shooting.'

41. Defendants take further steps to make their products easily convertible to functional firearms—eliminating the need for any technical skill on their customers’ part—by shipping the products with so-called “jigs”—plastic settings or templates for the frame that show the consumer exactly where to drill the necessary holes to convert an unfinished frame into a finished one.

42. Upon information and belief, the jigs themselves are clearly labeled with the simple steps the consumer needs to take to “finish” the frame. The jigs indicate how customers are to mill the rails and where they should drill.

43. Upon information and belief, once the rails are cut or shaved off, the consumer must only drill the three simple holes, which are helpfully labeled as “M2” or “M3” on the jig. Upon information and belief, these correspond to two drill bits that are often included in the same kit.

44. Upon information and belief, the consumer then drills the three holes using a hand drill or a drill press, following the instructions on the jig.

45. The result is a “finished,” but unserialized frame, ready to be easily assembled with the slide, trigger, and other parts into a ready-to-shoot firearm.

46. The near identical appearance of an “unfinished” and “finished” frame, as well as the extreme ease with which the “unfinished” frame is converted into a deadly weapon, illustrates that the products sold by Defendants fit the definition of a firearm under controlling Pennsylvania law. Accordingly, throughout this Complaint the firearm kits sold by Defendants are referred to as “Unserialized Firearms.”

## **II. Defendants Design, Manufacture, and Distribute Unserialized Firearms That Evade Pennsylvania Law**

47. Although an “unfinished” frame is only a few holes away from conversion into a ready-to-shoot gun, Defendants sell Unserialized Firearms as if the products are immune from the Pennsylvania laws designed to protect communities from gun violence.

48. Pennsylvania law sets requirements for the commercial sale of firearms, including ghost guns.<sup>19</sup>

49. Despite being firearms in both the commonsense meaning and under the relevant statutory definitions, Unserialized Firearms circulate widely in Philadelphia, evading the Commonwealth’s laws enacted to keep firearms out of the hands of those who cannot legally acquire and possess them.

50. The Pennsylvania legislature passed the first Pennsylvania Uniform Firearms Act in 1931 to “regulate and license the sale, transfer, and possession” of firearms throughout the Commonwealth.<sup>20</sup> Over the years, the legislature has repeatedly amended the Act, with substantial

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<sup>19</sup> Federal law contains a separate framework for regulating the commercial sale of firearms. This distinct framework does not bear on the interpretation or application of PUFA’s defined terms or on an undefined component of a defined term in PUFA. Plaintiff’s claims are brought exclusively under Pennsylvania law.

<sup>20</sup> See Act of June 11, 1931, P.L. 497, No. 158; see also *Commonwealth v. McKnown*, 79 A.3d 678, 697 (Pa. Super. Ct. 2013) (Fitzgerald, J., concurring).

revisions occurring in 1995 in an effort “to provide support to law enforcement in the area of crime prevention and control.”<sup>21</sup>

51. PUFA’s commercial firearm sale provisions require that deadly weapons are only sold by responsible sellers to responsible buyers.<sup>22</sup> PUFA mandates that no one under eighteen years of age purchases a firearm,<sup>23</sup> that firearms dealers be licensed, that all licensed dealers maintain purchase records for twenty years, and that licensed dealers conduct background checks on all firearm purchases.<sup>24</sup>

52. For each gun sale, a licensed dealer must first obtain a completed application/record of sale from the potential buyer, which includes the name, address, birthdate, gender, race, physical description, and Social Security number of the purchaser or transferee and the caliber, length of barrel, make, model, and manufacturer’s serial number of the firearm to be purchased or transferred.<sup>25</sup>

53. In Pennsylvania, a licensed dealer, manufacturer, importer, or any other person “who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of three years.”<sup>26</sup>

54. Consequently, the application/record of sale must also include a question asking, “Are you the actual buyer of the firearm(s)?” and a warning that “You are not the actual buyer if

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<sup>21</sup> Act of June 13, 1995, P.L. 1024, No. 17 (Spec. Sess. 1).

<sup>22</sup> See 18 Pa. Stat. and Cons. Stat. Ann. §§ 6105, 6111.

<sup>23</sup> There are some exceptions to this rule. See *id.* § 6110.1.

<sup>24</sup> See *id.* § 6111(b).

<sup>25</sup> See *id.* § 6111(b)(1).

<sup>26</sup> *Id.* § 6111(g)(2). Pennsylvania also has a separate Straw Purchaser Prevention Education Program to further limit this harmful practice. See *id.* §§ 6181 *et seq.*



you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for” a spouse, parent, child, grandparent, or grandchild.<sup>27</sup>

55. These required application questions attempt to ward off straw purchasers, especially when coupled with the admonition that any person, purchaser, or transferee commits a felony of the third degree if, in connection with the purchase, delivery, or transfer of a firearm, the person “makes any materially false written statement.”<sup>28</sup>

56. After collecting a potential purchaser’s application, the dealer must “inspect[] photoidentification” of the potential purchaser to ensure that the identification contains the same name, birthday, signature, and address as the potential purchaser’s application.<sup>29</sup>

57. The dealer must then send the potential buyer’s application to the Pennsylvania State Police to conduct a background check on the potential purchaser, including checks into criminal history, juvenile delinquency history, and any mental health records. If the Pennsylvania State Police finds no disqualifying information, the licensed dealer may complete the sale.<sup>30</sup>

58. Pennsylvania law requires that a licensed dealer keep a record of the firearm sold and retain the records for twenty years.<sup>31</sup>

59. While dealers are required to be licensed in Pennsylvania, private sales between unlicensed individuals are also permitted, but only at the place of business of a licensed importer, manufacturer, dealer, or county sheriff’s office.<sup>32</sup>

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<sup>27</sup> *Id.* § 6111(b)(1).

<sup>28</sup> *Id.* § 6111(g)(4)(ii).

<sup>29</sup> *Id.* § 6111(b)(2); *see also* 37 Pa. Code § 33.102.

<sup>30</sup> 18 Pa. Stat. and Cons. Stat. Ann. § 6111(b)(3).

<sup>31</sup> *Id.* §§ 6111(b)(1), 6113(a)(5).

<sup>32</sup> *Id.* § 6111(c).

60. The place of business for a licensed dealer may include a brick-and-mortar gun store, as well as a lawful gun show.<sup>33</sup>

61. Thus, a private person may transfer a handgun to an unlicensed transferee at a gun show, but the private seller must have a licensed gun business or a county sheriff's office perform a background check on the prospective purchaser before the sale may go forward.<sup>34</sup> Either the licensee or the county sheriff's office must also maintain a record of the sale "as though he were the seller."<sup>35</sup> By requiring these processes for a firearms transfer, PUFA seeks to keep those prohibited from possessing firearms from obtaining them.

62. And PUFA contains a lengthy list of prohibited possessors, including fugitives from justice, persons convicted of drug crimes, those adjudicated as mentally incompetent or involuntarily committed to a mental institution, and those unlawfully residing in the United States.<sup>36</sup> PUFA also specifies that minors and domestic abusers are not permitted to possess firearms.<sup>37</sup>

63. Pennsylvania law also authorizes courts to prohibit a person subject to a temporary or final Protection from Abuse Order from accessing firearms. Courts must make this information available to the Pennsylvania State Police within 24 hours and the State Police must maintain a registry of temporary and final protection orders.<sup>38</sup>

64. Besides governing commercial sales of firearms, PUFA has other provisions governing firearm tracing.

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<sup>33</sup> *Id.* § 6113(a)(1).

<sup>34</sup> 18 Pa. Stat. and Cons. Stat. Ann. § 6111(c); 37 Pa. Code § 33.111(c), (e).

<sup>35</sup> 37 Pa. Code § 33.111(e)(2).

<sup>36</sup> *See* 18 Pa. Stat. and Cons. Stat. Ann. § 6105(b), (c).

<sup>37</sup> *See id.* §§ 6110.1, 6105(c)(9), 6111(b)(7).

<sup>38</sup> *See* 23 Pa. Cons. Stat. Ann. §§ 6102(a), 6105(e), 6108(a)(7).

65. The ability to trace a firearm to its point of original sale is an essential tool for law enforcement. It allows them to generate leads in criminal investigations and identify gun traffickers and straw purchasers.

66. Indeed, when confiscating or recovering a firearm from someone prohibited to possess a firearm, a local law enforcement agency is obligated to use the best available information, including a firearms trace, to determine how and from where the person gained possession of the firearm.<sup>39</sup>

67. To conduct the trace, law enforcement typically uses the serial number and other required markings to trace the gun to its first retail sale.

68. If a gun lacks a serial number, it can be impossible for law enforcement to perform its required duty of tracing recovered firearms.

69. The emergence of untraceable ghost guns undermines decades of Pennsylvania lawmakers' efforts to prevent dangerous persons from possessing firearms and to assist law enforcement in combating the use of firearms in criminal activity and in investigating gun crime.

70. Defendants' Unserialized Firearms are firearms under Pennsylvania law, but Defendants' sales of these products do not comply with any of the aforementioned regulations.

71. Defendants sell Unserialized Firearms in and around Philadelphia without inspecting whether the firearm application or record of sale matches the potential purchasers' photoidentification.

72. Defendants knowingly or intentionally sell, deliver, or transfer firearms to purchasers or transferees who are unqualified or ineligible to control, possess, or use a firearm under PUFA.

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<sup>39</sup> See 18 Pa. Stat. and Cons. Stat. Ann. § 6127(a) (West 2008).

73. Defendants sell Unserialized Firearms in and around Philadelphia without performing the required background checks under PUFA and without verifying the age of the purchasers.

74. Upon information and belief, Defendants have sold Unserialized Firearms in and around Philadelphia without maintaining records on their sales for twenty years.

75. By evading Pennsylvania law, Defendants' sales of Unserialized Firearms in and around Philadelphia increase crime and wreak havoc on public health and safety in the City.

### **III. Ghost Guns Are Fueling Gun Violence Both Nationally and in Philadelphia**

#### **A. There Is a National Ghost Gun Violence Epidemic in the United States**

76. Ghost guns are being used in crimes at alarming rates.

77. Nationwide, the number of ghost guns recovered at crime scenes has increased more than elevenfold in just five years, from 1,758 in 2016 to 19,344 in 2021.<sup>40</sup>

78. In total, law enforcement reported recovering approximately 45,240 suspected ghost guns from potential crime scenes during this time, including 692 linked to homicides or attempted homicides.<sup>41</sup>

79. Likely, these numbers grossly underestimate the actual number of ghost guns recovered from crime scenes because some law enforcement agencies trace ghost guns inconsistently and others do not report or even attempt to trace firearms that have no serial numbers or identifiable markings.<sup>42</sup>

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<sup>40</sup> *Supra* note 7.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 24724.

80. The COVID-19 pandemic only accelerated the surge of ghost guns. Ghost gun companies have generally reported significant increases in sales of Unserialized Firearms since March 2020.<sup>43</sup>

81. These increases in Unserialized Firearm sales and crime scene recoveries are striking because they underscore the extent to which ghost guns are exacerbating the gun violence epidemic in the United States.

82. The gun homicide rate in the United States is already twenty-six times higher than other high-income countries, leading some to describe gun violence as “just a part of American life.”<sup>44</sup>

83. And in recent years, gun violence has only become more pervasive in the United States: in a single year from 2019 to 2020, the crude rate of firearm-related death increased by 13.5 percent.<sup>45</sup>

84. This type of violence is not cabined to crime-related interpersonal conflicts, but instead, deeply impacts every facet of life in the United States. Sadly, children are among the most affected.

85. Thirty-two children are injured and seven are killed by gunfire every day in the United States.<sup>46</sup>

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<sup>43</sup> Asher Stockler, *Amid Increase in Gun Sales During Coronavirus Pandemic, Democrats Ask ATF for Help on Ghost Guns*, Newsweek (Apr. 24, 2020), <https://www.newsweek.com/ghost-guns-house-democrats-alcohol-tobacco-firearms-1500049>.

<sup>44</sup> Rachel Ewing, *Gun Violence: A Reckoning*, Penn Medicine News (2022), <https://www.pennmedicine.org/news/publications-and-special-projects/penn-medicine-magazine/winter-2022/gun-violence-a-reckoning>.

<sup>45</sup> J.E. Goldstick, et al., *Current Causes of Death in Children and Adolescents in the United States*, N. Engl. J. Med. (May 19, 2022), <https://www.nejm.org/doi/full/10.1056/NEJMc2201761>.

<sup>46</sup> Children’s Hospital of Philadelphia, *Gun Violence*, <https://violence.chop.edu/gun-violence> (last visited June 16, 2023).

86. As has occurred in Philadelphia, high school students can be shot on their way to school, outside a beauty salon one block away from school, or at a school sponsored football scrimmage.<sup>47</sup>

87. At 29.5 percent, the single year increase in the rate of firearm-related deaths among children and adolescents in the United States from 2019 to 2020 was more than twice as high as that in the general population.<sup>48</sup>

88. It is thus no surprise that in 2020, firearms overtook motor vehicle crashes as the leading cause of death for children and teens in the United States.<sup>49</sup>

### **B. Ghost Guns Substantially Contribute to Gun Violence in Philadelphia**

89. Ghost gun violence is a national problem, but its impact on Philadelphia is more acute and has, indeed, risen to a public health crisis in the City.

90. Philadelphia's gun violence crisis is not new. For decades, the gun violence rate in Philadelphia has been among the highest of any major city in the United States.<sup>50</sup>

91. In recent years, however, the problem has gotten progressively worse, and Philadelphia has experienced historic levels of gun violence claiming an unprecedented number of lives.<sup>51</sup> Ghost guns have substantially contributed to this increase in gun violence.

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<sup>47</sup> Sammy Caiola, *Teen Committee Conducts Gun Violence Survey to Bring Solutions to City Officials*, WHYY (May 20, 2022), <https://whyy.org/articles/teen-committee-conducts-gun-violence-survey-to-bring-solutions-to-city-officials/>.

<sup>48</sup> Goldstick, *supra* note 45.

<sup>49</sup> *Id.*

<sup>50</sup> City of Philadelphia, *The Philadelphia Roadmap to Safer Communities January 2019 – January 2024*, [https://www.phila.gov/media/20190125102315/The-Philadelphia-Roadmap-to-Safer-Communities.pdf?mc\\_cid=27255cfla&mc\\_eid=701a23fa37](https://www.phila.gov/media/20190125102315/The-Philadelphia-Roadmap-to-Safer-Communities.pdf?mc_cid=27255cfla&mc_eid=701a23fa37).

<sup>51</sup> Ellie Rushing & Chris Palmer, *Philly's Gun Violence Remained at Record Levels for the Third Straight Year*, The Philadelphia Inquirer (Dec. 29, 2022, 5:00 AM), <https://www.inquirer.com/news/philadelphia/homicides-philadelphia-gun-violence-2022-record-20221229.html>.

92. While homicides and gun violence increased in most United States cities during the COVID-19 pandemic, Philadelphia's uptick pre-dated the pandemic.<sup>52</sup>

93. Gun homicides and nonfatal shootings in Philadelphia have increased every year since 2017.<sup>53</sup>

94. In 2018, the City's firearm homicide rate reached the highest level since 2008, totaling a shocking 301 firearm homicides.<sup>54</sup> By 2021, that number grew to 507 firearm homicides, surpassing the City's peak of 505 total homicides (both firearm and non-firearm homicides) in 1990.<sup>55</sup>

95. Generally, about 83 percent of Philadelphia homicides are committed with a firearm, which is a statistic that has remained stable since 2006.<sup>56</sup> However, in 2019, that number grew to about 90 percent, around 15 percent higher than both the state and national averages. In 2022, the percent of homicides involving a firearm remained at about 90 percent.<sup>57</sup>

96. Besides increased firearm homicides, the number of total shooting victims has also escalated dramatically in recent years.

97. In 2015, there were about 1,200 shooting victims. By 2020, that number nearly doubled to over 2,240, an 83 percent increase. In 2022, 2,263 Philadelphians were shot.<sup>58</sup>

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<sup>52</sup> *Data Release Gun Violence Clearance Rates and Case Outcomes*, Rebecca Rhynhart, City Controller (Jan. 2022), <https://controller.phila.gov/wp-content/uploads/2022/01/Gun-Violence-Review-Data-Release.pdf>.

<sup>53</sup> *Id.*

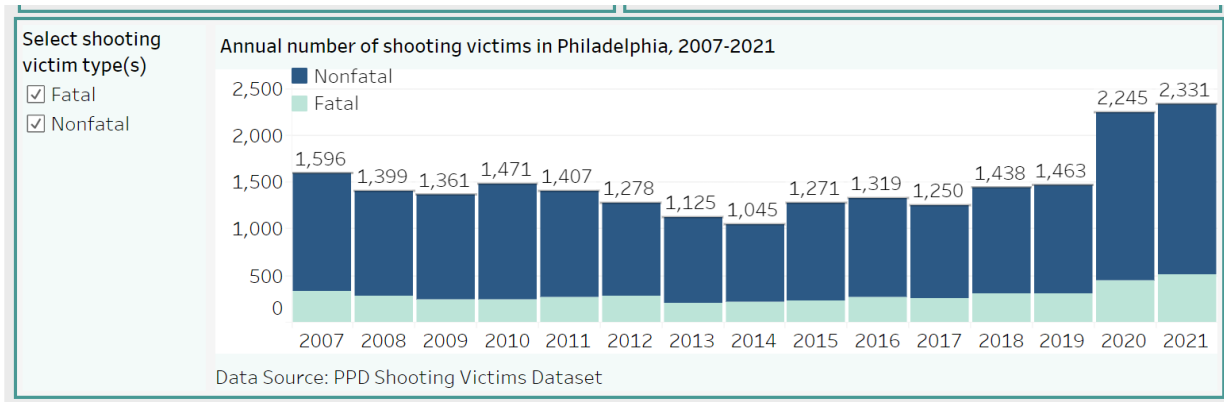
<sup>54</sup> City of Philadelphia, *supra* note 50 at 7; *see also* City of Philadelphia, *Injury Prevention Dashboard*, <https://www.phila.gov/programs/injury-prevention-program/injury-prevention-dashboard/> (last visited May 19, 2023).

<sup>55</sup> City of Philadelphia, *supra* note 50 at 7.

<sup>56</sup> *Report on the Economic Impact of Homicides*, Rebecca Rhynhart, City Controller (Oct. 2019), [https://controller.phila.gov/wp-content/uploads/2019/10/report\\_on\\_gun\\_violence.pdf](https://controller.phila.gov/wp-content/uploads/2019/10/report_on_gun_violence.pdf).

<sup>57</sup> Rushing, *supra* note 51.

<sup>58</sup> Rhynhart, *supra* note 52; *see also* Mapping Philadelphia's Gun Violence Crisis, Office of the Controller, <https://controller.phila.gov/philadelphia-audits/mapping-gun-violence/#/?year=2022&layers=Point%20locations&map=11.00%2F39.98500%2F-75.15000> (last visited June 16, 2023).



98. In addition to homicides and shootings, firearms are increasingly being used in robberies in Philadelphia.

99. More than 2,800 robberies involved guns in 2022, an approximately 22 percent increase over the previous year, and the highest annual tally since 2015.<sup>59</sup>

100. While gun violence creates suffering throughout the entire city, it disproportionately affects certain Philadelphia communities.<sup>60</sup> Philadelphia is one of the most racially segregated cities in the United States and the Philadelphia zip codes with the highest levels of gun violence are predominantly Black and Hispanic.<sup>61</sup>

101. These are the same neighborhoods that were afflicted by redlining and other forms of intergenerational structural forces that concentrate violence.<sup>62</sup>

<sup>59</sup> Rushing, *supra* note 51.

<sup>60</sup> James Garrow, *Black History Month: Gun Violence*, City of Philadelphia (Feb. 28, 2023), <https://www.phila.gov/2023-02-28-black-history-month-gun-violence/>.

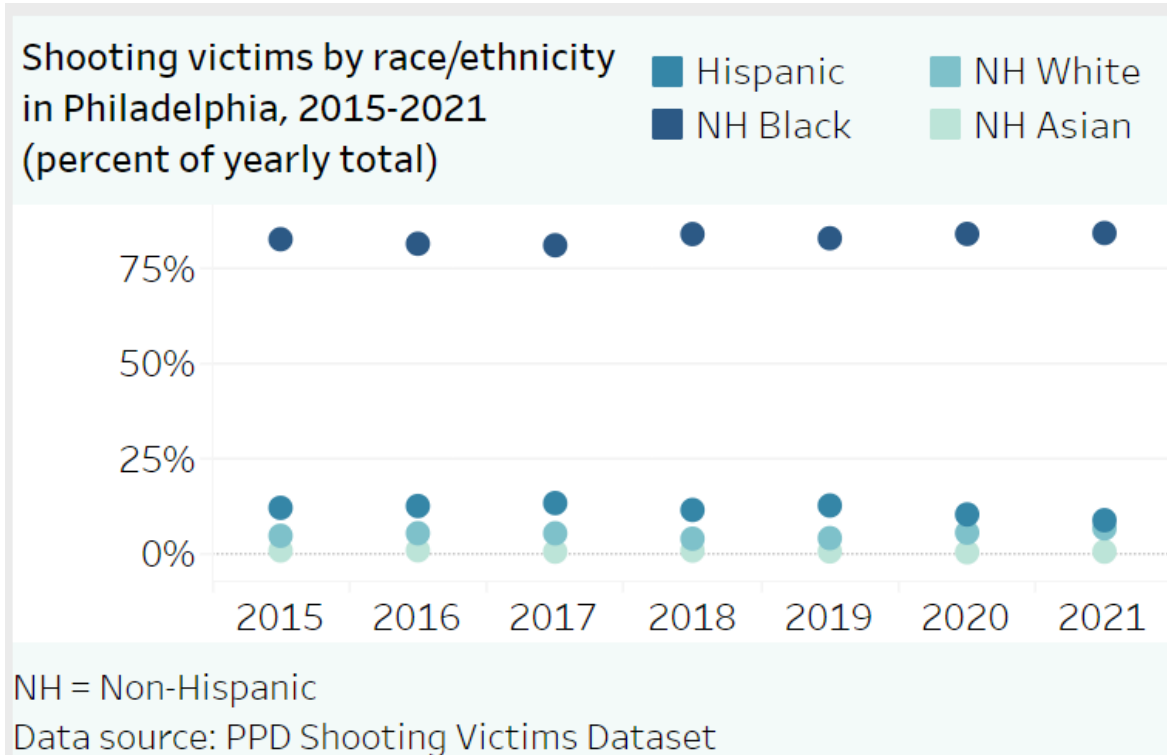
<sup>61</sup> Rhynhart, *supra* note 56; *Community Violence Dashboard*, Accelerate Health Equity, <https://www.ahephl.org/topic/community-violence> (last visited May 19, 2023).

<sup>62</sup> Campbell Robertson, *'Everybody Is Armed': As Shootings Soar, Philadelphia Is Awash in Guns*, The New York Times (Aug. 11, 2022), <https://www.nytimes.com/2022/08/11/us/philadelphia-gun-violence-shootings.html>; Rhynhart, *supra* note 56.



102. Black or African American men between the ages of 18 and 35 have accounted for about half of all homicide victims in Philadelphia since 2006—despite accounting for only about 5 percent of the total population.<sup>63</sup>

103. In 2018, approximately 75 percent of shooting victims and known perpetrators in Philadelphia were Black men, most commonly between the ages of 16 and 34.<sup>64</sup>



104. In Philadelphia’s most violent neighborhoods, men aged 18 to 29 are nearly twice as likely to be shot and killed than soldiers who were sent to Afghanistan between 2001 and 2014.<sup>65</sup>

105. Besides disproportionately affecting young, Black men, gun violence is also increasingly harming Philadelphia’s children.

<sup>63</sup> Rhyhart, *supra* note 56; *Population by Age and Sex*, PhilaStats, <https://philadelphiapublichealth.shinyapps.io/philastats/> (last visited June 6, 2023); *Yearly Estimated Population*, PhilaStats, <https://philadelphiapublichealth.shinyapps.io/philastats/> (last visited June 6, 2023).

<sup>64</sup> City of Philadelphia, *supra* note 50.

<sup>65</sup> Brown University, *In Some U.S. Zip Codes, Young Men Face More Risk of Firearm Death Than Those Deployed in Recent Wars, Study Finds*, Science Daily (Dec. 22, 2022), <https://www.sciencedaily.com/releases/2022/12/221222123047.htm>.

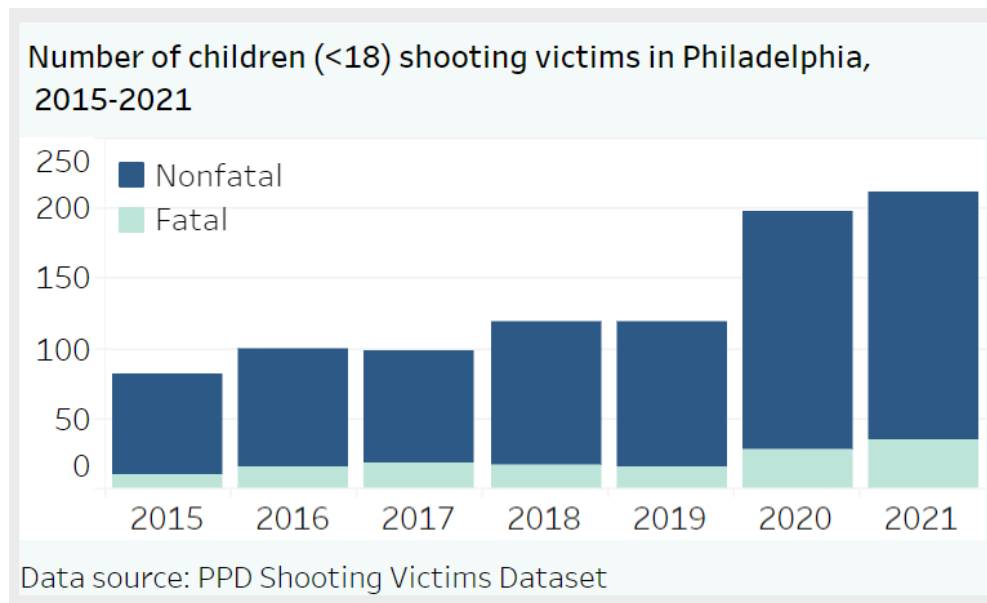
106. Community members have noticed that both shooters and victims are getting “younger and younger and younger.”<sup>66</sup>

107. Just last year, 218 juveniles were shot in Philadelphia and thirty died. Nineteen children have already been fatally shot in 2023.<sup>67</sup>

108. In 2017, fewer than 100 fatal and nonfatal shooting victims were under the age of 18. By 2022, that number had more than doubled.<sup>68</sup>

109. During that same time, the number of young people arrested in shootings more than quadrupled.<sup>69</sup>

110. Philadelphia even had more shootings involving children last year than New York, a city with more than five times as many people.<sup>70</sup>



<sup>66</sup> Caiola, *supra* note 47.

<sup>67</sup> Rushing, *supra* note 51; Office of the Controller, *supra* note 58.

<sup>68</sup> Aubri Juhasz, *Safe Place: How Philly Schools Are Responding to the City’s Gun Violence Crisis*, Chalkbeat Philadelphia (Feb. 17, 2023, 4:11 PM), <https://philadelphia.chalkbeat.org/2023/2/17/23603224/gun-violence-students-philadelphia-dobbins-high-school-fights-safe-path-safety-zones-mental-health>.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

111. In the Philadelphia neighborhoods most harmed by gun violence, some children have reported that they cannot even ride a bicycle in their own neighborhood for fear of getting shot by a stray bullet.<sup>71</sup>

112. These fears are not unfounded. In a recent survey of 1,300 students, a teen committee formed to prevent gun violence in Philadelphia found that 46 percent of students had a loved one who had been shot, 36 percent had witnessed gun violence, and nearly 11 percent had been personally “victimized.”<sup>72</sup>

113. Boys and girls in Philadelphia report feeling unsafe on a daily basis.<sup>73</sup>

114. Although minors are generally prohibited from possessing a firearm anywhere in Pennsylvania, when a Philadelphia non-profit asked a few dozen boys and girls aged 11 to 17 how many knew how to get a gun with a single phone call, the children almost unanimously answered in the affirmative.<sup>74</sup>

115. This response highlights one of the main drivers of gun violence: ease of access to guns.

116. The proliferation of firearms in Philadelphia over the last five years, including those involving young people, has coincided with an exponential increase in the number of Unserialized Firearms flowing into the City.

117. In a recent news conference, Philadelphia Mayor Jim Kenney lamented that the authorities “keep taking guns off the street, and they’re simultaneously replaced almost immediately.”<sup>75</sup>

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<sup>71</sup> Caiola, *supra* note 47.

<sup>72</sup> *Id.*

<sup>73</sup> Robertson, *supra* note 62.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

118. In Philadelphia, the number of assembled ghost guns law enforcement recovered<sup>76</sup> increased from just 12 in 2018 to 575 in 2022—a 4,600 percent increase.<sup>77</sup> Moreover, as of April 17, 2023, there were 163 recoveries of fully assembled ghost guns, putting Philadelphia on pace for a record-breaking number of ghost gun recoveries over the full year.<sup>78</sup>

119. Given this flood of ghost guns, Philadelphia law enforcement has conducted large-scale ghost gun operations seeking to address this grave problem. By way of two representative examples:

- a. First, during a series of transactions in 2018 and 2019, undercover law enforcement purchased dozens of ghost guns from a single individual. This individual sold these ghost guns, along with drugs, immediately adjacent to two public schools, directly endangering the lives of children.<sup>79</sup>
- b. Second, in January 2023, the Pennsylvania Attorney General’s office and other law enforcement officers raided a home in the Kensington neighborhood of Philadelphia, and recovered a slew of items, including a recently assembled unserialized handgun, dozens of gun parts for handguns and AR-15s,<sup>80</sup> an incomplete AR-15 ghost gun, and boxes of ammunition.
  - i. The individual whose home was raided ordered dozens of gun parts online, then used a drill press to make the necessary holes in the metal

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<sup>76</sup> As described in paragraph 79, *supra*, this is likely an undercount of the actual state of the ghost gun problem in Philadelphia, as it assumes that law enforcement properly identified and recorded all ghost guns.

<sup>77</sup> Rushing, *supra* note 8.

<sup>78</sup> *Supra* note 5.

<sup>79</sup> Press Release, United States Attorney’s Office, Eastern District of Pennsylvania, *Philadelphia Man Sentenced to 12 1/2 Years for Trafficking Methamphetamine and Weapons, Including ‘Ghost Guns,’ Near Schools* (Dec. 30, 2020), <https://www.justice.gov/usao-edpa/pr/philadelphia-man-sentenced-12-12-years-trafficking-methamphetamine-and-weapons>.

<sup>80</sup> An AR-15 or ArmaLite Rifle-15 is a lightweight semiautomatic rifle.

and plastic parts, before assembling the weapons—a process that took less than 30 minutes.

- ii. It was one of the largest weapons-manufacturing operations the District Attorney’s office had ever seen.
- iii. The individual arrested was a five-time felon prohibited from possessing firearms, yet was able to access firearms by purchasing firearm kits. It is impossible to know how many ghost guns the individual had manufactured before his arrest.<sup>81</sup>

120. In addition to the sheer number of ghost guns recovered across the City, ghost guns are also forming a rapidly expanding share of total firearm recoveries.

121. In 2019, ghost guns constituted only 2.2 percent of all firearms recovered by law enforcement. That share increased by 124 percent in 2020 and by 333 percent in 2021.<sup>82</sup>

122. The lack of serialization and background checks—not the private manufacture—make ghost guns appealing to the criminal market.<sup>83</sup>

123. The “Ghost Gunner” further illustrates this appeal to the criminal market. A milling machine sold by Polymer80 that finishes the frame faster and with less work than hand assembly,

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<sup>81</sup> See Rushing, *supra* note 8.

<sup>82</sup> *Supra* note 5.

<sup>83</sup> See *supra* note 7, at 24669; Madison Fernandez, *Study Shows Majority of Gun Owners Support Specific Gun Safety Policies*, Politico (Oct. 19, 2022, 7:00 AM), <https://www.politico.com/news/2022/10/19/gun-owners-support-safety-policies-00062335> (“Red flag laws, universal background checks, required permits for the purchase or possession of a gun and violent misdemeanor laws are among those that win support from gun owners, according to the polling.”); see also Allison Aubrey, *Many Gun Owners Support Gun Control. So Why Don’t They Speak Out?*, NPR: Up First (Jun. 11, 2022, 8:32 AM), <https://www.npr.org/sections/health-shots/2022/06/06/1103252636/many-gun-owners-are-hesitant-to-express-support-for-stricter-gun-control-measure>.

the ghost gunner is a purpose-made tool for manufacturing ghost guns en masse—and illegally trafficking them.<sup>84</sup>

124. Yet more alarming, law enforcement has also seen an uptick in individuals building fully automatic ghost guns that fire continuously when the trigger is pulled—making ghost guns deadlier than ever.

125. Our firearms laws restrict access to certain people who would pose a risk to those around them if allowed to possess firearms. When such people, including children, can easily access ghost guns in Philadelphia, gun violence—and the harm that flows from it—increases.

126. The effects of the ghost gun crisis in Philadelphia have been well publicized and documented through both national and local media.<sup>85</sup> Upon information and belief, Defendants are aware of many specific, similar incidents and of the ghost gun crisis in Philadelphia generally.

127. For example, in July 2021, local media reported a story of a nineteen-year-old and a twenty-one-year-old attempting to purchase a ghost gun from nineteen-year-old L.E. He was subsequently found slumped behind the wheel of his parked vehicle, shot in the face, and later pronounced dead at an area hospital.<sup>86</sup>

128. Below are additional examples of the harms ghost guns have caused in Philadelphia:

- a. During the early morning hours of March 2, 2020, Z.W., a former Temple University football player, was involved in an altercation with A.N. at the

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<sup>84</sup> Ghost Gunner, <https://ghostgunner.net/>, also available at <https://perma.cc/55AU-AEUA> (last visited June 16, 2023); see also *Ghost Gunner*, Polymer80, <https://www.polymer80.com/GG> (last visited June 15, 2016).

<sup>85</sup> See, e.g., Robertson, *supra* note 62; *infra* notes 86-90.

<sup>86</sup> Anne McCormick, *Philly Man Killed After Botched 'Ghost Gun' Sale; 3 Arrested: DA*, News Channel 3 (Jul. 12, 2021, 11:32 AM), <https://kesq.com/cnn-regional/2021/07/12/philly-man-killed-after-botched-ghost-gun-sale-3-arrested-da/>.

Johnnie Walker Lounge in Chinatown. Around 4:00 A.M., A.N. shot and killed Z.W. using a ghost gun.<sup>87</sup>

- b. In July 2021, two police officers approached a man in a park who looked like he was hiding a gun in his pants. The man, N.B., allegedly pulled out the gun, ran, and fired at the officers. The officers returned fire, shot N.B. in the right leg, and recovered N.B.'s gun—a ghost gun.<sup>88</sup>
- c. In February of this year, a man, D.J., hired a would-be assassin to kill a drug rival. Actually an FBI informant, this would-be assassin falsely reported to D.J. that he had killed the rival. When the informant arranged a meeting to receive the \$5,000 payment for the planned murder, the FBI ambushed D.J. at the meeting place. The FBI did not find D.J. with \$5,000; rather, he was carrying a ghost gun loaded with sixteen bullets, suggesting that D.J. would have killed the would-be assassin with a ghost gun instead of paying for the murder.<sup>89</sup>
- d. Just two months later, a beloved schoolteacher, R.K., was shot and killed while sitting in her SUV with her eleven-year-old son. Her killer, Z.S.A., used a ghost gun and had been hired by R.K.'s boyfriend's former girlfriend to kill R.K. Four

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<sup>87</sup> Joe Brandt, *Ex-Temple Player from South Jersey Was Killed with Unlicensed 'Ghost Gun,' Cops Say*, NJ (Mar. 14, 2020), <https://www.nj.com/camden/2020/03/ex-temple-player-from-south-jersey-was-killed-with-unlicensed-ghost-gun-cops-say.html>.

<sup>88</sup> *Police Shoot Man in Leg Who Fired at Officers During Chase in Hunting Park, Investigators Say*, Fox 29 Philadelphia (Jul. 31, 2021), <https://www.fox29.com/news/police-shoot-man-in-leg-who-fired-at-officers-during-chase-in-hunting-park-investigators-say>.

<sup>89</sup> Rodrigo Torrejón, *Philadelphia Man Convicted of Murder-for-hire Plot to Kill a Drug Rival*, The Philadelphia Inquirer (Feb. 28, 2023, 4:31 PM), <https://www.inquirer.com/news/philadelphia-man-convicted-murder-for-hire-20230228.html>.

days before this murder, Z.S.A. shot and killed another person using the same ghost gun.<sup>90</sup>

129. Gun shows contribute to the proliferation of ghost guns in Philadelphia, and to the harm suffered by the City.

130. Generally, gun shows are in-person events sponsored by national, state, or local firearms-related organizations.

131. In 2021, an estimated 69 gun shows occurred in Pennsylvania,<sup>91</sup> including those hosted by the JSD Supply-owned Eagle Shows. At these gun shows, ghost guns were regularly sold without background checks.

132. Just this year, investigators working on the City's behalf surveilled the Eagle Shows in Lebanon, Pennsylvania on June 3-4, 2023, and in Oaks, Pennsylvania on June 9-11, 2023. These shows were located 85 and 25 miles from downtown Philadelphia, respectively. For the Oaks Show, there was approximately 2,000-3,000 people in attendance at any given time.

133. At the two gun shows, investigators identified three vendors selling Unserialized Firearms without checking identification, performing background checks, or verifying details about the intended end user of the products.

134. One of these vendors was present at both shows selling Polymer80 Unserialized Firearms, Glock-style handgun parts, and AR-15 style receivers.

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<sup>90</sup> Rodrigo Torrejón, *Accused Killer of Teacher Rachel King Is Linked to a North Philly Murder That Happened Days Earlier, Police Say*, The Philadelphia Inquirer (Apr. 28, 2023), <https://www.inquirer.com/news/zakkee-steven-alkahim-hitman-murder-rachel-king-investigation-20230428.html#:~:text=The%20man%20police%20said%20was,North%20Philadelphia%20four%20days%20earlier.&text=Just%20days%20before%20a%20hitman,old%20man%20in%20North%20Philadelphi>  
[a](#).

<sup>91</sup> *Gunshows, Past Gun & Knife Show Listings*, GunShows-USA, <https://www.gunshows-usa.com/past-show-listings/> (last visited May 19, 2023).



135. When the investigators attended the Oaks Show on June 10, 2023, a salesperson from this vendor stated that it had all the requisite parts to build a gun and that the investigators could buy all the parts in one transaction. When asked whether the vendor would provide the investigators with a deal for purchasing multiple Unserialized Firearms, the vendor replied: yes.

136. The salesperson stated that the vendor did not require any paperwork or a background check for the purchase.

137. During the investigators' conversation with this vendor, the salesperson did not ask any questions about the identity, age, or residency of the investigator. Nor did the salesperson ask who the end user would be.

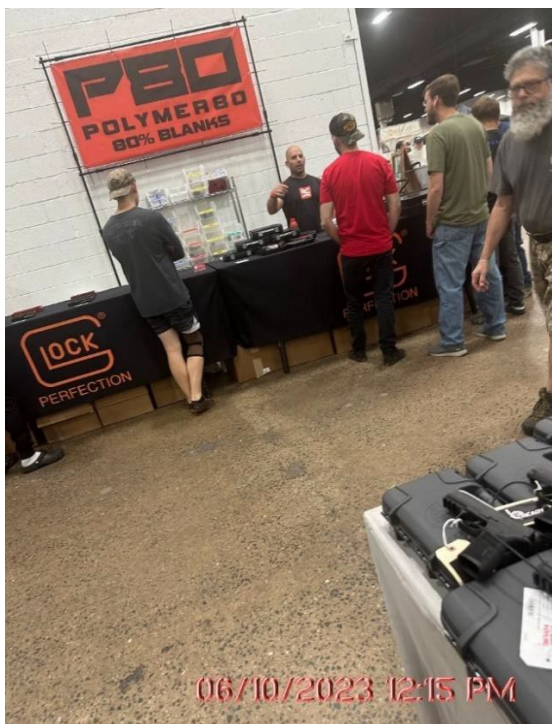
138. Another vendor was present at the Eagle Show in Oaks, Pennsylvania on June 9-11, 2023 selling Polymer80 Unserialized Firearms and Glock-compatible slides.

139. When the investigators attended the Show on June 10, 2023, a salesperson at this vendor informed them that a firearm kit containing everything required to build a fully formed ready-to-shoot ghost gun sells for only \$420. The salesperson told investigators that no paperwork was required to buy the Unserialized Firearm and that one individual could buy multiple Unserialized Firearms at once. This same salesperson offered the investigators a "deal" for purchasing multiple Unserialized Firearms.

140. Furthermore, the salesperson explained that fully assembling the ready-to-shoot ghost guns only requires a drill, a rotary tool, and sandpaper.

141. The investigators returned to this vendor on June 11, 2023. That day, a different salesperson confirmed that assembling the Unserialized Firearms was fairly easy if one is handy with a drill. She added that no background check was required to purchase a "whole kit" containing everything needed to build a fully functional ready-to-shoot ghost gun.

142. On both June 10 and 11, 2023, the salespeople from this vendor did not ask any questions about the identity, age, or residency of the investigators. They also did not ask the investigators any questions about the intended end user of these Unserialized Firearms.



*One vendor at the Eagle Show in Oaks, Pennsylvania on June 10, 2023 advertising and selling Polymer80 Unserialized Firearms.*

143. Because ghost gun sellers at gun shows do not conduct background checks, those prohibited from possessing firearms have easy access to deadly weapons.

144. For example, in February 2022, four Philadelphia men purchased ghost gun kits from a Morgantown gun show intending to build and sell the untraceable firearms. On two separate occasions, these men purchased multiple “80% receiver” ready-made firearm kits and returned to Philadelphia to illegally manufacture the firearms for sale. Law enforcement found three ghost guns and a kit to make a fourth, as well as gun parts and ammunition in the home of one of the men, a nineteen-year-old. Four additional Unserialized Firearms, fully assembled ghost guns,

ammunition, and drugs were found in another one of the men's homes. Two of the men who purchased the Unserialized Firearms from the gun show were convicted felons.<sup>92</sup>

145. Also at a Morgantown gun show, R.W. "us[ed] a woman" to purchase two Unserialized Firearms from a Polymer80 booth on July 9, 2022.<sup>93</sup> After raiding R.W.'s home, local authorities found two partially assembled ghost guns and six handguns, as well as ammunition and drill and tool kits for firearm assembly.<sup>94</sup> R.W. had prior felony convictions and was, therefore, prohibited from purchasing or possessing any of the firearms.<sup>95</sup>

146. Pennsylvania gun shows have even gained a reputation outside the state as places where anyone can easily stock up on Unserialized Firearms. For example, in November 2021, R.A. traveled from Providence, RI to purchase four dozen ghost guns from the Morgantown gun show. While heading back to Providence, New York police seized forty-five Unserialized Firearms from R.A.'s car, including some made by Polymer80. R.A. later admitted that he paid \$16,200 for the gun parts.

147. In the two years leading up to his arrest, R.A. was involved in the sale or attempted sale of what appeared to be more than 100 firearms mostly bought in the incomplete form of unserialized firearm components and kits, finished at a workstation in his house, and trafficked for sale in the Dominican Republic.<sup>96</sup>

148. In another example, on September 11, 2021, officials accused W.P. of buying thirteen Unserialized Firearms at a gun show in Allentown, Pennsylvania. W.P. was apprehended

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<sup>92</sup> *AG Investigation Nabs 4 Accused of Assembling, Selling 'Ghost Guns' in Philadelphia*, Fox 29 Philadelphia (Mar. 7, 2021), <https://www.fox29.com/news/ag-investigation-nabs-4-accused-of-assembling-selling-ghost-guns-in-philadelphia>.

<sup>93</sup> Tom MacDonald, *Task Force Tracks Man Accused of Building Ghost Guns in Philly*, WHYY (Jul. 18, 2022), <https://whyy.org/articles/philadelphia-gun-violence-task-force-man-accused-building-ghost-guns/>.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> Complaint at 3, *United States v. Alcantara*, No. 1:22-cr-00152-VSB (S.D.N.Y. Jan. 5, 2022), ECF No. 1.

by the police as soon as he crossed over the border from Pennsylvania to New Jersey. A search of both his vehicle and his home in New Jersey yielded the Unserialized Firearms, a sizable amount of ammunition, and an AR-15 style semiautomatic rifle without a serial number.<sup>97</sup>

149. According to a New Jersey State Police report, firearms seized in New Jersey have been traced to Pennsylvania more than any other state.<sup>98</sup>

150. Indeed, when investigators attended the Eagle Show in Oaks, Pennsylvania on June 11, 2022, they observed several buyers of Unserialized Firearms with New Jersey IDs in their wallets.

151. While ghost guns pose a challenge on the front end—enabling prohibited buyers to purchase deadly weapons with just a few clicks online or at a gun show—they also do the same on the back end by hamstringing Philadelphia law enforcement’s ability to investigate crimes committed with these untraceable weapons.

152. Philadelphia law enforcement expect the prevalence of ghost guns to continue to maintain their current high levels unless ghost gun manufacturers and sellers are forced to comply with Pennsylvania firearm laws, just like any other firearm company.

#### **IV. Defendants’ Brazen Pursuit of Profit Has Fueled Gun Violence in Philadelphia**

153. Defendants are directly and substantially responsible for the flood of ghost guns into Philadelphia and have created and fueled an illegal firearms market causing injury to the City.

154. Defendants’ business model operates under the patently false pretense that Unserialized Firearms fall short of the legal definition of a “firearm.” Defendants then use this

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<sup>97</sup> Blake Nelson, *N.J. Seizes 13 ‘Ghost Gun’ Kits from Couple Traveling from Pa., Police Say*, The Star Ledger (Oct. 29, 2001), [https://static1.squarespace.com/static/5487940ee4b055c9cb3126ad/t/619d21eb230b783f5eb93464/1637687787306/389\\_Ghost\\_Gun\\_Arrests.pdf](https://static1.squarespace.com/static/5487940ee4b055c9cb3126ad/t/619d21eb230b783f5eb93464/1637687787306/389_Ghost_Gun_Arrests.pdf).

<sup>98</sup> *Id.*

pretense to justify selling their products over the internet and at gun shows, without any controls or procedures—including those legally required—to protect the public’s safety.

155. Exacerbating the grave harms these practices invite, Defendants market their products to precisely the people Pennsylvania law seeks to prevent from accessing firearms.<sup>99</sup>

156. The Unserialized Firearms sold by Defendants, are “firearms:” they are “designed to” and “may readily be converted to expel” projectiles “by the action of an explosive.”<sup>100</sup>

157. Defendants manufacture and distribute products while disregarding the law, and their business practices and conduct are substantial contributors to Philadelphia’s increasing expenditures to combat ghost gun related violence.

#### **A. Polymer80**

158. Polymer80 is one of the largest ghost gun manufacturers in the United States.

159. Polymer80 sells Unserialized Firearms and firearm components on its website, <http://www.polymer80.com/> without first conducting background checks—foreseeably resulting in sales to anyone in Philadelphia who cannot legally purchase a serialized, traceable weapon from a licensed dealer.

160. Law enforcement statistics show that a large percentage of the ghost guns recovered at crime scenes were assembled from Polymer80’s products.

161. In Philadelphia, the Polymer80 9mm pistol was the top ghost gun recovered at crime scenes this year and the third most common firearm identified during crime investigations.<sup>101</sup>

162. Initially, one of Polymer80’s most popular products was called the “Buy Build Shoot” kit, which Polymer80’s website described as containing all the necessary components to

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<sup>99</sup> See Polymer80, [<https://web.archive.org/web/20200603051443/https://www.polymer80.com/>].

<sup>100</sup> 18 Pa. Stat. and Cons. Stat. Ann. § 6105(i) (West 2019).

<sup>101</sup> *Supra* note 5.

build a complete PF940C or PF940v2 pistol, including a frame blank,<sup>102</sup> a jig to assist customers in finishing the frame, a complete slide assembly, a complete frame part kit, a ten-round magazine, and a pistol case.<sup>103</sup>

Home - Pistols & Frame Assemblies - 80% Buy Build Shoot™ Kits - P80® Buy Build Shoot™ kit PF940C™ - 10 Round Magazine - Black



## P80® BUY BUILD SHOOT™ KIT PF940C™ - 10 ROUND MAGAZINE - BLACK

SKU: P80-PF940C-BBS-BLK-10

\$590.00

163. Polymer80 offered written step-by-step assembly instructions online, accompanied by supplemental videos, to facilitate the manufacture of pistols in a matter of a few hours or less.

164. Polymer80 even touted its superior customer service, offering on demand customer service to assist with manufacturing ready-to-shoot firearms from its kits and components: “We want to give the customers all the tools they need, as much as we can anyway, to complete this product.”<sup>104</sup>

165. Although these Buy Build Shoot kits violate Pennsylvania law by thwarting PUFA’s background check, record keeping, and firearm tracing requirements, until at least June

<sup>102</sup> Frame blanks are also known as an easy-to-finish or “unfinished” frames.

<sup>103</sup> *Polymer80 BBS Kits*, Polymer80,

[\[https://web.archive.org/web/20201212165741/https://www.polymer80.com/pistols/bbskits\]](https://web.archive.org/web/20201212165741/https://www.polymer80.com/pistols/bbskits).

<sup>104</sup> Shooters Nation, *020 Dan McCalmon of Polymer 80*, YouTube (Aug. 10, 2018), <https://www.youtube.com/watch?v=nybZ3iNfUuU>.

2020 Polymer80’s website homepage included the question, “Is it legal?” and responded unequivocally, “YES!”<sup>105</sup>

166. Polymer80’s marketing practices have misled consumers into thinking that purchasing a ghost gun without complying with any point-of-sale requirements, like a background check or age verification, was legal in Pennsylvania.

167. In doing so, Polymer80 created and fueled an illegal gun market where persons prohibited from possessing firearms were able to do so.

168. In addition to the full Buy Build Shoot kits, Polymer80 advertised and sold stand-alone frame blanks for handguns.

169. On its website, Polymer80 claimed that its weapons were no more than 80 percent complete.<sup>106</sup>

170. However, consumers could easily purchase the handgun frames and jigs, along with other materials—generally, the trigger, magazine, barrel, and firing pin, all of which are available on Polymer80’s website—needed to readily convert the easy-to-finish frames into fully functional ready-to-shoot firearms. Upon information and belief, Polymer80 delivered all these products to customers using the United States Postal Service.

171. Recognizing the harm that these products were causing in their communities, a number of cities and states pressured Polymer80 to stop selling these products.

172. Polymer80 sold Buy Build Shoot kits at least until December 12, 2020, and then stopped directly offering these products for sale on their website.<sup>107</sup>

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<sup>105</sup> See Polymer80, [<https://web.archive.org/web/20200603051443/https://www.polymer80.com/>].

<sup>106</sup> *80% Frames and Jigs*, Polymer80, <https://www.polymer80.com/pistols/frameandjig>.

<sup>107</sup> *Compare Polymer80 Pistol Kits & Handguns*, Polymer80, [<https://web.archive.org/web/20201212165828/https://www.polymer80.com/pistols/>] (last visited June 6, 2023), with *Polymer80 Pistol Kits & Handguns*, Polymer80, [<https://web.archive.org/web/20210120105134/https://www.polymer80.com/pistols/>] (last visited June 6, 2023).

173. Switching sales tactics, nevertheless, did not mean that Polymer80 ceased violating Pennsylvania law. Instead, it simply broke the Buy Build Shoot Kits into separate parts, requiring customers to make separate orders for different components of the kits.

174. After Polymer80 stopped selling Buy Build Shoot Kits on its website, it continued selling frame blanks and other firearm kits through a third-party link on its website.

175. Until at least February 17, 2023, customers could navigate to Polymer80's "P80 80% Pistol Blank" webpage and find an array of frame blanks.<sup>108</sup>

176. Each of the product pages contained a link to another website, <https://www.deltateamtactical.com/>, where a Philadelphia consumer could finalize their purchase of these frame blanks from the company Delta Team Tactical.

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<sup>108</sup> *P80 80% Pistol Blank*, Polymer80, <https://www.polymer80.com/>.



# P80 80% PISTOL BLANKS Pistol Blanks

15 PRODUCTS

Show 24 per page

Sort by Relevance



PF940Cv1 Compact Blank - Black  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical



PF940Cv1 Compact Blank - FDE  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical



PF940Cv1 Compact Blank - GRY  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical



PF940v2 Full Size Blank - BLK  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical

[Click here to purchase](#)

Select up to 4 items to compare



COMPARE 0 NOW



PF940v2 Full Size Blank - FDE  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical

[Click here to purchase](#)



PF940v2 Full Size Blank - GRY  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical

[Click here to purchase](#)



PF940SC Sub Compact Blank - BLK  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical

[Click here to purchase](#)



PF940SC Sub Compact Blank - FDE  
\$119.99  
★★★★★

Add to compare

Available exclusively through Delta Team Tactical

[Click here to purchase](#)

177. Upon clicking one button, customers were able to navigate to Delta Team Tactical to purchase firearm kits, which for example, included a frame blank, rear rail module, locking block rail system, and two 3mm pins for the PF940v2.



# PF940CV1 COMPACT BLANK - BLACK

SKU: P80-BKC-BLK

\$119.99

Available exclusively through Delta Team Tactical

Click here to purchase

Quantity

1

ADD TO WISHLIST

ADD TO QUOTE

178. Jigs, however, were not offered for sale on Delta Team Tactical’s website. Instead, to facilitate the customer’s ease in purchasing a jig alongside the firearm kits, on each firearm kit product page, Delta Team Tactical linked to another third-party website, <https://jig80.com/>, called “Jig80.” Jig80 had a website almost exclusively dedicated to selling jigs.<sup>109</sup>

**DELTA TEAM TACTICAL**  
FREE SHIPPING ON ORDERS OVER \$120

Home > Shop All > Polymer80 PF940V2 Full Size 80% Blank - Black

### Polymer80 PF940V2 Full Size 80% Blank - Black

Part Number: BLNK-17466 Write a Review

Questions about this item? Be the first to ask here.

On sale ~~\$149.99~~ **\$99.99**  
Retail Price: ~~\$149.99~~  
Your Savings: \$50.00 (33%)

Availability: **In Stock**  
**FREE SHIPPING**

Quantity: 1 **ADD TO CART**

Pay over time with **credova** [Learn More](#)

Support

Description Product Features Specifications

Polymer80 PF940V2 Full Size 80% Blank - Black  
\*FREE SHIPPING\*

Qty Discount Price Tiers:  
1-10 Qty: As Advertised

<sup>109</sup> Collections, Jig80, [<http://web.archive.org/web/20230320121845/https://jig80.com/collections/pistol-jig>] (last visited June 15, 2023).

**Qty Discount Price Tiers:**

1-10 Qty: As Advertised

11-25 Qty: \$2 OFF Per Unit

26-50 Qty: \$5 OFF Per Unit

51-100 Qty: \$6 OFF Per Unit

101-150 Qty: \$10 OFF Per Unit

**\*\*Locking Block & Rails Ship Separately\*\***

**INCLUDES:**

80% Blank

Rear Rail Module

Locking Block Rail System

Two 3MM Pins

These frames require extra milling for installation of the trigger mechanism, and will be more difficult to complete, see photos for more information. Proper machining and tooling will be required and cannot be purchased on our website.

The quality of this 80% Blank has been substantially improved, has no drilling indication marks and is more durable to comply with new 2023 Guidelines and Regulations.

**NOTE: 80% BLANK(S) CAN NOT BE PURCHASED WITH ANY OTHER PRODUCT(S) AND MUST BE ITS OWN INDIVIDUAL ORDER, OTHERWISE, THE ORDER WILL BE CANCELLED AT DELTA TEAM TACTICAL'S DISCRETION**

Shipment Not Available to: California, Connecticut, District of Columbia, Hawaii, Illinois, Maryland, New Jersey, New York, Rhode Island, Washington

**PLEASE NOTE WHEN USING LONE WOLF DIST. COMPLETION PARTS, NOT ALL PARTS MAY BE GEN 3, YOU MUST USE GEN 3 ONLY, ANY OTHER PARTS INSTALLED MAY CAUSE DAMAGE AND WILL IMMEDIATELY VOID THE LIFETIME WARRANTY OF YOUR POLYMER80 PRODUCT. CHECK ALL COMPONENTS PRIOR TO INSTALLATION. POLYMER80, INC. IS NOT RESPONSIBLE FOR DAMAGES CAUSED BY INCORRECT PARTS INSTALLATION.**

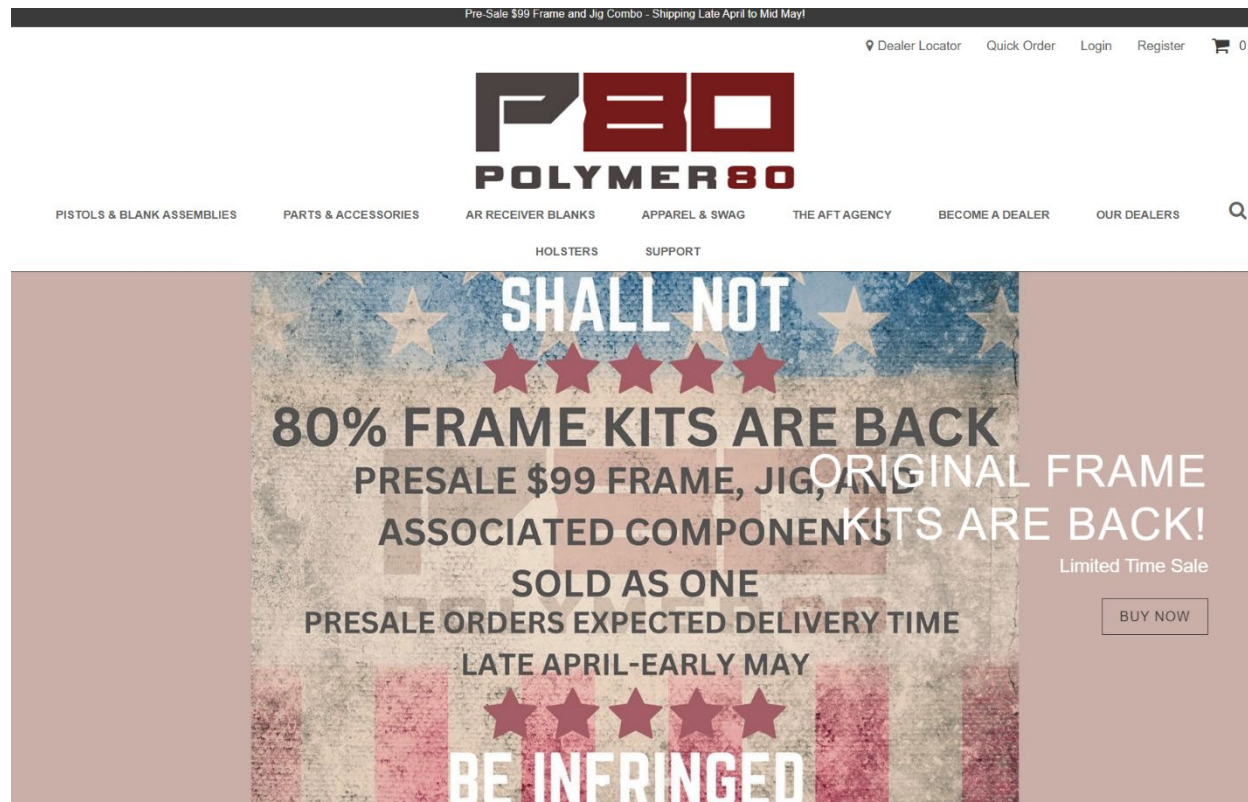
On August 10, 2022, the Supreme Court for the District of Columbia ruled that Polymer80 handgun frames, lower receivers, Buy, Build, Shoot kits and any comparable products are illegal to purchase and possess in the District of Columbia under District of Columbia law. Please be advised that different states, localities, and jurisdictions have different laws regarding the types of products sold by Polymer80, and such products may be unlawful in certain places. By using this website, or using or purchasing a Polymer80 product, you affirm that you have verified that you may possess, purchase, and use Polymer80 products under all applicable federal, state, and local laws.

Due to ATF Regulations we cannot carry or sell Jigs to complete 80% Blanks. We recommend reviewing <https://jig80.com/> to see if supplemental products are available here. Delta Team Tactical is not associated with this site nor has any ability to speak to warranties, services, or products provided by [https://jig80.com.](https://jig80.com/)

179. Polymer80 knowingly and intentionally worked in concert with other businesses, including Delta Team Tactical and Jig80, to willfully violate PUFA, including its age, licensing, recordkeeping, background check, and firearm tracing requirements.

180. After coordinating with separate entities for months to sell its ghost guns, Polymer80 yet again changed its sales approach on March 23, 2023 and began re-selling its complete handgun kits with jig included.

181. Accompanying this resumption of sales, Polymer80 changed the homepage of its website to read, “P80 Polymer80 Shall Not Be Infringed.”<sup>110</sup> The homepage continues, “80% frame kits<sup>111</sup> are back. Pre-Sale \$99 frame, jig, and associated components sold as one. Presale expected delivery time late April-Early May.”<sup>112</sup>



182. Direct from its website, Polymer80 now offers a variety of firearm kits, which contain all the necessary components to build a complete pistol, including a frame blank, a jig, a rear rail module, a rail, a locking block rail system, pins, a blank serialization plate, and drill bits.<sup>113</sup>

<sup>110</sup> Polymer80, [https://web.archive.org/web/20220403084022/https://www.polymer80.com/].

<sup>111</sup> A frame kit is a type of firearm kit.

<sup>112</sup> Polymer80, [https://web.archive.org/web/20220403084022/https://www.polymer80.com/].

<sup>113</sup> See, e.g., *PF940C-80 Compact Pistol Frame Kit*, Polymer80, [https://www.polymer80.com/PF940C-80-Compact-Pistol-Frame-Kit-Gray\\_2](https://www.polymer80.com/PF940C-80-Compact-Pistol-Frame-Kit-Gray_2) (last visited June 16, 2023).

183. Any consumer can now also purchase the ghost gunner machine, which allows an individual to build ghost guns “at scale”—an inexplicable need unless the individual is involved in illegally trafficking guns.<sup>114</sup>

184. At every time relevant to this Complaint—whether directly through Polymer80’s website or through a third party—Polymer80’s Unserialized Firearms were sold in Philadelphia without complying with the relevant provisions of PUFA.

185. Notably, Polymer80 provides on its website that shipment is not available to a number of states, including California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Washington. Polymer80 also includes a separate disclaimer for Washington, D.C.

186. Pennsylvania is conspicuously missing from this list of states where shipment of Polymer80’s Unserialized Firearms are prohibited.

187. On Polymer80’s website, Polymer80 contains no indication that its products are illegal under Pennsylvania law. In fact, Polymer80’s Facebook page indicates the opposite.

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<sup>114</sup> *Ghost Gunner*, Polymer80, <https://www.polymer80.com/GG> (last visited June 16, 2023).



Polymer80 • Follow

Mar 30 · 🌐

Polymer80 is now shipping frame kits to the great state of Pennsylvania. Be free!

#p80 #polymer80 #gunstagram #freedom #usa #gunrights #standandfight #2a #2ndamendment



115

188. This marketing misleads consumers regarding the legality of buying or using Polymer80's products.

189. Polymer80's sales of Unserialized Firearms into Philadelphia violate PUFA, enable prohibited persons to unlawfully possess firearms, and substantially contribute to gun violence in the City.

190. Polymer80 is aware that its products are fueling the criminal market and that ghost guns are the guns of choice for juveniles, criminals, and other people who cannot lawfully acquire or possess traditional firearms.

191. Instead of taking steps to keep its products out of dangerous hands, Polymer80 exploits this criminal market and misleadingly markets and sells its products to the public.

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<sup>115</sup> See *Now Shipping Frame Kits to Pennsylvania* (illustration), on Polymer80, Facebook (Mar. 30, 2023), <https://www.facebook.com/Polymer80Inc/photos/a.138962616289835/2257199361132806/>.

192. Indeed, Polymer80 has admitted in court that if its Unserialized Firearms are regulated as firearms, sales of its products would sharply decline: “annual revenue would be diminished by more than fifty (50) percent, and perhaps by as much as seventy-five (75) percent.”<sup>116</sup>

193. Polymer80’s actions have devastating consequences across the country, and particularly in Philadelphia.

194. Not only are ghost guns being used to perpetuate shootings, but ghost guns also make their way into the hands of those with prior felony convictions who are prohibited from possessing firearms and are using ghost guns to commit other crimes. For example:

- a. In 2021, S.P. was found in possession of a Polymer80 ghost gun despite being prohibited from possessing a firearm due to a prior felony conviction. In 2007, S.P. went into a Sovereign Bank in Willow Grove, Pennsylvania and while brandishing a firearm, robbed the bank of approximately \$11,426 (\$16,578.40 in 2023 dollars).<sup>117</sup>
- b. In 2021, D.H. was found in possession of a ghost gun even though he was prohibited from possessing a firearm due to prior robbery convictions. Six years earlier, D.H. committed a string of six robberies all within the span of a week.

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<sup>116</sup> See Decl. of David L. Borges in Supp. of Mot. of Polymer80 Inc. to Intervene in this Action, *City of Syracuse, NY v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, 20-cv-6885 (S.D.N.Y. Dec. 30, 2020), ECF No. 80.

<sup>117</sup> United States Attorney’s Office Eastern District of Pennsylvania, *United States Attorney’s General Office News Release* (Jan. 11, 2007), <https://www.justice.gov/archive/usao/pae/News/2007/jan/peterson.html>.

On multiple occasions, D.H. brandished a handgun on a Philadelphia street and robbed men of their iPhones, wallets, and in one instance, a backpack.<sup>118</sup>

- c. L.S. of Philadelphia was also in possession of a ghost gun in 2021, despite being prohibited from possessing a firearm. Then on January 31, 2022, police searched L.S. during a traffic stop and found sixty Xanax pills, about 23.04 grams of suspected crystal meth, and two 9mm handguns, even though L.S. was already wanted for arrest. L.S. was then charged with possession of a controlled substance with the intent to sell and various weapons charges.<sup>119</sup>

195. Polymer80's disregard for the law is directly responsible for enabling people who cannot lawfully purchase or possess firearms to nevertheless access these dangerous weapons. This disregard has endangered Philadelphians.

196. Polymer80's failure to run background checks or implement other processes required for firearm sales under Pennsylvania law has also specifically endangered victims of intimate partner violence.<sup>120</sup>

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<sup>118</sup> Larry Miller, *Two Armed-Robbery Suspects Arrested in North Phila.*, The Philadelphia Tribune (Jun. 30, 2015), [https://www.phillytrib.com/news/two-armed-robbery-suspects-arrested-in-north-phila/article\\_477ad975-9c85-5346-bf01-c52f8afc1807.html](https://www.phillytrib.com/news/two-armed-robbery-suspects-arrested-in-north-phila/article_477ad975-9c85-5346-bf01-c52f8afc1807.html).

<sup>119</sup> *Traffic Stop Leads to Multiple Arrests for Weapons and Drugs-Wilmington*, Delaware State Police (Jan. 31, 2022), <https://dsp.delaware.gov/2022/01/31/traffic-stop-leads-to-multiple-arrests-for-weapons-and-drugs-wilmington/>.

<sup>120</sup> The term intimate partner violence and domestic violence are used interchangeably throughout the Complaint. See *Domestic or Intimate Partner Violence*, Office of Women's Health, <https://www.womenshealth.gov/relationships-and-safety/domestic-violence> (last visited May 19, 2023) (defining intimate partner violence as including “physical, sexual, or emotional abuse, as well as sexual coercion and stalking by a current or former intimate partner” and acknowledging that “domestic violence is sometimes called intimate partner violence”).



197. Nearly twenty-five million U.S. adults have experienced nonfatal firearm abuse by an intimate partner.<sup>121</sup> A victim is also five times more likely to be murdered when the violent partner has access to a firearm.<sup>122</sup>

198. Pennsylvania law addresses the threat of deadly domestic violence by, among other ways, suspending a violent partner's firearms license, rendering the individual ineligible for such a license, and requiring the immediate surrender of any firearms they possess or own when they have been convicted for a misdemeanor crime of domestic violence, are released from confinement or supervision, fail to relinquish firearms in violation of a domestic violence related protective order, or have a final or temporary Protection from Abuse Order issued against them.<sup>123</sup>

199. This type of legislation is associated with a lower rate of female intimate partner homicides by preventing known abusers from purchasing and maintaining possession of firearms in the home.<sup>124</sup>

200. Polymer80's sale of Unserialized Firearms undermines these important protections because Polymer80's actions increase the likelihood that abusive partners can access deadly firearms, increasing the already-significant risk that a protected person or persons will be murdered.

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<sup>121</sup> Avanti Adhia et al., *Nonfatal Use of Firearms in Intimate Partner Violence: Results of a National Survey*, Preventive Med., 147, Art. 106500 (Jun. 2021), <https://doi.org/10.1016/j.ypmed.2021.106500>.

<sup>122</sup> Giffords Law Center, *Domestic Violence & Firearms*, [https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/#footnote\\_1\\_5621](https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/domestic-violence-firearms/#footnote_1_5621) (citing J.C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no.7 (2003): 1089–1097) (last visited June 5, 2023).

<sup>123</sup> 18 Pa. Cons. Stat. Ann. §§ 6105(c), (e), 6105.2(a)(2), (b)(1), (c)(1), (d), (h), 6107(b)(3).

<sup>124</sup> Josie J. Sivaraman et al., *Association of State Firearm Legislation with Female Intimate Partner Homicide*, *Am. J. Prev. Med.*, 56, n. 1, Jan. 2019, at 125-133, <https://doi.org/10.1016/j.amepre.2018.09.007>.

201. Below is an example of a situation in which a perpetrator of intimate partner violence, who is prohibited from possessing firearms, was, nevertheless, found in possession of a ghost gun:

- a. Twenty-two-year-old E.C.B. chased his nineteen-year-old girlfriend around the 69th Street Terminal in 2015, demanding a DNA swab from her to obtain a paternity test on their child. The police gave E.C.B. a harassment citation after police received a 911 call from a woman, claiming she had locked herself in a bathroom stall to get away from a man who may have had a gun. Just a few years later in 2021, E.C.B. was found with a ghost gun even though he was prohibited from possessing a firearm.<sup>125</sup>

202. Polymer80's disregard for Pennsylvania law also enables children and teens to easily access firearms, despite PUFA's prohibition on firearm possession by anyone under eighteen.

203. In 2021, at least five minors were found in possession of a ghost gun in violation of Pennsylvania law; at least two of these children possessed a Polymer80 firearm specifically. The number of minors in possession of ghost guns more than doubled in 2022 and included a thirteen-year-old who used a ghost gun to commit murder. At least five of the ghost guns possessed by minors in 2022 were Polymer80 firearms.

204. For years, Polymer80 has known about the widespread destruction and death its products, sales, and marketing practices have caused nationwide. And yet, Polymer80 continues selling its dangerous products to protect profits.

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<sup>125</sup> Charlene Adams, *Man Chases Ex Around Train Demanding DNA Swab for Paternity Test and Follows Her into the Woman's Bathroom*, Daily Mail (Jan. 16, 2015, 11:31 PM), <https://www.dailymail.co.uk/news/article-2913539/Man-chases-ex-train-demanding-DNA-swab-paternity-test-follows-woman-s-bathroom.html>.

205. Polymer80 knows, or should have known, that it sells Unserialized Firearms to buyers who seek to evade Pennsylvania firearm laws. Polymer80 knows or should have known that these products are in demand from consumers who could not legally purchase firearms.

206. Polymer80 knows or should have known that its products, and the sale of those products, violate Pennsylvania law and harm Philadelphia.

### **B. JSD Supply**

207. Defendant JSD Supply is an online retailer of do-it-yourself firearms based in Prospect, Pennsylvania.

208. Initially, JSD Supply's website boasted, "JSD was founded in a love of guns and hate of paperwork. Since 2013, we've helped thousands of people build their own gun from the privacy of their garage. No serialization, no background check, no government fee."<sup>126</sup>

209. However, recognizing that ghost guns require compliance with Pennsylvania firearm laws, JSD Supply updated its website. As of April 3, 2023, JSD Supply replaced that language to say "JSD was founded in a love of guns and all things that go pew pew. Since 2013, we've helped thousands of people customize their own gun from the privacy of their garage."<sup>127</sup>

210. JSD Supply's website also indicates that ghost guns are identical to traditionally manufactured firearms and that the Unserialized Firearms can easily be finished with JSD Supply's tools.

211. JSD Supply's website explains, "Everything we carry has been personally tested by our team. We know that every component and tool will work for you because we've used them all ourselves. Built correctly, your firearm will look, feel, and operate identically to store-bought

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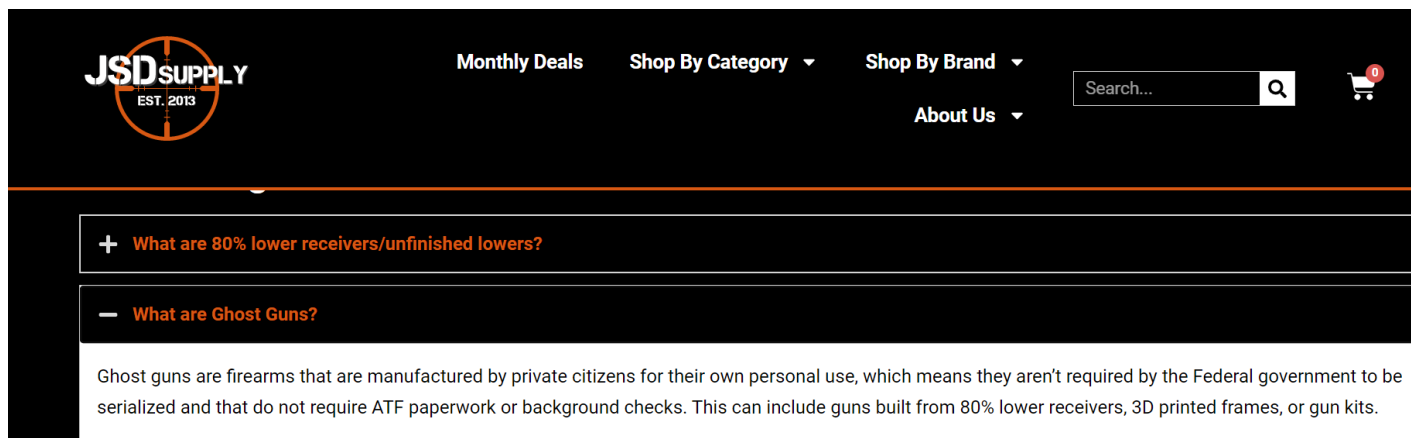
<sup>126</sup> See *About JSD Supply*, JSD Supply, [<http://web.archive.org/web/20201127114053/https://jsdsupply.com/about-jsd-supply/>].

<sup>127</sup> *About Us*, JSD Supply, <https://jsdsupply.com/about-us/> (last visited June 11, 2023).

models. Expect a firearm that works well and reliably performs year after year. Order a complete build kit and all the tools you need here with us online.”<sup>128</sup>

212. Thus, JSD Supply’s website itself confirms that Unserialized Firearms, when assembled as intended, are identical to traditionally manufactured firearms, and that their firearm kits can easily be converted to fully functional, ready-to-shoot firearms.

213. Nevertheless, JSD Supply incorrectly insists that ghost guns do not require background checks or serialization. Its website wrongly states that “Ghost guns are firearms that are manufactured by private citizens for their own personal use, which means they aren’t required by Federal government to be serialized and that [sic] do not require ATF paperwork or background checks. This can include guns built from 80% lower receivers, 3D printed frames, or gun kits.”<sup>129</sup>



214. Further touting the purported legality of its products, in a Frequently Asked Question regarding whether a customer can customize their own gun, JSD Supply states that “In most cases, it’s not only legal, but an American tradition.”<sup>130</sup>

<sup>128</sup> *Id.*

<sup>129</sup> *FAQ: What Are Ghost Guns?*, JSD Supply, <https://jsdsupply.com/faq/> (last visited June 16, 2023).

<sup>130</sup> *FAQ: Is Customizing My Gun on My Own Legal?*, JSD Supply, <https://jsdsupply.com/faq/> (last visited June 16, 2023).



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## Frequently Asked Questions

### Gun Customization

#### — Is customizing my gun on my own legal?

In most cases, it's not only legal but also an American tradition. We carry the parts and accessories you need to tailor your gun to fit your firearms needs, whether it be more accuracy at the range, better tactical utility, or to be more effective as a self-defense sidearm. Your local laws may limit your rights when it comes to customization, and the final responsibility always falls to the gun owner to know the laws in their jurisdiction. JSD Supply will always be ready with legal quality parts at fair prices.

215. By announcing that Unserialized Firearms are legal without the necessary background checks and record keeping, JSD Supply misleads Philadelphia consumers into believing the products are lawful to purchase and possess by anyone. JSD Supply thereby creates a market for unlawful ghost guns causing injury to Philadelphia.

216. JSD Supply disregards Pennsylvania law by continuing to sell Unserialized Firearms to Philadelphians without requiring background checks and record keeping.

217. Even when faced with transparent evidence of their products' illegality, JSD Supply persisted in selling dangerous products to increase profits.

218. For example, on March 15, 2021, prior to its acquisition by JSD Supply, Eagle Arms Productions, LLC,<sup>131</sup> which oversees numerous Pennsylvania gun shows, announced that they would no longer permit the sale of Unserialized Firearms at its shows.<sup>132</sup>

219. JSD Supply uploaded a press release to its website discussing this industry change and expressing disagreement with Eagle Arms's decision.<sup>133</sup>

220. By December 2021, JSD Supply had purchased Eagle Arms and reversed the policy announced only earlier that year.<sup>134</sup>

221. Like Polymer80 with its ever-changing sales tactics, JSD Supply similarly purchased Eagle Arms to ensure that it could continue to sell its Unserialized Firearms at gun shows in Pennsylvania.

222. At Eagle Arms gun shows, owned by JSD Supply, the investigators working on the City's behalf observed vendors selling Unserialized Firearms without checking identification, performing background checks, or verifying details about the intended end user of the products.

223. At all relevant times, JSD Supply knowingly sold Unserialized Firearms without conducting background checks. Upon information and belief, JSD Supply also shipped Unserialized Firearms directly to purchasers and sold to purchasers who did not either appear in person or submit an affidavit as to the legality of the purchase.

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<sup>131</sup> Eagle Arms Productions, LLC is now known as Eagle Shows. *See Eagle Shows*, <https://eagleshows.com/> (last visited June 6, 2023).

<sup>132</sup> Press Release, Pennsylvania Attorney General, *AG Shapiro, PA Largest Gun Show Promoter Reach Agreement to Ban Sale of Ghost Gun Kits* (Mar. 15, 2021), <https://www.attorneygeneral.gov/taking-action/ag-shapiro-pa-largest-gun-show-promoter-reach-agreement-to-ban-sale-of-ghost-gun-kits/>. It is unclear whether Eagle Arms banned only receiver blanks or all firearm kits. *See id.* (using the term “80% receiver” and “DIY gun kits” interchangeably).

<sup>133</sup> Press Release, JSD Supply, *Public Statement from JSD Supply Owner to Current & Future Customers* (Mar. 18, 2021), <https://jsdsupply.com/wp-content/uploads/2021/03/JSD-Press-Release--3.18.21.pdf>.

<sup>134</sup> John Crump, *JSD Supply Acquires Gun Show That Was Forced to Ban Them*, *Ammoland Shooting Sports News* (Dec. 21, 2021), <https://www.ammoland.com/2021/12/jsd-supply-acquires-gun-show-that-was-forced-to-ban-them/#axzz81rb49500>.

224. JSD Supply's failures to comply with Pennsylvania firearm statutes and regulations are a proximate cause of the increase in gun violence and the illegal market for ghost guns in Philadelphia.

**V. Defendants Created an Illegal Market for Ghost Guns That Harms Philadelphia**

**A. Defendants Substantially Contributed to a Public Health Crisis in Philadelphia by Marketing, Selling, and Distributing Unserialized Firearms**

225. Defendants' disregard of Pennsylvania law fuels the gun violence epidemic that takes the lives of Pennsylvanians on a daily basis. And while deaths and gun-related injuries are a tremendous harm to the City, Defendants' conduct also creates inevitable ripple effects within and across Philadelphia.

226. The impact of gun violence is hard to overstate and includes not only the physical harm and its chronic effects, but also the toll on the mental health of those exposed to violence, as well as a lost sense of safety in public spaces meant to bring communities together.

227. The ongoing harm of gun violence most immediately impacts gun violence victims themselves.

228. Victims of gun violence often receive intensive medical care from emergency medical services and require government support to fully recover.

229. Firsthand exposure to gun violence, particularly incidents resulting in fatality, is an important determinant of mental health, increasing the risk of psychological distress, depression, suicidal ideation, and serious mental illness.

230. In a 2021 study conducted by Philadelphia's Perelman School of Medicine at the University of Pennsylvania ("Penn Medicine") of 2,629 shooting incidents, 31 percent of the

shooting incidents had one or more corresponding mental health-related emergency department visits in the sixty days following the shooting.<sup>135</sup>

231. Mental health disorders resulting from gun violence can also cause and exacerbate a wide range of physical health concerns, such as hypertension, pain, and even gastrointestinal issues.<sup>136</sup>

232. Besides impacting immediate victims, gun violence harms entire neighborhoods, which is particularly traumatizing for children and young people.<sup>137</sup>

233. Community violence in neighborhoods can result in young people witnessing assaults and even killings of family members, peers, trusted adults, innocent bystanders, and perpetrators of violence.<sup>138</sup>

234. A study conducted by Penn Medicine in 2021 revealed a significant increase in pediatric mental health-related emergency department visits following incidents of neighborhood gun violence.<sup>139</sup>

235. The increase was most pronounced in the two weeks following a shooting, among children residing closest to where the violence occurred and among children exposed to multiple shootings.<sup>140</sup>

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<sup>135</sup> Natasha Brown, *How Gun Violence Is Impacting Mental Health of Philadelphia's Youth*, CBS News Philadelphia (Feb. 27, 2023, 5:52 PM), <https://www.cbsnews.com/philadelphia/news/philadelphia-gun-violence-teen-mental-health-nami/>.

<sup>136</sup> Tristan Epps, *Managing Mental Health Amid Gun Violence*, Penn Today (Jun. 24, 2022), <https://penntoday.upenn.edu/news/penn-psychiatry-managing-mental-health-amid-gun-violence>.

<sup>137</sup> *Community Violence Dashboard*, *supra* note 61.

<sup>138</sup> City of Philadelphia, *supra* note 50.

<sup>139</sup> Brown, *supra* note 135.

<sup>140</sup> *Id.*



236. Other researchers have found that children who live close to areas where shootings happened are 134 percent more likely to go to the ER for a mental health issue.<sup>141</sup>

237. There is a clear discrepancy in mental health impacts among young people chronically exposed to violence.<sup>142</sup>

238. Violence in the community can prevent young people from feeling safe in their own schools and neighborhoods.<sup>143</sup>

239. When children do not feel safe, it is exceedingly difficult for them to learn. And when students are injured or killed by gunfire, the trauma ripples across classrooms and instills a fear in young people that they could be next.<sup>144</sup>

240. 64 percent of 1,300 Philadelphia students surveyed in 2022 said they were worried about the safety of their friends and family regarding gun violence.<sup>145</sup>

241. Violence and the ensuing psychological trauma can lead young people to adopt an attitude of hyper vigilance, to feel unable to let their guard down, and to always brace themselves for the next outbreak of violence.<sup>146</sup>

242. Young people may come to believe that violence is “normal,” and “here to stay,” and that relationships are too fragile to trust because one never knows when violence will take the life of a friend or loved one.<sup>147</sup>

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<sup>141</sup> TaRhonda Thomas, *Local Study Examines Impact of Neighborhood Shootings on Kids' Mental Health*, 6 ABC Action News (Sept. 21, 2021), <https://6abc.com/gun-violence-west-philadelphia-guns-in-philly-mental-health/11035546/>.

<sup>142</sup> Brown, *supra* note 135.

<sup>143</sup> City of Philadelphia, *supra* note 50.

<sup>144</sup> Juhasz, *supra* note 68.

<sup>145</sup> Caiola, *supra* note 47.

<sup>146</sup> City of Philadelphia, *supra* note 50.

<sup>147</sup> *Id.*

243. They may turn to gangs or criminal activities to prevent others from viewing them as weak and to counteract feelings of despair and powerlessness.<sup>148</sup>

244. Overall, due to the number of gun homicides and non-fatal shootings over the past several years, many Philadelphians living in the communities most impacted by gun violence are now suffering the negative effects of repeated and extended exposure to violence.

245. From family members to faith community members, from neighbors to friends, each time gun violence touches one life, it touches many others.

246. These effects are felt disproportionately in predominantly Black and Hispanic communities in Philadelphia, which are disproportionately impacted by gun violence in the City.<sup>149</sup>

247. The disproportionately high exposure to gun violence fatalities experienced by racial minorities leads to a higher prevalence of mental health issues in Black/Hispanic communities.<sup>150</sup>

248. Even in hospitals, many Black emergency room staff have experienced the trauma of seeing and even caring for their wounded loved ones while working.<sup>151</sup>

249. For Black emergency department staff, these interactions create a feeling of numbness surrounding gun violence.<sup>152</sup>

250. Gun violence can create worry for individuals in the community, which cause them to make drastic changes to their everyday lifestyles.<sup>153</sup>

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<sup>148</sup> *Id.*

<sup>149</sup> Garrow, *supra* note 60.

<sup>150</sup> Ewing, *supra* note 44.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Epps, supra* note 136.

251. For example, some may be hesitant to stand at a local bus stop for extended periods of time or they might refrain from being out in the community as much as possible.<sup>154</sup>

252. When individuals cannot engage with their communities due to fear of gun violence, it becomes much more difficult to freely speak, assemble, pray, or vote.<sup>155</sup>

253. Gun violence can, therefore, reduce both healthy physical activity and diminish community connection and support.<sup>156</sup>

254. Losing social support is a critical issue, especially since perceived social support is the number one predictor of recovery after trauma.<sup>157</sup>

255. There is also substantial evidence that exposure to violence limits economic mobility, deepens poverty, and perpetuates further violence.<sup>158</sup>

256. Sadly, the consequences of this cycle are intergenerational, negatively impacting neighborhoods for decades.<sup>159</sup>

257. In short, the pervasive impacts of gun violence have pushed Philadelphia into a grave public health crisis.

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<sup>154</sup> *Id.*

<sup>155</sup> See Gregory P. Magarian, Conflicting Reports: When Gun Rights Threaten Free Speech, 83 Law & Contemp. Probs. No. 3 at 169 (2020) (“In the real world . . . guns far more commonly impede and chill free speech than protect or promote it.”).

<sup>156</sup> *Epps, supra* note 136.

<sup>157</sup> *Id.*

<sup>158</sup> Rhynhart, *supra* note 56.

<sup>159</sup> *Id.*

258. Gun violence is a public health problem because it causes injury and death.<sup>160</sup> Philadelphia Mayor Jim Kenney even acknowledged that “gun violence is Philadelphia’s original public health crisis.”<sup>161</sup>

259. Although gun violence has always negatively impacted public health, these effects are only exacerbated by ghost guns.

260. Unserialized Firearms are being acquired without background checks or age verification and are particularly appealing to individuals prohibited from lawfully possessing firearms.

261. This harm is foreseeable, yet Defendants ignore their duty to sell their firearm products in compliance with Pennsylvania law.

262. Defendants have bypassed Pennsylvania’s licensing and permit laws, knowingly supplying Unserialized Firearms to persons prohibited from possessing them under Pennsylvania law, and foreseeably causing firearm crime and injury in Philadelphia.

263. With each sale Defendants have made and continue to make, they circumvent and undermine Pennsylvania’s firearms public safety measures for their own profit, harming Philadelphia.

264. Defendants’ misconduct is ongoing and continuous, to the detriment of Philadelphia and its residents.

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<sup>160</sup> Ruth Abaya, *What It Means to Take a Public Health Approach to Reducing Gun Violence*, The Philadelphia Inquirer (Jan. 4, 2022), <https://www.inquirer.com/health/expert-opinions/gun-violence-public-health-approach-20220104.html>.

<sup>161</sup> *Mayor Kenney Weighing City Council Resolution to Declare Gun Violence a Citywide Emergency*, Fox 29 Philadelphia (Sept. 17, 2020), <https://www.fox29.com/news/mayor-kenney-weighing-city-council-resolution-to-declare-gun-violence-a-citywide-emergency>.

## **B. Defendants' Conduct Is Causing Increased Municipal Expenditures and Revenue Loss in Philadelphia**

265. In addition to the physical, mental, and emotional impact of Defendants' conduct, the economic burden is exorbitant.

266. In Philadelphia, on average, a firearm homicide is associated with an estimated \$1.42 million in costs due to medical expenses, lost earnings/productivity, property damage, and criminal justice costs.<sup>162</sup>

267. By this measure, Philadelphia's 474 firearm homicides in 2022 alone would have resulted in nearly \$700 million of economic burden to Philadelphia.<sup>163</sup>

268. On average, a nonfatal firearm-related injury in Philadelphia costs \$46,632 in lost productivity and medical expenses, including short term rehabilitation and post-admission follow up.<sup>164</sup> According to this valuation, the 1,788 nonfatal firearm assaults in 2022 alone cost Philadelphia more than \$83 million.<sup>165</sup>

269. Given that over 70 percent of firearm victims in Philadelphia are covered by Medicaid, much of the short- and long-term medical costs these victims receive are borne by the public.<sup>166</sup>

270. Firearm homicides also require a disproportionate amount of resources from Philadelphia's Medical Examiner's Office (MEO) because these homicides are much more labor intensive throughout the entire process of investigation, autopsy, and communication with prosecutors. With these cases, social workers are also often required to assist the victim's family,

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<sup>162</sup> City of Philadelphia-Department of Public Health, *The Cost of Gun Violence*, <https://www.phila.gov/media/20180927125053/Cost-of-Gun-Violence.pdf>.

<sup>163</sup> *See id.*; Office of the Controller, *supra* note 58.

<sup>164</sup> City of Philadelphia-Department of Public Health, *supra* note 162.

<sup>165</sup> *Id.*; Office of the Controller, *supra* note 58.

<sup>166</sup> City of Philadelphia-Department of Public Health, *supra* note 162.

adding an additional expense. Accordingly, although only 14.4 percent of the MEO's cases were firearm related, they represented up to 30 percent of the MEO's total budget.

271. Abating the public health and safety crisis caused by Defendants' products requires and will continue to require extensive City resources. Some of the efforts the City will need to fund will include: (i) developing and executing policies and procedures to locate, recover, and destroy "unfinished" frames<sup>167</sup> and/or the ghost guns made from them, (ii) researching and implementing processes sufficient to identify, trace, and link ghost guns used in the commission of multiple crimes, and (iii) supporting communities hit hard by gun violence and crimes.

272. Some of this work has already begun.

273. In 2022, Philadelphia allocated over \$200 million to violence prevention to address soaring gun violence, which has been exacerbated by the flood of ghost guns into the City.<sup>168</sup> In recent years, Philadelphia has dedicated more money to fighting gun violence—\$340 million in the 2022 and 2023 fiscal years—than any mayoral administration in the City's history.<sup>169</sup>

274. The City government has rolled out an array of efforts to address the crisis, including grants for community groups, violence intervention programs, and earlier curfews, all which require additional expenditures.<sup>170</sup> Philadelphia also formed a working group with members from nineteen different city departments whose sole purpose is to combat the City's pervasive gun violence crisis, made worse by an increased use of ghost guns.

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<sup>167</sup> Unfinished frames are also known as frame blanks.

<sup>168</sup> Alesia Bani, *Philadelphia Is Allocating Hundreds of Millions of Dollars to Address Mounting Gun Violence*, The Plug (Dec. 30, 2022), <https://tpinsights.com/philadelphia-is-allocating-hundreds-of-millions-of-dollars-to-address-mounting-gun-violence/>.

<sup>169</sup> Jim Kenney, *As My Term Comes to an End, Addressing Gun Violence Is My Top Priority*, The Philadelphia Inquirer (Nov. 14, 2022), <https://www.inquirer.com/opinion/commentary/philadelphia-mayor-jim-kenney-gun-violence-20221114.html>.

<sup>170</sup> Robertson, *supra* note 62.

275. In the last two years, Philadelphia has emphasized grant funding for nonprofit organizations, many of which support youth programming focused on reducing violence.<sup>171</sup>

276. The Anti-Violence Community Expansion Grant program sets aside grants up to \$1 million dollars to groups that provide healing and mentorship.<sup>172</sup> The City's award under this program totaled \$13.5 million in 2022.<sup>173</sup>

277. In June 2022, Philadelphia also said it would spend \$1.8 million to install new security cameras near the nineteen district schools most impacted by gun violence.<sup>174</sup>

278. Mayor Jim Kenney and City Council members promised an additional \$1 million in the City's operating budget to hire analysts to review real-time footage.

279. Philadelphia is also spending to improve environmental conditions in neighborhoods with the highest risk of gun violence in an effort to reduce violence exacerbated by Defendants' ghost guns.<sup>175</sup>

280. As a part of the Roadmap to Safer Communities, License and Inspections and Community Life Improvement Program cleaned and sealed 297 properties, demolished 115 buildings, completed 8,823 graffiti removals, cleaned 1,203 lots, and maintained 4 lots from 2019-2020.<sup>176</sup>

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<sup>171</sup> Caiola, *supra* note 47.

<sup>172</sup> *Id.*

<sup>173</sup> Press Release, Office of the Mayor, *City Announces Final Round of Anti-Violence Community Expansion Grant Awardees* (Dec. 8, 2021), <https://www.phila.gov/2021-12-08-city-announces-final-round-of-anti-violence-community-expansion-grant-program-awardees/>.

<sup>174</sup> Juhasz, *supra* note 68.

<sup>175</sup> The Philadelphia Roadmap to Safer Communities, *Quarterly Progress Update: 2019 In Review* (Jan. 22, 2020), <https://www.phila.gov/media/20200205091124/PRSC-progress-update-q3.pdf>.

<sup>176</sup> *Id.*

281. In early 2022, the police department launched a new unit dedicated to investigating nonfatal shootings—a major structural shake-up designed to allow detectives to respond to shootings in the same way the department handles homicides.<sup>177</sup>

282. On December 15, 2022, State Senator Vincent Hughes and State Representative Joanna McClinton announced Philadelphia is receiving \$49.9 million in grant funding which will be allocated to three agencies.<sup>178</sup> The Philadelphia Police Department was awarded \$25 million to upgrade its crime lab, the Philadelphia District Attorney’s Office was awarded \$20 million to expand digital surveillance capabilities, and the remaining \$4.9 million grant was awarded to the Southeastern Pennsylvania Transportation Authority (SEPTA) for a software pilot program to address gun violence on the public transit network.<sup>179</sup>

283. As ghost guns represent almost 10 percent of all guns recovered at crime scenes, a significant portion of expenditures to counteract gun violence can be attributed to ghost guns.

284. Although Philadelphia had numerous potential uses for this grant funding, Philadelphia spent this money on gun violence prevention to help counteract the crises that Defendants created and fueled.

285. These expenditures are an unfortunate necessity due in no small part to the dangerous conditions caused by Defendants’ self-serving and illegal business practices.

286. Besides increased expenditures, Philadelphia has also suffered a loss in revenue due to Defendants’ conduct.

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<sup>177</sup> Rushing, *supra* note 51.

<sup>178</sup> Bani, *supra* note 168.

<sup>179</sup> *Id.*



287. Studies have shown that gun violence has a substantial effect on local economies by reducing job growth and business investment in the neighborhoods where violence is most prevalent.<sup>180</sup>

288. Surges in gun violence have also been associated with slowing appreciation of home values in major United States cities, a phenomenon felt most acutely in low-income neighborhoods.<sup>181</sup>

289. When a firearm homicide occurs, it negatively impacts the perception of safety in a neighborhood.<sup>182</sup>

290. This perception affects sale prices by lowering the amount a home buyer is willing to pay for housing. This phenomenon is primarily local, affecting sales most strongly within the neighborhood where the homicide occurs.<sup>183</sup>

291. On average, sales that occur closer to a homicide tend to have lower prices than sales that occur farther from a homicide.<sup>184</sup>

292. Thus, a single year reduction of homicides by 10 percent translates to about a \$13 million increase in property tax revenue.

293. A 10 percent annual reduction in homicides for five years can translate to a total increase of \$114 million in property tax revenue, including \$43 million in year five alone.<sup>185</sup>

294. With any meaningful reduction in gun violence, the City would likely experience a number of secondary economic benefits. In addition to increasing property tax revenue, research

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<sup>180</sup> Rhynhart, *supra* note 56.

<sup>181</sup> *Id.*

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

shows that decreasing gun violence could reduce business disinvestment, job loss, and depopulation in the most disadvantaged neighborhoods in the City.<sup>186</sup>

295. As such, spending money to combat gun violence created by the flood of ghost guns into the City, and revenue loss resulting from the same, has severely injured Philadelphia.

296. Through their marketing and sales of Unserialized Firearms in Philadelphia, Defendants caused, maintained, and/or substantially contributed to increasing the illegal market for ghost guns.

297. With knowledge that their products and business practices cause harm to the City, Defendants have acted with deliberate disregard of this harm to Philadelphia's public health and safety by continuing to recklessly and negligently market its products and consciously evade the law.

298. Philadelphia brings this action to hold Defendants accountable for the death and destruction resulting from their continuing and conscious decision to put profits over safety.

## **CAUSES OF ACTION**

### **First Cause of Action – Public Nuisance**

299. Plaintiff incorporates the allegations in all prior paragraphs in this Complaint as if fully set forth herein.

300. Defendants created a public nuisance by marketing, selling, and distributing Unserialized Firearms to Philadelphia residents without conducting background checks prior to sale, without appropriate record keeping, and without complying with other Pennsylvania laws governing the commercial sale of firearms.

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<sup>186</sup> *Id.*

301. Through their sales, distribution, and marketing practices, Defendants illegally placed Unserialized Firearms in the stream of commerce and knowingly created an illegal market for ghost guns. By creating an illegal market for firearms, Defendants caused a public nuisance that unreasonably interferes with public health, public safety, public peace, public comfort, and quality of life and endangers Philadelphia's property. The City has been economically harmed, including by expending resources to abate this nuisance.

302. Defendants' marketing, sales, and distribution of Unserialized Firearms without conducting background checks, verifying age, maintaining appropriate record keeping, and complying with other point-of-sale requirements mandated by Pennsylvania law harms Philadelphia regardless of any possible intervening conduct.

303. Defendants knew or should have known that those prohibited from possessing firearms would inevitably access Unserialized Firearms as ordinarily marketed, sold, and distributed by Defendants.

304. Defendants have failed to establish and/or utilize reasonable controls and procedures to prevent their products from being sold unlawfully into Philadelphia.

305. Defendants exercised control over their conduct in Philadelphia. Defendants deceptively advertised and purposely misled the public, including their acts and omissions asserting that ghost guns were legal in Pennsylvania while disregarding regulations applicable to selling and manufacturing firearms. Defendants exercised control over their own sales and shipments of guns and over their decision not to require background checks for every sale, not to serialize every frame, and not to properly record sales in accordance with Pennsylvania law. Defendants controlled the creation and supply of the illegal market for ghost guns.

306. Defendants conduct is unreasonable and the seriousness of the harm to the public outweighs the social utility of their actions.

307. As a direct and foreseeable consequence of Defendants' conduct, Philadelphia has spent millions of dollars for municipal costs that arise from the ghost gun violence caused by Defendants' conduct. These costs include unnecessary and excessive ambulatory services to treat victims of ghost gun violence, emergency services, police services, social services, and public works, among others.

308. Because of the untraceable nature of ghost guns, Philadelphia is required to spend excessively on police investigatory services not required for firearms that are serialized as required by law.

309. Defendants' conduct also caused Plaintiff to incur substantial economic, administrative, and social costs related to ghost guns, including criminal justice costs, victimization costs, and lost productivity costs.

310. By forcing Plaintiff to incur significant costs to combat ghost gun violence, Philadelphia experienced concrete financial losses when funding for other necessary municipal services was diverted to combat ghost gun violence.

311. Defendants' conduct is not insubstantial or fleeting. Indeed, Defendants' unlawful conduct has so severely impacted public health that the public nuisance perpetrated by Defendants' conduct is commonly referred to as a "crisis." It has caused deaths, serious injuries, and a severe disruption of public health and safety. Defendants have also interfered with the use and quiet enjoyment of the property Philadelphia owns. Philadelphia has experienced a reduction in property values due to Defendants' illegal conduct, resulting in reduced revenue to the City. Defendants'

conduct is ongoing and it is producing long-lasting damage to families and communities across Philadelphia.

312. As a direct and proximate result of the public nuisance, Philadelphia has sustained, and continues to sustain, harm by expending substantial resources to fix the societal harms caused by Defendants' nuisance-causing activity.

313. By reason of the foregoing, Defendants are liable, jointly and severally, to Philadelphia for damages resulting from this public nuisance in an amount to be determined at trial, as well as punitive damages in an amount to be determined at trial, plus costs and attorneys' fees.

314. Because Defendants' actions have also resulted in an increase in investigative costs and expenditure of law enforcement resources due to Defendants' Unserialized Firearms, which are currently circulating on the street, and will continue to do so long after Defendants cease their unlawful acts, Plaintiff also requests an order establishing a dedicated abatement fund, to be used to prospectively fund abatement of the public nuisance Defendants created.

315. Wherefore, Plaintiff respectfully requests that this Court enter an order (a) awarding judgment in its favor and against Defendants on the First Cause of Action; (b) requiring the Defendants to abate the public nuisance to the fullest extent allowed by law, including the creation of an abatement fund; (c) compelling the Defendants to pay the cost of the suit, including attorneys' fees; (d) awarding Plaintiff prejudgment interest and delay damages; and (e) awarding Plaintiff such other, further, and different relief as this Honorable Court may deem just.

### **Second Cause of Action – Negligence**

316. Plaintiff incorporates the allegations in all prior paragraphs in this Complaint as if fully set forth herein.

317. Defendants owe Philadelphia a duty, including a preexisting duty, to not expose Philadelphia to an unreasonable risk of harm.

318. Defendants have a legal duty to exercise reasonable and ordinary care and skill in accordance with applicable standards of conduct in manufacturing, advertising, marketing, selling, and/or distributing Unserialized Firearms.

319. Defendants have a duty not to breach the standard of care established under Pennsylvania law.

320. Defendants breached their duty to exercise the degree of care commensurate with the dangers involved in manufacturing, advertising, marketing, selling, and/or distributing firearms.

321. Defendants engaged in conduct the foreseeable result of which was to cause harm to Philadelphia.

322. Defendants have engaged in affirmative acts of creating an illegal gun firearm market by failing to exercise reasonable control over the marketing and sales of their Unserialized Firearms.

323. The method by which Defendants created this market was by marketing, distributing, and selling Unserialized Firearms without regard to the regulations that apply to traditional gun companies, such as gun serialization, background checks, age verification, record keeping, and in-person sales requirements. Defendants knew or should have known that their conduct would provide access to firearms for those prohibited from possessing these weapons. Defendants intentionally marketed and sold Unserialized Firearms knowing that they were being used for criminal purposes.

324. A reasonably prudent gun manufacturer or distributor would have anticipated an injury to Philadelphia as a probable result of marketing, distributing, and selling Unserialized Firearms in this manner. It was foreseeable to Defendants that such unlawful and unreasonable business and marketing practices would lead to easy access to the ghost guns.

325. Defendants exercised control over their conduct in Philadelphia. Defendants controlled their deceptive advertising and efforts to mislead the public, including their acts and omissions detailing that ghost guns were legal without following regulations applicable to selling and manufacturing firearms. Defendants exercised control over their own shipments of guns and over their decision not to: require background checks for every sale, serialize every frame, and properly record sales in accordance with Pennsylvania law.

326. Without Defendants' deceptive marketing of Unserialized Firearms and failure to comply with Pennsylvania firearm laws, ghost gun violence would not have become so widespread, and the enormous public health hazard of insidious gun violence that now exists would have been averted.

327. Defendants placed profit above their legal duty, thereby enabling, encouraging, and causing the flood of ghost guns into Philadelphia.

328. Defendants' negligent violation of their duties poses distinctive and significant dangers to Plaintiff including the frustration of law enforcement efforts in tracking illegal firearms, increased emergency medical care for physical trauma, and ongoing medical care for survivors of gun violence.

329. Defendants' conduct constituted negligence per se in that Defendants violated state law. Philadelphia was a party intended to be protected by such laws and which injuries said laws

were designed to prevent. Defendants' violations of said laws proximately caused injury to Philadelphia.

330. Defendants also violated Pennsylvania statutes and regulations, including PUFA, by, inter alia:

- i. Choosing not to maintain proper record keeping;
- ii. Choosing not to verify that a purchaser is over eighteen years old;
- iii. Choosing not to conduct proper background checks; and
- iv. Choosing not to enforce point-of-sale requirements.

331. As a direct and proximate result of Defendants' negligence and/or negligence per se, including their failure to prevent the flow of Unserialized Firearms to those prohibited from possessing firearms, Philadelphia has suffered and will continue to suffer economic damages including, but not limited to, significant expenses for law enforcement, intervention, emergency medical services, healthcare, prosecution, corrections, and other services. Philadelphia also lost tax revenues and lost the communal benefits of Philadelphia's limited resources.

332. As a direct and proximate result of Defendants' negligence and/or negligence per se, Plaintiff has suffered and will continue to suffer stigma damage, non-physical property damages, and damage to its proprietary interests.

333. Defendants' misconduct alleged in this case is ongoing and persistent.

334. Defendants' misconduct alleged in this case does not concern a discrete event or discrete emergency of the sort a political subdivision would reasonably expect to occur, and is not part of the normal and expected costs of a local government's existence.

335. Plaintiff has incurred expenses for special programs over and above Plaintiff's ordinary public services.



336. Plaintiff has suffered an indivisible injury as a result of the tortious conduct of Defendants.

337. Defendants' conduct was outrageous because Defendants acted with actual malice and with a conscious disregard for the rights and safety of other persons. Said actions have a great probability of causing substantial harm.

338. Wherefore, Philadelphia respectfully requests that this Court enter an order (a) awarding judgment in its favor and against the Defendants on the Second Cause of Action; (b) enjoining Defendants' negligent business practices; (c) compelling the Defendants to pay Philadelphia direct and consequential damages; (d) compelling the Defendants to pay the cost of the suit, including attorneys' fees; and (e) awarding Philadelphia such other, further, and different relief as this Honorable Court may deem just.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff demands judgment on each Cause of Action against Defendants in excess of \$50,000, jointly and severally, awarding Plaintiff:

- i. A declaratory judgment requiring Defendants to abate the public health nuisance, as alleged in Count I above;
- ii. Establishment of an abatement fund to remediate the public nuisance caused by Defendants;
- iii. Injunctive relief, requiring Defendants to abate the public nuisance they have created, as alleged in Count I above, and to cease their negligent business practices, as alleged in Count II above, by ceasing sale of Unserialized Firearms to Philadelphia consumers unless and until they are in compliance with Pennsylvania law;

- iv. Compensatory damages in an amount sufficient to fairly and completely compensate Plaintiff for all damages, costs, and losses for the injuries sustained by Plaintiff proximately caused by Defendants' compensate unlawful acts;
- v. Punitive damages;
- vi. Interest, costs, delay damages, and attorneys' fees; and
- vii. Such other and further relief as this Court deems just and proper.

Dated: July 5, 2023

/s/ Diana P. Cortes  
Diana P. Cortes (PA ID No. 204274)  
**PHILADELPHIA CITY SOLICITOR**  
One Parkway Building  
1515 Arch Street  
Philadelphia, PA 19102  
(215) 683-5003  
[Diana.Cortes@phila.gov](mailto:Diana.Cortes@phila.gov)

Renee M. Garcia (PA ID No. 315622)  
Benjamin H. Field (PA ID No. 204569)  
Lydia Furst (PA ID No. 307450)  
Ryan Smith (PA ID No. 324643)  
**CITY OF PHILADELPHIA LAW  
DEPARTMENT**  
One Parkway Building  
1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, PA 19102  
[Renee.Garcia@phila.gov](mailto:Renee.Garcia@phila.gov)  
[Benjamin.Field@phila.gov](mailto:Benjamin.Field@phila.gov)  
[Lydia.Furst@phila.gov](mailto:Lydia.Furst@phila.gov)  
[Ryan.Smith@phila.gov](mailto:Ryan.Smith@phila.gov)

Katie R. Beran (PA ID No. 313872)  
**HAUSFELD LLP**  
325 Chestnut Street, Suite 900  
Philadelphia, PA 19106

Tel: 215-985-3270  
Fax: 215-985-3271  
[kberan@hausfeld.com](mailto:kberan@hausfeld.com)

James Gotz (*pro hac vice* forthcoming)

**HAUSFELD LLP**

One Marina Park Drive, Suite 1410  
Boston, MA 02210  
Tel: 617-207-0600  
Fax: 617-830-8312  
[jgotz@hausfeld.com](mailto:jgotz@hausfeld.com)

Erika A. Inwald (*pro hac vice* forthcoming)

**HAUSFELD LLP**

Broad Financial Center  
33 Whitehall Street, 14<sup>th</sup> Floor  
New York, NY 10002  
Tel: (646) 357-1100  
Fax: (212) 202-4322  
[einwald@hausfeld.com](mailto:einwald@hausfeld.com)

David Pucino (*pro hac vice* forthcoming)

**GIFFORDS LAW CENTER**

244 Madison Avenue, Suite 147  
New York, NY 10016  
Tel: 917-524-7816  
[dpucino@giffords.org](mailto:dpucino@giffords.org)

Esther Sanchez-Gomez (*pro hac vice* forthcoming)

**GIFFORDS LAW CENTER**

268 Bush Street, #555  
San Francisco, CA 94104  
Tel: 415-433-2062  
[esanchezgomez@giffords.org](mailto:esanchezgomez@giffords.org)

Kelly Percival (*pro hac vice* forthcoming)

**GIFFORDS LAW CENTER**

P.O. Box 51196  
Washington, D.C. 20091  
Tel: 415-433-2062  
[kpercival@giffords.org](mailto:kpercival@giffords.org)

*Counsel for Plaintiff*