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DISTRICT COURT

CLARK COUNTY, NEVADA

DEVON PRESCOTT, individually and on behalf of all those similarly situated; BROOKE FREEMAN, individually and on behalf of all those similarly situated; TASANEEPORN UPRIGHT, individually and on behalf of all those similarly situated, Plaintiffs, vs. SLIDE FIRE SOLUTIONS, LP, a Foreign Corporation; DOE MANUFACTURERS 1 though 100, inclusive; ROE RETAILERS 1 though 100, inclusive. Defendants.	Case No.: **CLASS ACTION COMPLAINT**

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Plaintiffs, individually and on behalf of all those similarly situated, allege the following upon information and belief, except as to those allegations concerning Plaintiffs, which are alleged upon personal knowledge.

I.

INTRODUCTION

1. Plaintiffs bring this action as a class action on behalf of themselves and on behalf of all persons who tragically suffered emotional distress as a result of the shooting that occurred during the Route 91 Harvest Music Festival on October 1, 2017 in Las Vegas, Nevada.

2. The damage suffered by Plaintiffs was wrought by a civilian who engaged in a military-style assault from long range, shooting rapidly and repeatedly from a quarter of a mile away into a crowd. This horrific assault did not occur, could not occur, and would not have occurred with a conventional handgun, rifle, or shotgun, of the sort used by law-abiding responsible gun owners for hunting or self-defense. The damage caused to Plaintiffs resulted from the military-style arsenal that Defendants manufactured, marketed, and sold to the general public, without any reasonable measures or safeguards, and which the killer foreseeably used to such horrific results. Hence this lawsuit.

3. For over 80 years, under the National Firearms Act ("NFA"), automatic-fire guns have been greatly restricted in the United States, and not readily available to the general public like most conventional handguns, rifles, and shotguns. That is because of a widespread recognition that automatic fire weaponry – "machine guns" – is designed to kill as many people as quickly as possible, and thus belongs on the battlefield, not on our streets or communities. Defendants made and sold a "bump stock" despite indicia that it would be used, with firearms and ammunition, for unlawful purposes.

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4. This lawsuit does not in any way challenge the right of law-abiding citizens to bear arms. This lawsuit also does not challenge in any way the right of responsible companies to operate a business of selling guns or lawful accessories to law-abiding citizens. This lawsuit is about the negligent sale and marketing of a product intended to circumvent and subvert federal firearms law in a manner that facilitates criminal acts, such as the massacre of October 1. Negligence supplying of such dangerous products not only causes foreseeable harm (such as the shooting incidents underlying this case), it unfairly tarnishes the right of all law abiding citizens to bear arms for lawful purposes, including protection, hunting, or other recreational activities.

5. As a direct result of Defendants' negligence, 59 people were shot and killed and hundreds were injured, and thousands more suffered emotional distress as alleged herein.

6. On the night of October 1, 2017, Stephen Paddock opened fire onto unsuspecting individuals, while perched from the 32nd floor of his hotel room at the Mandalay Bay.

7. Paddock brought to his hotel room in excess of a dozen rifles and hundreds of rounds of ammunition.

8. The rifles were equipped with a "bump stock" — a device that attaches to a rifle allowing it to shoot at a rate comparable or equivalent to that of a fully automatic weapon.

9. In approximately 11 minutes, 59 people were killed, hundreds of people were injured, and thousands suffered emotional distress.

10. The number of lives lost, and people injured and emotionally traumatized in approximately 660 seconds, was made possible by the use of "bump stock" devices that allowed Paddock to fire hundreds of rounds per minute.

11. Upon information and belief, and at all times relevant hereto, the "bump stock" devices used by Paddock were manufactured, marketed and/or distributed by Slide Fire Solutions, LP.

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12. According to Slide Fire, bump stocks were designed and marketed to assist "persons whose hands have limited mobility."[1]

13. Slide Fire apparently told the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") that the bump stock was intended to assist "persons whose hands have limited mobility" in order to be allowed to sell the product under federal law.[2]

14. However, statements of Jeremiah Cottle, Slide Fire's inventor of bump stocks suggest otherwise. Cottle has stated that the bump stock was geared toward "people like me, [who] love full auto."

[3]

15. Plaintiffs are unaware of any marketing, advertising, or other materials by Slide Fire that supports the claim that it actually was intended for people whose hands had limited mobility.

16. Plaintiffs are unaware of any measures taken by Slide Fire to ensure that bump stocks would only be sold to persons whose hands had limited mobility, or to even see if persons buying bump stocks who were not limited in mobility had any legitimate reason to buy them.

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[1] Correspondence dated June 7, 2010, from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

[2] *Id.*

[3] Slide Fire Solutions Catalog on October 6, 2017 at http://www.slidefire.com/files/SF-2016-WEB.pdf

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17. In response to Slide Fire's assertions about the bump stock's intended use, the Bureau of Alcohol, Tobacco Firearms and Explosives stated that bump stocks are not regulated under the Gun Control Act or the National Firearms Act.[4]

18. With respect to bump stocks, Michael Bouchard, former Assistant Director of the Bureau of Alcohol, Tobacco Firearms and Explosives has said, "it serves no purpose for anything[.] Not for sporting, not for target practice, not for hunting."[5]

19. Upon information and belief, the gun range located at the National Rifle Association Headquarters in Fairfax, Virginia does not allow the use of bump stocks.[6]

20. Paddock could not have injured so many people without a bump stock. Paddock may not have launched his military-style assault without a bump stock. There are people who were killed, injured, and suffered emotional distress who would not have been, if Paddock had not possessed a bump stock.

II.

PARTIES

21. Plaintiffs were attendees of the Route 91 Harvest Music Festival.

22. That Plaintiff DEVON PRESCOTT is, and at all times relevant hereto, was a resident of the State of Nevada.

23. That Plaintiff BROOKE FREEMAN is, and at all times relevant hereto, was a resident of the State of Nevada.

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[4] Correspondence dated June 7, 2010, from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

[5] Washington Post article dated October 5, 2017, "NRA Support for Restricting 'Bump Stocks' Reflects Impact of Las Vegas Massacre."

[6] Huffington Post article dated October 6, 2017, "Gun Stores Selling out of Bump Stocks After Shooter used them in Las Vegas Massacre."

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24. That Plaintiff TASANEEPORN UPRIGHT is, and at all times relevant hereto, was a resident of the State of Nevada.

25. Plaintiffs are informed and believe and thereupon allege that Defendant Slide Fire Solutions, LP ("Slide Fire") is a foreign limited partnership, with its principal place of business located in Moran, Texas.

26. Defendants DOE MANUFACTURERS are all manufacturers of bump stocks or similar devices. DOE MANUFACTURERS include designers, developers, promoters, and/or marketers of bump stocks or similar bump fire devices.

27. Defendants ROE RETAILERS are all retailers of bump stocks or similar devices. ROE RETAILERS include sellers, retailers, wholesalers, suppliers, and/or distributors of bump stocks or similar bump fire devices.

28. That the true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants herein designated as DOE MANUFACTURERS and/or ROE RETAILERS are unknown to Plaintiffs at this time who therefore sue said Defendants by fictitious names. Plaintiffs allege that each named Defendant herein designated as DOE and/or ROE is negligently, willfully, contractually, or otherwise legally responsible for the events and happenings herein referred to and proximately caused damages to Plaintiffs as herein alleged. Plaintiffs will seek leave of Court to amend this Complaint to insert the true names and capacities of such Defendants when same have been ascertained and will further seek leave to join said Defendants in these proceedings.

29. That Plaintiffs are informed and believe and thereon alleges that at all times mentioned herein, Defendants and each of them, including those names as DOES and ROES were agents, servants, employees, partners, distributors or joint venturers of their Co-Defendants and that in doing the acts herein alleged, were acting within the course and scope of said agency,

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employment, partnership, or joint venture. Each and every Defendant aforesaid was acting as a principal and was negligent or grossly negligent in the selection, hiring and training of each and every other Defendant or ratified the conduct of every other Defendant as an agent, servant, employee or joint venturer.

30. That the true names and the capacities, whether individual, agency, corporate, associate or otherwise, of Defendant DOE MANUFACTURERS 1 through 100, inclusive, are unknown to Plaintiffs. Plaintiffs will ask leave of the Court to amend this Complaint to show the true names and capacities of these Defendants, when they become known to Plaintiffs. Plaintiffs believe each Defendant named as DOE was responsible for contributing to Plaintiffs' damages as set forth herein.

31. That the true names and the capacities, whether individual, agency, corporate, associate or otherwise, of Defendant ROE ENTITIES 1 through 100, are unknown to Plaintiffs. Plaintiffs will ask to leave of the Court to amend this Complaint to show the true names and capacities of these Defendants, when they become known to Plaintiffs. Plaintiffs believe each Defendant named as ROE was responsible for contributing to Plaintiffs' damages as set forth herein.

32. That Plaintiffs are informed and believe, and based upon such information and belief, allege that each of the Defendants herein designated as DOES and/or ROES are in some manner responsible for the occurrences and damages sustained as alleged herein.

III.

JURISDICTION AND VENUE

33. That exercise of the jurisdiction by this Court over each and every Defendant in this action is appropriate because each and every Defendant has done, and continues to do, business in the State of Nevada, and committed a tort in the State of Nevada.

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34. That exercise of the jurisdiction by this Court is further appropriate where all incidents described herein occurred in the County of Clark, State of Nevada.

35. That this Court has jurisdiction over the subject matter of this action. That exercise of the jurisdiction by this Court over each and every Defendant in this action is appropriate because each and every Defendant has done, and continues to do, business in the State of Nevada, and committed a tort in the State of Nevada. Additionally, this Court has jurisdiction over the claims alleged herein as they arise under Nevada statutes and Nevada common law.

IV.

GENERAL ALLEGATIONS

36. Plaintiffs repeat and reiterate the allegations previously set forth herein.

37. Between September 28 and October 1, 2017, the Route 91 Harvest Festival (the "Festival") was held in Las Vegas, Nevada. The Festival is a three-day outdoor music event held at the south end of the Las Vegas Strip near or around the Mandalay Bay Hotel. Attendees were required to purchase tickets and pass through security before entering the Festival grounds.

38. On the night of October 1, 2017, country music star Jason Aldean was on stage at the Festival when Stephen Paddock opened fire onto the unsuspecting concertgoers while perched from the 32nd floor of his hotel room at the Mandalay Bay.

39. Upon information and belief, and at all times relevant herein, Paddock brought to his hotel room in excess of a dozen rifles and hundreds of rounds of ammunition. The rifles were equipped with a "bump stock" — a device that attaches to a semi-automatic rifle, which allows the rifle to mimic a fully automatic weapon.

40. With this aftermarket accessory, in approximately 11 minutes, Paddock was able to fire hundreds of bullets and mow down innocent victims. Because of this device, 59 people

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died, hundreds were severely injured, in mere minutes, and thousands more sustained emotional distress, making this the worst mass shooting in modern American history.

41. Upon information and belief, and at all times relevant herein, Slide Fire designed, manufactured, marketed, distributed, and/or sold one or more of the bump stocks used by Paddock during the subject incident.

42. Upon information and belief, and at all times relevant herein, DOE MANUFACTURER designed, manufactured, marketed, distributed and/or sold one or more of the bump stocks used by Paddock during the subject incident.

43. At all times relevant herein, Slide Fire designs, manufactures, markets, and/or sells firearm accessories, including sliding rifle gunstocks, more commonly referred to as "bump stocks" or "bump fire stocks" (hereinafter "bump stocks").

44. Bump stocks are available for purchase from Defendant's website (www.slidefire.com) as well as retailers in Nevada and across the country.

45. Depending on the model, prices for the bump stocks retail anywhere from $100 to $400.

46. Slide Fire holds itself out as the "sole patent holder of bump fire technology," owning multiple patents registered with the United States Patent and Trademark Office.

47. Slide Fire has successfully litigated infringement suits against its competitors to protect its intellectual property.

48. Upon information and belief, Slide Fire patented its bump fire technology in or around the year 2000.

49. Upon information and belief, Slide Fire officially took its bump stock product to market on or around Dec. 15, 2010.

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50. Upon information and belief, Slide Fire grossed in excess of $10 million in sales of bump stocks in its first year.

51. While federal law generally bans the private ownership of any fully automatic weapons manufactured after May 19, 1986, Slide Fire's patented technology transforms, converts, augments, modifies, alters or otherwise enhances certain semi-automatic weapons to fire at a rate comparable or equivalent to a fully automatic weapon.

52. Slide Fire sells conversion kits that convert a semi-automatic rifle into a weapon capable of continuous, rapid fire, thus mimicking an automatic weapon.

[7]

53. Slide Fire's bump stocks are purportedly designed for the disabled and intended to assist persons whose hands have limited mobility using firearms. However, statements made by Slide Fire inventor, Jeremiah Cottle, and Defendant's marketing suggest otherwise.

54. Upon information and belief, Cottle was quoted in a publication as saying that the bump stock was "to make bump firing safer and more controlled," and that the product was geared not to a disabled population, but instead to "people, like me, [who] love full auto."[8]

55. Upon information and belief, Cottle also stated that the average recreational shooter doesn't have access to a class 3 firearm of their very own but Slide Fire's bump stock

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[7] Slide Fire Solutions Catalog on October 6, 2017 at http://www.slidefire.com/files/SF-2016-WEB.pdf

[8] https://www.ammoland.com/2016/08/slide-fire-inventor-jeremiah-cottle/#axzz4uYktG1Ot

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brings shooters the same full auto experience but without the prohibitive price tag, without the background check and without all of the paperwork.

56. While a semi-automatic rifle may cost between $800 and $1,200, a fully automatic model can run in excess of $15,000. According to Cottle:

> "A friend and I were out shooting one day and we weren't able to fire as fast as we wanted. We couldn't afford what we wanted – a fully automatic rifle – so I started to think about how I could make something that would work and be affordable."[9]
>
> "Most people think that a civilian can't own an automatic rifle, but they can if they have the money and if they go through all the paperwork."[10]

57. Upon information and belief, and at all times relevant herein, Slide Fire marketed its bump stock as a military-grade accessory for civilians.

58. If Slide Fire intended bump stocks to be for persons with limited mobility in the hands, Slide Fire and its sellers should have taken measures that only those people obtained bump stocks, and they should have known that if an able person sought a bump stock, it was foreseeable that it would be misused.

59. A marketing video on Slide Fire's website romantically advertises its bump stocks as "patriotic," depicting a man firing hundreds of rounds into the darkness with a voice narrating in the background:

> "As long as patriots like you kindle its flame, freedom has but one enemy it cannot defeat. And that is negligence.... Jefferson and Paine, Adams, Madison, Mason and Franklin. I think they're looking down right now at us. I think they understand what we're trying to do. What we strive to do."

60. After the carnage of October 1, 2017, and after the discovery of numerous bump stocks in Paddock's hotel room, Slide Fire suspended new orders placed on its website.

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[9] http://www.thealbanynews.net/archives/2443

[10] *Id.*

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Additionally, Slide Fire also disabled its "Locate a Dealer" section of its webpage disallowing the ability to search for local retailers that sell Defendant's bump stock device.

61. Upon information and belief, after the carnage of October 1, 2017 and after the discovery of numerous bump stocks in Paddock's hotel room, retailers removed bump stock listings from their respective websites.

62. Upon information and belief, after the carnage of October 1, 2017, and after the discovery of numerous bump stocks in Paddock's hotel room, retailers removed bump stock products from their store shelves.

63. Upon information and belief, after the carnage of October 1, 2017 and after the discovery of numerous bump stocks in Paddock's hotel room, online advertisers removed, or otherwise censored searches related to bump stocks for sale or purchase on its website.

64. That as a result of witnessing the carnage and the horrific injuries, of their family, friends and other concertgoers, Plaintiffs, including those similarly situated suffered, and continue to suffer emotional trauma and distress.

65. That at all times mentioned herein, Defendants, and each of them, acted with fraud, oppression, and/or malice toward Plaintiffs, exhibited an intention and willingness to injure Plaintiffs and/or a conscious disregard for the rights and safety of the Plaintiffs, and each Defendant, should be punished and made an example of by imposition of punitive or exemplary damages in an amount in excess of $10,000.00.

66. As a direct and proximate result of the Defendants' negligence, the Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

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67. The equitable remedy of medical monitoring is appropriate equitable relief for the Defendants' conduct since the prospective medical testing and evaluation would have been completely unnecessary but for the Defendants' negligent and reckless conduct describe herein.

68. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

69. That medical mental health monitoring is an appropriate remedy for the actions, inactions, and negligence of Defendants pursuant to *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

70. That Plaintiffs have been required to retain the services of EGLET PRINCE to prosecute this action and are entitled to attorneys' fees and costs as provided by law.

V.

CLASS ACTION ALLEGATIONS

71. Class Definition: Plaintiffs bring this class action on behalf of themselves and the class defined as follows: All persons who, on October 1, 2017 ("Class Period") attended the Route 91 Harvest Festival and suffered emotional distress from being fired upon and/or witnessing the carnage, and injuries to family members, friends, and fellow concert goers. Excluded from the Class are those individuals sustaining only physical injuries, Defendants, members of the immediate families of the individual Defendants, and their legal representatives, parents, affiliates, heirs, successors or assigns and any entity in which Defendants have or had a controlling interest, and any other person who engaged in the wrongful conduct alleged herein (the "Excluded Persons").

72. Numerosity: Upon information and belief, Plaintiffs allege that the total number of Class members is dispersed in as well as outside of the United States. Consequently, joinder

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of the individual Class members would be impracticable. While the exact number of Class members is unknown to Plaintiffs at this time, and can only be ascertained through appropriate discovery, Plaintiffs believe that there are thousands of members in the proposed Class such that the disposition of the individual claims of the respective Class members through this Class action will benefit both the parties and this Court, and will facilitate judicial economy.

73. Ascertainability: The Class is ascertainable because, on information and belief, each Class member who attended the Route 91 music Festival is kept and stored in a detailed electronic database and records. Upon information and belief, and at all times relevant hereto, Festival attendees purchase tickets to the event, and were provided wristbands to allow for entry into the venue. These wristbands were electronically registered to each concertgoer. In other words, each concert attendee was required to register their respective wristbands so as to allow entrance into the Route 91 music festival.

74. Typicality: Plaintiffs' claims are typical of the claims of the members of the Class. The claims of Plaintiffs' and the members of the Class are based on the same legal theories and arise from the same conduct. As such, the claims of Plaintiffs and the Class rise and fall together and are typical of one another.

75. Common Questions of Fact and Law Predominate: Judicial determination of the common legal and factual issues essential to this case would be far more efficient and economical as a class action than in piecemeal individual determinations. There is no plain, speedy or adequate remedy other than by maintenance of this lawsuit as a class action because individual actions for medical mental health monitoring are relatively small, making it economically infeasible for Class Members to pursue remedies individually. The prosecution of separate actions by individual Members of the Class, even if theoretically possible, would create a risk of inconsistent or varying adjudications with respect to the individual Class Members

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against Defendants and would establish incompatible standards of conduct for the Defendants. There are numerous questions of law or fact common to all Class members including, but not limited to:

a. Whether Defendants acted negligently when they designed, manufactured, marketed, distributed and/or sold its bump stock products;

b. Whether Defendants acted negligently, or with deliberate indifference, when they sold, marketed, advertised, and/or otherwise promoted its bump stock products;

c. Whether Defendants' product circumvents federal and state laws including background checks prohibiting certain individuals the ownership and use of fully automatic firearms; and

d. Whether Defendants acted in an intentional, willful or wanton manner justifying an award of punitive damages.

These questions are susceptible to a common answer. These questions and others like them predominate over individual issues. The same evidence needed to prove Plaintiffs' individual claims will be used to prove the claims of all Class members.

76. Adequacy of Representation: Plaintiffs are adequate representatives of the Class because their interests do not conflict with the interests of the members of the Class. Plaintiffs will fairly, adequately, and vigorously represent and protect the interests of the members of the Class and have no interests antagonistic to the members of the Class. Plaintiffs have retained counsel who are competent and experienced in the prosecution of complex consumer class action litigation. Plaintiffs' attorneys have the resources, expertise and experience to prosecute this action, and do not have knowledge of any conflicts among the members of Plaintiffs' Class, or any conflicts between the Class and Plaintiffs' attorneys. Plaintiffs have no interests adverse to the interests of other Members of the Class and will fairly and adequately protect the interests of

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the Class. Plaintiffs have retained counsel experienced and competent in the prosecution of class actions and complex litigation.

77. Superiority: The Class action is superior to other available methods for the fair and efficient adjudication of this controversy because: (a) the prosecution of a multitude of separate actions would be inefficient and wasteful of judicial resources; (b) the members of the class may be scattered throughout the United States and are not likely to be able to vindicate and enforce their rights unless this actions is maintained as a class action; (c) the issues raised can be more fairly and efficiently resolved in the context of a single action rather than piece-meal litigation in the context of separate actions; (d) the resolution of litigation in a single forum will avoid the danger and resultant confusion of possible inconsistent determinations; (e) the prosecution of separate actions would create the risk of inconsistent or varying adjudications with respect to individuals pursuing claims against Defendants, which would establish incompatible standards of conducts for Defendants; (f) Defendants have acted and will act on grounds applicable to all Class members; (g) Individual Class Members' medical mental health monitoring claims are relatively small and the expense and burden of individual litigation makes it impossible for Class Members individually to redress the wrongs done to them; and (h) questions of law and/or fact common to members of the Class, especially on issues of liability, predominate over any question, such as that of individuals damages that will affect individual Class members.

VI.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Negligence
Against all Defendants

78. Plaintiffs hereby incorporate by reference all of the allegations set forth above as

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though fully set forth hereafter.

79. Defendants owed Plaintiffs a duty of care to reasonably market, advertise, distribute and/or promote its bump stock products to prevent or minimize the risk of foreseeable injury to others.

80. Defendants breached their duty of care by:

a. Failing to adequately and properly market, sell, advertise, and/or promote the bump stock as a device to help individuals with limited mobility to shoot certain firearms; or

b. Negligently marketing, advertising, selling, and/or promoting the bump stock as an inexpensive device to circumvent federal law in obtaining fully automatic weapons;

81. As a direct and proximate result of the acts and/or omissions of the Defendants, the Plaintiffs have suffered emotional distress.

82. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained emotional damage wherein Plaintiffs require medical mental health monitoring.

83. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained emotional damage in an amount to be determined for the initial testing for emotional distress and ongoing treatment.

84. As a direct and proximate result of the Defendants' negligence per se the Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

85. The equitable remedy of medical monitoring is appropriate equitable relief for the

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Defendants' conduct since the prospective medical testing and evaluation would have been completely unnecessary but for the Defendants' negligent and reckless conduct describe herein.

86. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical/psychological community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

87. Medical mental health monitoring is an appropriate remedy pursuant to *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

88. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount in excess of Ten Thousand Dollars ($10,000.00).

89. It has been necessary for Plaintiffs to retain the services of EGLET PRINCE to represent them and to bring this action, and Plaintiffs are entitled to recover attorneys' fees and cost incurred herein.

SECOND CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress (Bystander)
Against all Defendants

90. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

91. Defendants owed Plaintiffs a duty of care to reasonably market, sell, advertise, distribute and/or promote its bump stock products to prevent or minimize the risk of foreseeable injury to others.

92. Defendants breached their duty of care by:

a. Failing to adequately and properly market, sell, advertise, and/or promote the bump stock as a device to help individuals with limited mobility to shoot certain firearms; or

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b. Negligently marketing, advertising, selling, and/or promoting the bump stock as an inexpensive device to circumvent federal law in obtaining fully automatic weapons;

93. That each Plaintiff and all of those similarly situated were concert attendees of the Route 91 music festival.

94. That each Plaintiff and all of those similarly situated witnessed the carnage and death of loved ones, family members, friends and fellow concertgoers, and suffered a shock resulting from the sensory and observance of the carnage.

95. That each Plaintiff and all of those similarly situated witnessed the injuries of loved ones, family members, friends and fellow concertgoers, and suffered a shock resulting from the sensory and observance of the carnage.

96. That the acts and/or omissions of the Defendants as described herein, constitute negligent infliction of emotional distress and the Plaintiffs and those similarly situated have suffered emotional distress as a direct and proximate result of the actions described hereinabove.

97. That it was reasonably foreseeable to the Defendants under the facts and circumstances of this case, that Slide Fire's bump stock patented technology would be used to convert a semi-automatic firearm to one capable of firing continuously and without interruption and to be used as a weapon to fire upon innocent civilians.

98. That as a result of the negligent infliction of emotional distress identified hereinabove, Plaintiffs and those similarly situated have been directly and proximately damaged.

99. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount to be determined for the initial testing of emotional distress and ongoing treatment.

100. As a direct and proximate result of the Defendants' negligence per se the

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Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

101. The equitable remedy of medical monitoring is appropriate equitable relief for the Defendants' conduct since the prospective medical testing and evaluation would have been completely unnecessary but for the Defendants' negligent and reckless conduct describe herein.

102. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical/psychological community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

103. Medical mental health monitoring is an appropriate remedy for the actions, inactions, and negligence of Defendants under *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

104. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated. The acts of Defendants and each of them should be assessed punitive or exemplary damages.

105. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney and to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

THIRD CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress (Direct)
Against all Defendants

106. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

107. Defendants owed Plaintiffs a duty of care to reasonably market, sell, advertise, distribute and/or promote its bump stock products to prevent or minimize the risk of foreseeable

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injury to others.

108. Defendants breached their duty of care by:

a. Failing to adequately and properly market, sell, advertise, and/or promote the bump stock as a device to help individuals with limited mobility to shoot certain firearms; or

b. Negligently marketing, advertising, selling and/or promoting the bump stock as an inexpensive device to circumvent federal law in obtaining fully automatic weapons;

109. That each Plaintiff and all of those similarly situated were concert attendees of the Route 91 music festival.

110. That each Plaintiff and all of those similarly situated suffered severe emotional distress as multiple bullets per minute were fired down upon them and the crowd of other concert attendees.

111. That the acts and/or omissions of the Defendants as described herein, constitute negligent infliction of emotional distress and the Plaintiffs and those similarly situated have suffered emotional distress as a direct and proximate result of the actions described hereinabove.

112. That it was reasonably foreseeable to the Defendants under the facts and circumstances of this case, that Slide Fire's bump stock patented technology would be used to convert a semi-automatic firearm to one capable of firing continuously and without interruption and to be used as a weapon to fire upon innocent civilians.

113. That as a result of the negligent infliction of emotional distress identified hereinabove, Plaintiffs and those similarly situated have been directly and proximately damaged.

114. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount to be

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determined for the initial testing of emotional distress and ongoing treatment.

115. As a direct and proximate result of the Defendants' negligence the Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

116. The equitable remedy of medical monitoring is appropriate equitable relief for the Defendants' conduct since the prospective medical testing and evaluation would have been completely unnecessary but for the Defendants' negligent and reckless conduct describe herein.

117. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical/psychological community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

118. Medical mental health monitoring is an appropriate remedy for the actions, inactions, and negligence of Defendants under *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

119. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated.

120. The acts of Defendants and each of them should be assessed punitive or exemplary damages.

121. That Plaintiffs and those similarly situated have been forced to retain the services of an attorney and to represent them in this action, and as such are entitled to reasonable attorneys fees and litigation costs.

FOURTH CLAIM FOR RELIEF

Negligent Products Liability—Unreasonably Dangerous Product
Against all Defendants

122. That Plaintiffs incorporate by this reference each and every allegation previously

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made in this Complaint, as if fully set forth herein.

123. That Defendants, and each of them, owed a duty to Plaintiffs to exercise reasonable care in the manufacture and/or design and/or sale of bump stocks to ensure that it was safe for its intended and reasonably foreseeable use.

124. That the Defendants, and each of them, negligently manufactured, and/or designed, and/or sold, and/or packaged, and/or distributed the subject bump stocks such that they were dangerous and unsafe for their intended use and/or reasonably foreseeable use.

125. That the Defendants' product failed to perform in a manner reasonably to be expected in light of its nature and intended function and was more dangerous than would be contemplated by the ordinary consumer and/or ordinary user and/or member of the public having the ordinary knowledge available in the community.

126. That Defendants, and each of them, failed to exercise the amount of care in the design and/or manufacture and/or distribution and/or sale of the bump stock, that a reasonably careful manufacturer and/or designer and/or seller would have used in similar circumstances to avoid exposing consumers and/or users to a foreseeable risk of harm.

127. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount to be determined for the initial testing of emotional distress and ongoing treatment.

128. As a direct and proximate result of the Defendants' negligence, the Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

129. The equitable remedy of medical monitoring is appropriate equitable relief for the Defendants' conduct since the prospective medical testing and evaluation would have been

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completely unnecessary but for the Defendants' negligent and reckless conduct describe herein.

130. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical/psychological community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

131. Medical mental health monitoring is an appropriate remedy for the actions, inactions, and negligence of Defendants under *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

132. That as a direct and proximate cause of Defendants negligence, Plaintiffs now suffered, and will continue to suffer, severe emotional distress, which are damages recoverable by Plaintiff, an amount in excess of Ten Thousand Dollars ($10,000.00).

133. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiffs' rights and the rights of those similarly situated. The acts of Defendants and each of them should be assessed punitive or exemplary damages. It has been necessary for Plaintiffs to retain the services of EGLET PRINCE to represent them and to bring this action, and Plaintiffs are entitled to recover attorney's fees and costs incurred herein.

FIFTH CLAIM FOR RELIEF

Strict Products Liability – Defective Product
Against all Defendants

134. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

135. Defendants placed upon the market the bump stocks which are defective and an unreasonably dangerous product.

136. Plaintiffs' injuries were caused by the defect in Defendants' product.

137. The defect existed when the product left the hands of the Defendants.

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138. But for the defect, Plaintiffs would not have suffered damages.

139. Defendants knew and/or should have know that by marketing, promoting, distributing, selling and/or advertising its defective product as one to circumvent federal law, it was foreseeable to Defendants that the individuals would use such a device not for its intended purpose.

140. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount to be determined for the initial testing of emotional distress and ongoing treatment.

141. As a direct and proximate result, Plaintiffs and the putative Class Members seek, as a remedy all available relief, and equitable relief in the form of the establishment of a court supervised program for medical psychological monitoring for all Class Members at the expense of the Defendants.

142. The equitable remedy of medical monitoring is appropriate equitable relief for the Defendants' conduct since the prospective medical testing and evaluation would have been completely unnecessary but for the Defendants' defective product described herein.

143. The equitable remedy of medical monitoring is appropriate since it is undisputed in the medical/psychological community that there is significant clinical value for the Plaintiffs and the putative Class Members in the early detection and treatment of emotional distress.

144. Medical mental health monitoring is an appropriate remedy for the actions, inactions, and negligence of Defendants under *Sadler v. Pacificare of Nevada*, 340 P.2d 264 (Nev. 2014).

145. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount in excess of Ten Thousand Dollars ($10,000.00).

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146. It has been necessary for Plaintiffs to retain the services of EGLET PRINCE to represent them and to bring this action, and Plaintiffs are entitled to recover attorney's fees and costs incurred herein.

SIXTH CLAIM FOR RELIEF

Public Nuisance
Against all Defendants

147. That Plaintiffs incorporate by this reference each and every allegation previously made in this Complaint, as if fully set forth herein.

148. Nevada law provides that a public nuisance is "[e]very act unlawfully done and every omission to perform a duty, which act or omission:

a. Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

b. Offends public decency;

c. Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

d. In any way renders a considerable number of persons insecure in life or the use of property."

149. By negligently, recklessly, and/or intentionally manufacturing, marketing, or selling products or defective products that enable rapid fire akin to a machine gun in a manner that ensures a steady flow of dangerous products in large quantities to persons with criminal purposes, Defendants have negligently and/or knowingly violated Nevada law thereby participating in creating and maintaining an unreasonable interference with the rights held in common by the general public, constituting a public nuisance under Nevada law. Without limitation, the acts and omissions of the Defendants as alleged herein caused, created, and

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maintains substantial and unreasonable interference with the public's health, safety, convenience, comfort, peace, and use of public property and/or private property.

150. The acts and omissions of Defendants as alleged herein substantially and unreasonably interfere with the public's use of public facilities, including the use of public highways and walkways. Public highways and walkways are substantially and unreasonably unsafe because of the presence of materials illegally sold and negligently supplied by Defendants. Defendants' acts and omissions as alleged herein substantially and unreasonably (a) increase the number of criminal attacks in and on public facilities, including on public highways and walkways, and (b) increase the degree to which unlawful possessors in and on public facilities, including on highways and walkways, are illegally armed with weapons.

151. Defendants' actions in negligently, recklessly, and/or intentionally providing ammunition to supply persons with criminal purposes constitute an ongoing and substantial threat to public safety and welfare because such materials are used in crimes where they continue to cause harm to innocent victims such as the plaintiffs.

152. Numerous members of the public are killed, injured, or involved in criminal acts each year as a result of materials negligently sold and entrusted by the Defendants. Defendants' acts and omissions as alleged herein cause a substantial and unreasonable increase in the number of members of the general public who are killed and injured.

153. Defendants' acts and omissions as alleged herein cause substantial and unreasonable interferences with the public's health, safety, convenience, comfort, and peace in numerous other ways, including: (a) increasing the number of unlawful possessors of weapons who commit violent crimes against innocent members of the general public; (b) increasing the number and severity of property crimes committed by those in possession of crime guns against innocent members of the general public; (c) increasing the number and severity of incidents in

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which those in possession of crime guns disturb the peace by being disorderly; and (d) increasing the amount of society's resources that are diverted toward dealing with the problems associated with the possession of ammunition and other dangerous products negligently sold by the defendant sellers.

154. The Defendants know or have reason to know that the acts and omissions alleged herein caused substantial and unreasonable interferences with the public's health, safety, convenience, comfort, peace, and use of public facilities. The Defendants' acts and omissions as alleged herein were undertaken with negligent and/or intentional disregard of the rights of the general public. Defendants knew that they could have taken precautions that would have eliminated or minimized the injuries to the general public but they chose not to take those precautions in order to maximize their revenues and profits.

155. The Defendants' interference with the public's health, safety, convenience, comfort, peace, and use of public facilities is unreasonable, unlawful, substantial, significant, continuing, and long-lasting. This interference is not insubstantial or fleeting, and involves deaths and serious injuries suffered by many people and a severe disruption of public peace, order, and safety.

156. The Defendants' negligence and unlawful conduct is a cause of the public nuisance.

157. As a direct and proximate result of all the foregoing and as a result of the acts and/or omissions of Defendants, the Plaintiffs have sustained damage in an amount in excess of Ten Thousand Dollars ($10,000.00).

158. That at all times mentioned herein, Defendants, and each of them, acted with fraud, oppression, and/or malice toward Plaintiffs, exhibited an intention and willingness to injure Plaintiffs and/or a conscious disregard for the rights and safety of the Plaintiffs, and each

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Defendant, should be punished and made an example of by imposition of punitive or exemplary damages in an amount in excess of $10,000.00.

159. It has been necessary for Plaintiffs to retain the services of EGLET PRINCE to represent them and to bring this action, and Plaintiffs are entitled to recover attorney's fees and costs incurred herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and those similarly situated pray for relief and damages as follows:

A. That the Court determine this action is a proper class action and appoint Plaintiffs as representatives of the Class under Rule 23 of the Nevada Rules of Civil Procedure;

B. For declaratory and equitable relief in the form of the establishment of a court supervised program for medical/psychological monitoring program for all Class Members at the Defendant' expense, in excess of ten thousand dollars ($10,000.00);

C. That Plaintiffs and the Plaintiffs' Class be awarded reasonable attorney's fees and be awarded their costs of court;

D. That Plaintiffs and the Plaintiffs' Class be awarded punitive damages;

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E. All such other and further relief as this Court deems just and proper under the circumstances, including, without limitation, post-judgment attorney's fees and costs.

DATED October 6th, 2017

Respectfully submitted,

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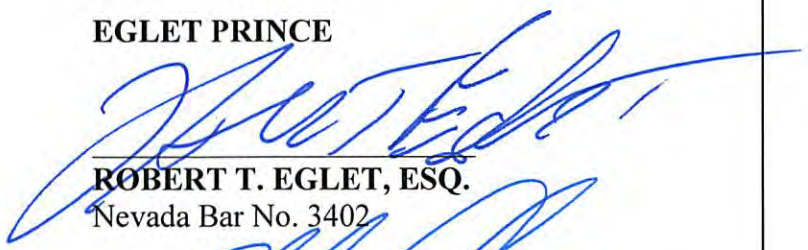

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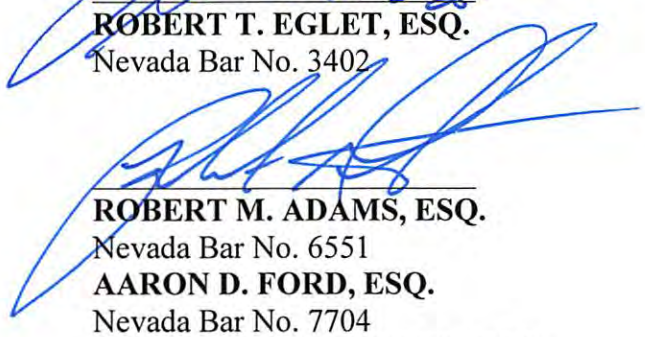

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