

RETURN DATE: MARCH 23, 1999

SUPERIOR COURT

MAYOR JOSEPH P. GANIM AND
THE CITY OF BRIDGEPORT

v.

SMITH & WESSON, INC., STURM, RUGER & CO., BERETTA
U.S.A. CORP., FABRICA D'ARMI PIETRO BERETTA S.P.A.,
COLT'S MANUFACTURING CO., GLOCK, INC., TAURUS
INTERNATIONAL MANUFACTURING, INC., SIG ARMS, INC.,
LORCIN ENGINEERING CO., INC., BRYCO ARMS, DAVIS
INDUSTRIES, CHARCO 2000, INC., CHARTER ARMS
CORPORATION, INTERNATIONAL ARMAMENTS, INC., D/B/A
INTERARMS, INC., HECKLER & KOCH, B.L. JENNINGS, INC., A
NICE PAWN SHOP, INC., CONNECTICUT FINANCE CORP. D/B/A
JOE DAVIS PAWN SHOP, AMERICAN SHOOTING SPORTS
COALITION, INC., NATIONAL SHOOTING SPORTS
FOUNDATION, INC., SPORTING ARMS AND AMMUNITION
MANUFACTURERS' INSTITUTE, INC., CONNECTICUT GUN
EXCHANGE, INC., FRANK D' ANDREA, D/B/A D' ANDREA'S GUN
SHOP, K-5 ARMS EXCHANGE, INC., MERIDEN TRADING POST,
INC., HANSEN & COMPANY GUNSMITHING, HALLOWELL &
CO., INC., AND ARMS & MUNITIONS OF FAIRFIELD, INC.,
MARILYN HASEE D/B/A EUROCHASSE, GARY BROWN,
DONALD BROWN AND KEN JOHNSON, D/B/A THE GUN RACK,
SCOTT MOSS, D/B/A SCOTT MOSS GUN & TACKLE

JUDICIAL DISTRICT OF FAIRFIELD

CV99-036-1279

AT BRIDGEPORT

JANUARY 27, 1999

COMPLAINT

Mayor Joseph P. Ganim and the City of Bridgeport ("plaintiffs") bring this action to obtain monetary, injunctive and other equitable relief, and complain and allege as follows:

I. NATURE OF ACTION

1. For years, and continuing to date, the handgun manufacturers and their agents have had the ability to design handguns to be self-locking and/or childproof, utilizing various types of key combination devices that prevent the handgun from being fired by unauthorized users. Such feasible self-locking devices would "personalize" guns and prevent firearm injuries and deaths that have and now occur in the City of Bridgeport when children gain access to guns and are incapable of handling them safely.
2. The handgun manufacturers and their agents have not taken adequate measures to make their dangerous weapons safer, in order to prohibit foreseeable injuries and deaths suffered by the residents of the City of Bridgeport. Instead, the handgun manufacturers, design, manufacture, assemble, distribute, promote, market, sell and/or offer instruction in the use of handguns that are sold without the means to prevent their being fired by unauthorized users. Specifically, the gun manufacturers distribute, promote, market, sell and/or offer instruction in the use of handguns which lack adequate warnings which would prevent such shootings by alerting users of the risks of guns and of the importance of proper storage of guns, and which lack other safety features and warnings which would prevent shootings by unauthorized users.
3. For years, and continuing to date, the handgun manufacturers and their agents have engaged in a conspiracy to mislead, deceive and confuse the City of Bridgeport and its residents regarding the safety of handguns.

4. The handgun manufacturers and other defendants advertise and promote the idea that use of handguns will increase home safety and security. To the contrary, research shows that handguns actually increase the risk and incidence of homicide, suicide, intentional and unintentional injury.

5. For years, and continuing to date, the handgun manufacturers, distributors and their agents have knowingly sold their products in a manner that foreseeably and easily leads to handguns flowing into the illegal market. This failure to implement sufficient controls over the methods of firearm distribution has fueled the illegal market for handguns, which, in turn, has fueled crime in the City of Bridgeport.

6. As a result of the foregoing conduct, the City of Bridgeport has suffered irreparable harm, including financial harm, and has incurred significant expenses for additional police protection, emergency services, pension benefits, health care and other necessary facilities and services. In addition, the City of Bridgeport has sustained loss of investment, economic development and tax revenue due to lost productivity associated with the design, manufacture, assembly, marketing, distribution, promotion and sale of handguns. The City of Bridgeport continues to suffer this harm.

7. The greatest harm that the City of Bridgeport has suffered is the victimization of its citizens, particularly children, who are grievously injured or killed because of the conduct alleged herein of the handgun manufacturers, its distributors, product sellers and their agents.

II THE PARTIES

A. The Plaintiffs

8. Plaintiff, Joseph P. Ganim ("Mayor Ganim"), brings this lawsuit in his official capacity as Mayor of the City of Bridgeport, Connecticut. Pursuant to the Charter of the City of Bridgeport, Mayor Ganim is responsible for the health, safety and welfare of the citizens of the City of Bridgeport.

9. Plaintiff, the City of Bridgeport, is a municipal corporation organized under the laws of the State of Connecticut, and acting pursuant to the Charter of the City of Bridgeport through the Mayor.

10. Mayor Ganim and the City of Bridgeport (collectively referred to as "plaintiffs") bring this action on behalf of the residents of the City of Bridgeport to obtain monetary, injunctive and other equitable relief.

B. The Defendants

1. Manufacturers/Sellers:

11. Defendant Smith & Wesson, Inc. is a corporation organized in the State of Delaware, with its principal place of business at 2100 Roosevelt Avenue, Springfield, Massachusetts, that manufactures, assembles, markets, advertises and/or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

12. Defendant Sturm, Ruger & Co. is a corporation organized in the State of Delaware, with its principal place of business at One Lacey Place, Southport, Connecticut, that manufactures, assembles,

markets, advertises and/or sells handguns that can, be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

13. Defendant Beretta U.S.A. Corp. is a corporation organized in the State of Maryland, with its principal place of business at 17601 Beretta Drive, Accokeek, Maryland, that manufacturers, assembles, markets, advertises and/or sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

14. Defendant Fabrica D' Armi Pietro Beretta S.P.A., the parent company of Beretta U.S.A. Corp., is organized in Brescia, Italy, with its principal place of business at 25063 Gardone Val Trompia, Brescia, Italy, manufacturers, markets, advertises and/or sells handguns parts and handguns to Beretta U.S. A. Corp.

15. Defendant Colt's Manufacturing Co. is a corporation organized in the State of Delaware, with its principal place of business at 545 New Park Avenue, Hartford, Connecticut, that designs, manufactures, markets, advertises and/or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

16. Defendant Glock, Inc. is a corporation organized in the State of Georgia, with its principal place of business at 6000 Highlands Parkway, Smyrna, Georgia, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

17. Defendant Taurus International Manufacturing, Inc. is a corporation organized in the State of Florida, with its principal place of business at 8080 West Flagler Street, North Miami Beach, Florida, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

18. Defendant Sig Arms, Inc. is a corporation organized in the State of Delaware, with its principal place of business at Corporate Park, Exeter, New Hampshire, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

19. Defendant Lorcin Engineering Co., Inc. is a corporation organized in the State of California, with its principal place of business at 3830 Wacker Drive, Mira Loma, California, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

20. Defendant Bryco Arms is a corporation organized in the State of Nevada, with its principal place of business in the State of California, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

21. Defendant Davis Industries is a corporation organized in the State of California, with its principal place of business at 15150 Sierra Bonita Lane, Chino, California, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

22. Defendant Charco 2000, Inc. is a corporation organized in the State of Connecticut with its principal place of business at 273 Canal Street, Shelton, Connecticut, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

23. Defendant Charter Arms Corp. is a corporation organized in the State of Connecticut, with its principal place of business at 430 Sniffens Lane, Stratford, Connecticut, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

24. Defendant International Armament Corp. d/b/a Interarms Industries, Inc., is a corporation organized in the State of Delaware with its principal place of business at 10 Prince Street, Alexandria, Virginia, that imports and regularly sells, ships and advertises Norinco handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

25. Defendant Heckler & Koch, Inc. is a subsidiary of Heckler & Koch, GmbH, organized in the Federal Republic of Germany, with its principal place of business in the United States at 21480 Pacific Boulevard, Sterling, Virginia, that designs, manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

26. Defendant B.L. Jennings, Inc., is a corporation organized in the State of Nevada, with its principal place of business at 1285 Hiddenwoods Drive, Zephyr Cove, Nevada, that designs,

manufacturers, markets, advertises and or sells handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

2. Pawn Shop Defendants

27. Defendant A Nice Pawn Shop, Inc., is a corporation organized in the State of Connecticut, with its principal place of business at 910 Boston Post Road, Milford, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

28. Defendant Connecticut Finance Corp. d/b/a Joe Davis Pawn Shop is a corporation of the State of Connecticut, with its principal place of business at 1178 Main Street, Bridgeport, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

3. Trade Association Defendants

29. Defendant American Shooting Sports Coalition, Inc. ("ASSC") is a tax exempt business league under section 501 (c)(6) of the Internal Revenue Code with its principal office in the State of Georgia. ASSC is an industry trade association composed of handguns manufacturers and sellers, including some or all of the manufacturer/seller defendants.

30. Defendant National Shooting Sports Foundation, Inc. ("NSSF") is a tax exempt business league under section 501 (c)(6) of the Internal Revenue Code with its principal office in Newtown,

Connecticut. NSSF is an industry trade association composed of handguns manufacturers and sellers, including some or all of the manufacturer/seller defendants.

31. Defendant Sporting Arms and Ammunition Manufacturers' Institute, Inc. ("SAAMI") is a tax exempt business league under section 501 (c)(6) of the Internal Revenue Code with its principal office in Newtown, Connecticut. SAAMI is an industry trade association composed of handguns manufacturers and sellers, including some or all of the manufacturer/seller defendants.

4. Gun Retailer Defendants

32. Defendant Connecticut Gun Exchange, Inc., is a corporation organized in the State of Connecticut, with its principal place of business at 487 Monroe Turnpike, Monroe, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

33. Defendant Frank D' Andrea d/b/a D' Andrea's Gun Shop is a retailer in the State of Connecticut, with its principal place of business at 1420 Barnum Avenue, Stratford, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

34. Defendant K-5 Arms Exchange, Inc. is a corporation organized in the State of Connecticut, with its principal place of business at 2505 Main Street, Stratford, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

35. Defendant Meriden Trading Post, Inc. is a corporation organized in the State of Connecticut, with its principal place of business at 998 North Colony Road, Meriden, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

36. Defendant Hansen & Company Gunsmithing is a corporation organized in the State of Connecticut, with its principal place of business at 244 Old Post Road Southport, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

37. Defendant Hallowell & Co., Inc. is a corporation organized in the State of Connecticut, with its principal place of business at 340 Putnam Avenue, Greenwich, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

38. Defendant Arms & Munitions of Fairfield, Inc. is a corporation organized in the State of Connecticut, with its principal place of business at 193 Main Street Monroe, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and State of Connecticut.

39. Defendant Marilyn Hasee d/b/a Eurochasse, is an unincorporated retailer with its principal place of business at 398 Greenwich Avenue, Greenwich, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

40. Defendant Gary Brown Donald Brown and Ken Johnson, d/b/a The Gun Rack, is an unincorporated retailer with its principal place of business at 240 Country Home Road, Thompson, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

41. Defendant Scott Moss, d/b/a/ Scott Moss Gun & Tackle, an unincorporated retailer with its principal place of business at 4 New Canann Avenue, Norwalk, Connecticut, that regularly sells and advertises handguns that can be fired by unauthorized users in the City of Bridgeport and the State of Connecticut.

III. THE PRESENCE OF ILLEGAL AND UNSAFE HANDGUNS AND IRRESPONSIBLE SALES IN AND AROUND THE CITY OF BRIDGEPORT

42. The City of Bridgeport, like most major cities in the United States, is faced with high levels of violent crime. The violence attributed to handguns destroys families, communities and injures and/or takes the lives of intended and unintended victims.

43. In 1996, more than 34,000 people were killed nationwide with handguns, making handguns second only to motor vehicles as the most frequent cause of injury and/or death in the United States. Of these firearm deaths, more than 14,300 were homicides, 18,100 were suicides. Of these, more than 1,100 deaths were from unintentional shootings.

44. In addition, approximately 99,000 individuals are treated annually in hospital emergency rooms for non-fatal firearm injuries, with about 20,000 of these victimized by unintentional shootings. Handguns cause most of these injuries.

45. In the, City of Bridgeport, like most major cities, the use of handguns I has played in hundreds of deaths, assaults and robberies.

46. Handgun violence has had a crippling effect on the City of Bridgeport's minority communities in particular and other minority communities throughout the nation.

47. Of the total fatalities attributed to handgun violence in the City, over 80 percent of these victims were African American or Hispanic.

48. Many of those killed by handguns were children under the age of 15.

49. Handgun violence has negatively impacted the lifestyle of children in certain residential communities in the City of Bridgeport.

A. Design, Manufacture and Sale of Unsafe Products

50. Defendants' guns are inherently and unreasonably dangerous in that they enable any person who gains access to them - including, but not limited to, children, who can not properly handle them or understand their risks - to fire them, even though it was and is feasible to design guns to prevent unauthorized users from firing them.

51. Defendants' guns are also inherently and unreasonably dangerous in that these handguns were and are not distributed with adequate warnings and instructions as to their risks and as to their proper storage, and in fact these handguns were marketed and promoted in a manner which suggested that they did not pose such risks to users and their households and which suggested, promoted, and encouraged unsafe storage practices.

52. Defendants' handguns are also inherently and unreasonably dangerous in that their design features insufficiently warn all foreseeable users, including unintended users, that a round of ammunition may be housed in the firing chamber even though the weapon appears to be unloaded.

53. At all pertinent times it was reasonably foreseeable to defendants that without the aid of some other design feature and/or adequate warning device, defendants' guns would or could be used in a tragic, preventable shooting by an unauthorized user. Many of these shootings are unintentional shootings, often by children who do not fully understand or appreciate how to properly handle a gun, or understand its risks.

54. At the time defendants designed, manufactured, assembled, distributed, promoted and/or sold these guns, defendants knew and/or should have known of the unreasonable dangers of their handguns, including those described in the foregoing paragraphs. Defendants were also aware of safety devices, warnings, and other measures which would prevent and decrease these dangers. Defendants failed to remedy these deficiencies in their guns, warnings, instructions, promotions and advertising; failed to adequately warn customers of these dangers; and failed to inform customers or distributors or retailers of these devices and measures which could prevent or decrease these dangers and failed to determine whether such devices were feasible or effective.

B. False And Misleading Advertising

55. For years, and continuing to date, defendants have engaged in a conspiracy to mislead, deceive and confuse the City of Bridgeport regarding the safety of handguns.

56. Defendants have claimed through advertising and promotion of their products that the use of handguns increases protection for the home.

57. For example, handgun manufacturers have promoted handguns with slogans such as "homeowner's insurance," "keeping the odds in your favor," "your safest choice for personal protection" and having a "good night."

58. Defendants placed false advertisements and promotions regarding the safety of handguns in the home knowing that the statistics show that handguns actually increase the risk of harm to owners because or due to the fact that:

- a. one out of three handguns is kept loaded and unlocked in the home;
- b. guns kept in the home for self-protection are 22 times more likely to kill or injure someone you know than to kill or injure an intruder;
- C. a gun is used for protection in fewer than two percent of home invasion crimes when someone is home;
- d. the risk of homicide in the home is three times greater in households with guns;
- e. the risk of suicide is five times greater in households with guns; and
- f. in 60% of fatal accidents involving a firearm, the weapon was located in or near the home; and
- g. more than 1.2 million elementary-aged, latch-key children have access to guns in their homes.

59. Defendants wilfully and knowingly disregarded these well-known statistics in an effort to promote their products as "insurance" for the home.

C. Irresponsible Handgun Sales

60. Many of the gun sellers in the City of Bridgeport, although not involved in the manufacturing of handguns, have been irresponsible in selling weapons. For example, gun sellers have intentionally sold large numbers of guns to individual buyers.

61. These multiple handgun sales provide a significant source of guns used for criminal activity in the City of Bridgeport.

62. The easy availability of handguns for the illegal handgun market is a national problem. Handguns are the instrumentalities most commonly used in homicides.

63. Firearms were used to commit 69% of all homicides in 1995, and were used to commit 68% of all homicides in 1996. They are involved in the deaths of approximately 34,000 persons each year. In 1995, there were 35,957 deaths attributable to firearms. The high level of gun violence has had a particularly drastic impact on young persons. Between 1984 and 1987, the firearm death rate for ages 15-19 increased by 10-14%. From 1987 to 1989, the rate of increase more than doubled, to between 23 and 25%. In 1990, 82% of all homicides of persons aged 15-19 were committed with handguns. Homicide is the second-leading cause of death for youth aged 15-19.

IV. COUNTS

FIRST COUNT (CONNECTICUT PRODUCTS LIABILITY AS TO ALL DEFENDANTS)

A. Failure To Include Safety Devices

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this First Count.

64. Defendants are liable under the Connecticut Products Liability Act ("CPLA"), Conn. Gen. Stat. §52-572, *et seq.*, for the negligent design, manufacture, assembly, marketing and/or sale of their products, in that they failed to include readily available safety devices in their products.

65. Defendants are liable under the CPLA in that they knew or had reason to know that alternative designs which incorporated safety devices were readily available for implementation in their products, yet negligently failed to include such safety designs in their products. These alternative designs include but are not limited to devices which would:

- a. prevent these weapons from being fired by unauthorized users by way of self-locking features, combinations, and other similar methods;
- b. alert users that a round was in the chamber; and
- c. prevent these weapons from being fired when the magazine was removed.

66. Defendants negligently failed to employ alternative designs incorporating safety devices which would have reduced, if not prevented many of plaintiffs' damages.

67. Defendants knew or reasonably should have known the likelihood that their products' negligent designs would cause plaintiffs' injuries and they knew the gravity of the injuries that would result.

68. Defendants knew or reasonably should have known that given the gravity of the injuries which might be and which have been suffered by plaintiffs, it was feasible for defendants to include safety devices in their products.

69. As a direct and legal result of the defendants failure to incorporate safety devices in their products, the plaintiffs have suffered damages.

B. Lack of Adequate Warnings

70. Defendants are liable under the CPLA, Conn. Gen. Stat. §52-572, et seq., for the negligent design, manufacture, assembly and marketing of their products, in that they failed to provide adequate warnings as to the dangerous nature of their products.

71. Defendants are liable under the CPLA as they negligently failed to include suitable warnings or instructions as to their products' dangerous propensities, including, but not limited to:

- a. adequate warnings to owners of the risks that minors could gain access to guns;
- b. adequate instructions to owners on proper storage of weapons;
- c. adequate instructions to owners on proper use of the weapons;
- d. adequate warnings to owners that a round may be hidden in the chamber of a handgun; and

e. adequate warnings to owners that their handguns could be fired even with the ammunition magazine removed and the attendant risks that could and do thereby occur.

72. In addition to failing to provide adequate or suitable warnings or instructions to owners and users, including households with children, defendants actively promoted and advertised their guns in a manner which did not alert customers and potential customers to the risks of guns, and which, on the contrary, suggested that by purchasing guns for their households they would become more safe, that the design of the guns was safe, and that families could safely store guns unlocked and accessible to minors.

73. For the foregoing reasons, defendants' guns were negligently designed, manufactured, assembled and marketed.

74. As a direct result of defendants' negligent failure to include adequate warnings on their products, plaintiffs have suffered damages.

SECOND COUNT
**(CONNECTICUT UNFAIR TRADE PRACTICES - UNFAIR AND
DECEPTIVE ADVERTISING PRACTICES AS TO ALL DEFENDANTS)**

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Second Count.

64. The presence of guns in the home is highly dangerous. It is now generally recognized in the field of public health that introducing a gun into the home is dangerous to the people who live there and to their family, friends, and associates, because it is demonstrably much more likely to be used against them

than against an intruder or aggressor. Such uses include intentional shootings (often of a spouse), suicides, and accidental shootings (most often involving children).

65. The medical community recognizes the gun problem as almost a pandemic and has called it a major public health problem in the United States.

66. Statistically significant studies that control for the relevant variables have demonstrated that the homicide of a household member is almost three times more likely in homes with guns than in homes without them, suicide is five times more likely and, for homes with teenagers, a suicide is ten times more likely.

67. The dangers of guns in the home and the consequences of widespread availability without restraints or limits were long ago, are today, and will continue to be specifically known to defendants. For example, almost 30 years ago a staff report of the U.S. Commission on the Causes and Prevention of Violence, entitled "Handguns and Violence in American Life" (1968), noted an increasing number of deaths and injuries and concluded:

[Americans] may seriously overrate the effectiveness of guns in protection of their homes. In our urbanized society the gun is rarely an effective means of protecting the home against either the burglar or the robber [A gun in the home] provides a measure of comfort to a great many Americans, but, for the homeowner, this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns.... When the number of handguns increases, gun violence increases. (Pages xiii, 139.)

68. Defendants, acting individually and in concert, have engaged in unfair and deceptive trade practices via their advertising and/or marketing tactics in that the defendants:

a. market, distribute and sell their products in a manner that is likely to and does cause harm to young children in the City of Bridgeport;

b. market, distribute and sell their products in a manner that is likely to and does contribute to homicides, suicides and accidental deaths in the City of Bridgeport; and

C. engage in a campaign of misrepresentation and misinformation concerning the dangers of their products by creating advertisements which falsely state that home ownership of guns will increase home safety and security while knowing, or having reason to know, that home ownership of guns actually increase the risk of homicides, suicides and accidental injury or death in the home.

69. Defendants' deceptive representations and actions in advertising and/or marketing have been and are material, false and likely to mislead consumers about the dangers of guns, and therefore constitute deceptive acts or practices in violation of Conn. Gen. Stat. §42-11 0b(a).

70. Defendants' acts and practices in advertising and/or marketing, as alleged herein, have been and are unethical, oppressive and unscrupulous, and cause substantial injury to consumers and others.

71. Defendants' acts and practices, as alleged herein, constitute unfair acts or practices in violation of Conn. Gen. Stat. §42-110b(a).

72. As a result of defendants' unfair and/or deceptive acts or practices in advertising and/or marketing, the ability of numerous consumers to obtain or evaluate information material to their decision about the purchase of handguns in the City of Bridgeport has been limited.

73. As a result of defendants' unfair and/or deceptive acts or practices in advertising and/or marketing, numerous residents of the City of Bridgeport have suffered, and will, in the future, suffer

adverse consequences such as death or serious bodily injury, which have and continue to result in substantial costs to the City of Bridgeport.

74. As a result of defendants' unfair and/or deceptive acts or practices in advertising and/or marketing, they have reaped millions of dollars in ill-gotten profits and gains in the City of Bridgeport, which they otherwise would not have received, and which in equity, they should be required to repay.

75. As a result of defendants' unfair and/or deceptive acts or practices in advertising and/or marketing, children and adolescents, felons, mentally unstable individuals, and those otherwise unqualified to carry handguns have had easy access to and have begun to use, continue to use, and have been encouraged to use the defendants' products, and their opportunity to do so has been facilitated.

THIRD COUNT
**(CONNECTICUT UNFAIR TRADE PRACTICES -
UNFAIR AND DECEPTIVE SALES PRACTICES AS TO ALL DEFENDANTS)**

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Third Count.

64. Defendants, acting individually and in concert, have engaged in unfair and deceptive trade practices in their sale of handguns in that defendants:

- a. sell large numbers of guns to individual buyers when the defendants know or have reason to know that some or all of the handguns in a multiple sale are not for personal use, but are instead likely to be resold illegally and used to commit crimes;
- b. sell guns that fail to incorporate feasible safeties and self-locking devices which would prevent misuse by unauthorized users.

65. Defendants' acts and practices in sales, as alleged herein, have been and are unethical , oppressive and unscrupulous, and cause substantial injury to consumers and others.

66. Defendants' acts and practices, as alleged herein, constitute unfair acts or practices in violation of Conn. Gen. Stat. §42-110b(a).

67. As a result of defendants' unfair and/or deceptive sales practices, numerous residents of the City of Bridgeport have suffered, and will, in the future, suffer adverse consequences such as death or serious bodily injury, which have and continue to result in substantial costs to the City of Bridgeport.

68. As a result of defendants' unfair and/or deceptive sales practices, they have reaped millions of dollars in ill-gotten profits and gains in the City of Bridgeport, which they otherwise would not have received, and which in equity, they should be required to repay.

69. As a result of defendants' unfair and/or deceptive sales practices, children and adolescents, felons, mentally unstable individuals, and those otherwise unqualified to carry handguns have had easy access to and have begun to use, continue to use, and have been encouraged to use the defendants' products, and their opportunity to do so has been facilitated.

FOURTH COUNT
(PUBLIC NUISANCE AS TO ALL DEFENDANTS)

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Fourth Count.

64. A recent survey showed that 17% of adolescents have at one time carried a concealed gun. Approximately 29% of 10th grade boys had at one time carried a concealed gun, and 23% of 7th grade boys had at one time carried a concealed gun.

65. A recent survey showed that 70% of all inmates felt that they could easily obtain a firearm upon their release. Approximately 54% of the inmates said they would obtain a firearm from the illegal street market if they wanted one. The survey showed that 41% of high school students believe that they could easily obtain a gun, and 37% of them would obtain a firearm from the illegal street market, if they wanted one.

66. A recent survey showed that 45% of arrestees obtained their guns in the illegal firearms market.

67. The deaths and injuries and interference with public safety and health caused by handguns include, in addition to increased levels of street crime, other widely recognized consequences of easily available guns.

68. Many of the handguns made part of the illegal handgun market that are recovered by law enforcement, as well as handguns not recovered, have been and continue to be used in the commission of crimes in the City of Bridgeport, causing deaths, injuries and a sense of fear among its residents.

69. Over ninety-five percent (95%) of all firearms used in crimes in the City of Bridgeport are handguns. Handguns are especially attractive to criminals because they can be readily concealed.
70. Handguns that are used illegally in the City of Bridgeport tend to be recently purchased and are relatively new.

A. Dealers Unreasonable Conduct Creates A Public Nuisance

71. Defendant dealers sell handguns even when they know or should know that the handguns will be used or possessed illegally or improperly in the City of Bridgeport.
72. Defendant dealers sell handguns to the City of Bridgeport residents even when the purchasers' words and/or behaviors indicate that they intend to possess or use the handguns illegally.
73. Defendant dealers sell handguns to persons whom they know or have reason to believe are illegal "straw purchasers" who will illegally transfer or resell those handguns to persons not qualified to purchase handguns under federal, state or local regulation.

74. Defendant dealers make many multiple sales of handguns, in which one person purchases more than one gun at the same time or within a short period of time under circumstances in which they know or should know are for purposes of illegal transfer or resale.

75. Frequently, the City of Bridgeport residents and others will purchase multiple or single handguns at once or within a short period of time, with the intention of providing some or all of them to other City of Bridgeport residents who would not themselves be eligible to purchase a handgun under federal, state or local laws. These purchases are known as "straw purchases."

76. Straw purchases have been and may still be common; approximately only 80% of firearms recovered by the City of Bridgeport Police Department are illegally purchased. Defendant gun dealers consciously fail to take any action to prevent multiple purchases of guns, or other gun purchases in a manner that would make it plainly foreseeable that the purchaser is not buying those weapons for himself, but instead for purposes of illegal resale.

77. Defendant dealers are aware that these multiple purchasers are one way in which guns are provided to persons who are not eligible to possess them or who do not wish to be identified as a purchaser on a firearm in official records, and who are likely to use the handguns that they obtain in the commission of crimes.

78. An investigation by the Bureau of Alcohol, Tobacco, and Handguns revealed that the defendant handgun dealers have sold and may still sell guns to the City of Bridgeport residents under circumstances where they knew or should have known that the purchaser will use the handguns for illegal purposes in the City of Bridgeport or illegally transfer handguns to others who will likewise possess or use the guns illegally in the City of Bridgeport or elsewhere. By so acting, the defendant dealers aid and abet violations of federal, state and local laws.

79. In no case did any defendant dealer take any action to prevent a violation of Federal, state or local laws.

80. The undercover investigation's results are confirmed by the frequent and ongoing use of handguns sold by each of the defendant dealers in crimes occurring in the City of Bridgeport.

81. Defendant dealers' practices have caused large underground market for illegal handguns to flourish in the City of Bridgeport. The City of Bridgeport residents can easily obtain legal handguns through this market in contravention of law. This market is supplied by means such as straw purchases, multiple sales and other purchases from handgun dealers.

82. Defendant handgun dealers know or should know that many of the handguns they sell will eventually make their way into the underground market, where they will be obtained by persons who will use or possess these handguns illegally.

83. Defendant handgun dealers' actions and omissions set forth above unreasonably facilitate violations of federal, state and local laws, and contribute to physical harm, fear and inconvenience to the City of Bridgeport residents, and is injurious to the public health and safety of the City of Bridgeport residents.

84. All of the defendant manufacturers produce handguns that are regularly recovered by the City of Bridgeport Police Department because they have been illegally used in the City of Bridgeport.

85. The tracing information in the possession of the City of Bridgeport Police Department indicates that handguns distributed by each of the defendant distributors are regularly recovered and found to have been used illegally in the City of Bridgeport on a continuous, on-going and frequent basis.

B. Defendant Manufacturers And Distributors Do Not Discourage Dealers From Selling Their Handguns Irresponsibly

86. Defendant gun manufacturers are on notice that they sell handguns that are frequently used in crimes, but make no meaningful efforts to supervise, regulate or impose standards on the distribution practices of either the distributors or the dealers who channel their products to the public.

87. Defendant distributors also fail to supervise, regulate or impose standards on the handgun dealers to which they supply handguns, despite knowing and foreseeing that those dealers will sell those handguns to persons who will use them in the commission of crimes.

88. Defendant manufacturers and distributors know that there is an absence of meaningful regulations of dealers and the ease with which almost anyone can become a federally licensed handguns dealer ("FFL").

89. There are approximately 75,000 federally licensed handguns dealers in the United States.

90. Defendant handgun manufacturers and distributors fail to supervise, regulate or set standards for dealers' conduct, instead relying on the mere fact that the dealers are licensed by the federal government.

91. Defendant handguns manufacturers and distributors fail to train them adequately and to encourage them to engage act lawfully and responsibly.

92. Defendant manufacturers and distributors choose not to supervise, regulate or standardize the distributors and dealers because such a practice would limit sales of their products to a significant illegal market and thereby reduce their sales.

93. Robert Hass, the former Senior Vice-President of Marketing and Sales for defendant Smith & Wesson, said the following in a sworn statement concerning gun manufacturers' failure to promote responsible practices by distributors and dealers:

The company [Smith & Wesson] and the industry as a whole are fully aware of the tent of the criminal misuse of handguns. The company and the industry are also aware that the black market in handguns is not simply the result of stolen guns but is due to the seepage of guns into the illicit market from multiple thousands of unsupervised federal handguns licensees. In spite of their knowledge, however, the industry's position has consistently been to take no independent action to insure responsible distribution practices, to maintain that the present minimal federal regulation of federal handguns licensees is adequate and to call for greater criminal enforcement of those who commit crimes with guns as the solution to the firearm crime problem . . . I am familiar with the distribution and marketing practices of the [sic] all of the principal U.S. handguns manufacturers and wholesale distributors and none of them, to my knowledge, take additional steps, beyond determining the possession of a federal handguns license, to investigate, screen or supervise the wholesale distributors and retail outlets that sell their products to insure that their products are distributed responsibly.

94. Defendant gun manufacturers and distributors' failure to supervise, regulate, impose standards or otherwise concern themselves with the distributors and dealers' conduct facilitates the creation of an illegal secondary market.

C. Defendants' Conduct Constitutes A Public Nuisance.

95. The residents of the City of Bridgeport have a common right to be free from conduct that creates an unreasonable jeopardy to the public's health, welfare and safety, and to be free from conduct that creates a disturbance and reasonable apprehension of danger to person and property.

96. Defendants intentionally and recklessly market, distribute and sell handguns to persons whom defendants should know will resell those handguns into the illegal handgun market, causing

thousands of handguns to be possessed and used in the City of Bridgeport illegally, which results in a higher level of crime, death and injuries to the City of Bridgeport citizens and a higher level of fear, discomfort and inconvenience to the residents of the City of Bridgeport.

97. Their conduct thereby causes a significant and unreasonable interference with the public health, safety, welfare, peace, comfort and convenience. and ability to be free from disturbance and reasonable apprehension of danger to person and property.

98. Defendants' conduct in marketing, distributing and selling handguns to persons whom defendants know will cause those handguns to end up being possessed and used illegally in the City of Bridgeport is of a continuing nature.

99. Defendants' ongoing conduct produces an on-going nuisance, as thousands of handguns which they cause to be illegally used and possessed in the City of Bridgeport will remain in the hands of persons who will continue to use and possess them illegally for many years.

100. As a result of the continued use and possession of many of these handguns, residents of the City of Bridgeport will continue to be killed and injured by those handguns and the public will continue to fear for their health, safety and welfare, and will be subjected to conduct that creates a disturbance and reasonable apprehension of danger to person and property.

101. Defendants know that their conduct will have an on-going detrimental effect upon the public's health, safety and welfare and the public's ability to be free from disturbance and reasonable apprehension of danger to person and property.

102. Defendants' conduct in designing, marketing, distributing and selling handguns to City of Bridgeport residents or to persons whom defendants know or reasonably should know will cause those handguns to end up in City of Bridgeport constitutes a significant and unreasonable interference with public health, safety and welfare and the public's ability to be free from disturbance and reasonable apprehension of danger to person and property.

103. Defendants know or should know that their conduct causes an unreasonable invasion of the public right to health safety and welfare and the public's ability to be free from disturbance and reasonable apprehension of danger to person and property.

104. Defendants' conduct in marketing, distributing and selling handguns to persons whom defendants know or reasonably should know will cause those handguns to end up in the illegal handgun market creates a strong likelihood that these illegal handguns will cause deaths and injuries to City of Bridgeport residents and otherwise significantly and unreasonably interfere with public health, safety and welfare and with the public's right to be free from disturbance and reasonable apprehension of danger to person and property.

105. It is reasonably foreseeable to defendants that their conduct will cause deaths and injuries to City of Bridgeport residents and otherwise significantly and unreasonably interfere with public health, safety and welfare, with the public's right to be free from disturbance and reasonable apprehension of danger to person and property, and with City of Bridgeport's ability to enforce its gun control ordinances.

106. The burden on defendants of taking measures to stem the flow of illegal weapons into the City of Bridgeport is not undue. The only burden on defendants would be the loss of sales to those likely to use or possess the weapons illegally.

107. The prevalence of handguns from the illegal handgun market in the City of Bridgeport not only causes deaths and injuries, it also creates a palpable climate of fear among the City of Bridgeport residents, particularly in certain areas where guns are even more prevalent and where they tend to be used more frequently.

108. Defendants' conduct makes it easier for criminals to arm themselves, constituting a dangerous threat to the public.

109. Stemming the flow of handguns into the illegal handgun market will help to alleviate this problem, will save lives, prevent injuries and will make the City of Bridgeport a safer place to live.

110. The defendants' conduct is the direct and proximate cause of deaths and injuries to the City of Bridgeport residents and a significant and unreasonable interference with public safety and health and the public's right to be free from disturbance and reasonable apprehension of danger to person and property.

111. Defendants' conduct if unabated, will continue to threaten the health, safety and welfare of the City's residents, creating an atmosphere of fear that tears at the residents' sense of well-being and security. The City has a clearly ascertainable right to abate conduct that perpetuates this harm.

112. The presence of illegal handguns in the City of Bridgeport proximately results in significant costs to the City in order to enforce the law and to treat the victims of handguns crime.

FIFTH COUNT
(CIVIL CONSPIRACY AS TO ALL DEFENDANTS)

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Fifth Count.

64. Defendants have acted in concert, combination and/or conspiracy among themselves and others by engaging in unlawful acts by:

- a. Failing to develop and implement means and mechanisms they knew or should have known;
- b. Discouraging the development and implementation of the means to prevent guns from being;
- c. Failing to develop and implement other safety features;
- d. Failing to implement means, mechanisms and procedures that they know or should have known would prevent their guns from ending up in the underground market and ultimately used in the commission of crimes; and
- e. Failing to issue adequate warnings they knew or should have known would alert users to the risk of guns and to the importance of the proper storage of guns.

65. In furtherance of this combination, conspiracy and/or collusion, defendants have explicitly or tacitly agreed, colluded, or cooperated with each other by collectively:

- a. Failing to develop and implement the means to prevent their guns from being fired by unauthorized users;

- b. Discouraging the development and implementation of the means to prevent guns from being fired by unauthorized users;
 - c. Failing to develop and implement other safety features;
 - d. Failing to issue adequate warnings they knew or should have known would alert users to the risk of guns and to the importance of the proper storage of guns.
66. The defendants' failure to develop, incorporate and/or implement the procedures and/or mechanisms listed above is unlawful and the City of Bridgeport is damaged by defendants' conduct.

SIXTH COUNT
(CIVIL CONSPIRACY AS TO RETAILERS)

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs I through 63 of this Sixth Count.

64. At all relevant times herein, defendant retailers have tacitly or explicitly agreed, colluded, conspired or cooperated with the buying public by:
- a. Selling handguns to individuals whom they know or should know will illegally transfer or resell those handguns into the illegal handgun market;
 - a. Making repeated and multiple sales of handguns; where one individual purchases more than one gun at the same time or within a short period of time under circumstances where the defendant retailer knows or should know that said handguns are to be illegally transferred or re-sold; and
 - a. Selling handguns to the City of Bridgeport residents even when the buyers' words and/or conduct indicates that said buyer intends to illegally transfer or resell the handguns;

65. Defendant sellers consciously fail to prevent the illegal flow of handguns and instead choose to profit from said illegal activity.

66. Defendant sellers have a duty to the City of Bridgeport and its residents to comply with governing laws and to implement measures, procedures, and controls to prevent the illegal flow of handguns.

67. As a result, the City of Bridgeport is damaged.

SEVENTH COUNT
(UNJUST ENRICHMENT AS TO ALL DEFENDANTS)

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Seventh Count.

64. Defendants have reaped enormous profits and gains from the sale of guns in and around the City of Bridgeport.

65. Defendants' gun sales in and around the City of Bridgeport have resulted in enormous increases in expenditures in the following areas: medical care; police investigations; emergency personnel; public health resources; human services; courts; prisons; sheriffs; and related expenditures.

66. The City of Bridgeport has also been negatively impacted by defendants' gun sales due to the decrease in property values throughout the City of Bridgeport and loss of substantial tax revenues due to lost productivity.

67. Defendants under-took the wrongful conduct alleged herein for the purpose of increasing their sales and profits from their sales of guns, while at the same time avoiding liability for the costs related

to medical care and criminal investigations caused by such sale and use of guns and shifting those costs to the City of Bridgeport and its citizens.

68. Defendants have, without justification, refused and failed to pay for the consequences of their unlawful conduct, and as a result, the City of Bridgeport has been required to pay for the associated costs resulting from the Defendants' unlawful conduct.

69. The City of Bridgeport's expenditure of substantial sums to pay for the associated costs resulting from the use of guns sold for enormous profit by the Defendants, has unjustly benefited and enriched the Defendants at the expense of the Plaintiffs.

70. By virtue of the foregoing, the City of Bridgeport has borne a duty that, in law, equity and fairness, ought to have been borne by the Defendants.

71. Defendants have unjustly enriched themselves at the expense of the City of Bridgeport.

72. As a result of Defendants' conduct, the City of Bridgeport has suffered and will continue to suffer substantial injuries and damages for which the City is entitled to recover.

EIGHTH COUNT
(NEGLIGENCE AS TO ALL DEFENDANTS)

1-63. Paragraphs 1 through 63 of this Complaint are incorporated as Paragraphs 1 through 63 of this Eighth Count.

A. Failure To Include Safety Devices

64. Defendants are liable for the negligent design, manufacture, assembly and marketing of their products, in that they failed to include readily available safety devices in their products.

65. Defendants knew or had reason to know that alternative designs which incorporated safety devices were readily available for implementation in their products, yet negligently failed to include such safety designs in their products. These alternative designs include, but are not limited to, devices which would:

- a. Prevent these weapons from being fired by unauthorized users by way of self-locking features, combinations, and other similar methods;
- b. Alert users that a round was in the chamber; and
- c. Prevent these weapons from being fired when the magazine was removed.

66. Defendants negligently failed to employ alternative designs incorporating safety devices which would have reduced, if not prevented, many of plaintiffs' damages.

67. Defendants knew the likelihood that their products' negligent designs would cause plaintiffs' injuries and they knew the gravity of the injuries that would result.

68. Defendants knew or reasonably should have known that the gravity of the injuries which might be and which have been suffered by plaintiffs would greatly outweigh the burden on them as manufacturers and makers of handguns of including safety devices in their products and that the gravity of those damages would outweigh the adverse effect, if any, on the legitimate utility of the products.

69. As a direct and legal result of the defendants' failure to incorporate safety devices in their products, the plaintiffs have suffered damages.

70. Plaintiffs specifically allege that an alternative design incorporating readily available safety features would have reduced the injuries suffered by the City of Bridgeport's citizens, its police force,

emergency services, health and human services, courts, prisons and other agencies and service which plaintiffs represent.

B. Lack Of Adequate Warnings

71. Defendants are liable for the negligent design, manufacture, assembly and marketing of their products, in that they failed to provide adequate warnings as to the dangerous nature of their products.

72. Defendants negligently failed to include suitable warnings or instructions as to their products' dangerous propensities, including, but not limited to:

- a. adequate warnings to owners of the risks that minors could gain access to guns;
- b. adequate instructions to owners on proper storage of weapons;
- c. adequate instructions to owners on proper use of the weapons;
- d. adequate warnings to owners that a round may be hidden in the chamber of a handgun; and
- e. adequate warnings to owners that their handguns could be fired even with the ammunition magazine removed and the attendant risks that could and do thereby occur.

73. In addition to failing to provide adequate or suitable warnings or instructions to owners and users, including households with children, defendants actively promoted and advertised their guns in a manner which did not alert customers and potential customers, as well as retail dealers who would be expected to sell and recommend their guns, to the risks of guns, and which, on the contrary, suggested that by purchasing guns for their households they would become more safe, that the design of the guns was safe, and that families could safely store guns unlocked and accessible to minors.

74. For the foregoing reasons, defendants' guns were negligently designed, manufactured, assembled and marketed.

75. As a direct result of defendants' negligent failure to include adequate warnings in their products, plaintiffs have suffered damages.

RELIEF REQUESTED

WHEREFORE, plaintiffs respectfully request that this court to enter judgment against the defendants and order appropriate relief as follows:

A. As To The First Count, Alleging Liability Under The Connecticut Products Liability Act:

1. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne and will continue to bear as a result of the infusion into the marketplace of handguns without appropriate safety devices;
2. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne and will continue to bear as a result of the failure of the defendants to provide adequate warnings as to the dangerous nature of their products;
3. Punitive damages pursuant to General Statutes § 52-240b;
4. A permanent injunction preventing the defendants from continuing to distribute handguns without appropriate safety devices and warnings; and
5. Any other legal or equitable relief the court deems appropriate.

B. As to the Second Count, Alleging Liability Under The Connecticut Unfair Trade Practices Act In Connection With Advertising:

1. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne as a result of the defendants' unfair and deceptive advertising tactics;
2. Any profits reaped by the defendants as a result of their unfair and deceptive advertising tactics;
3. Punitive damages pursuant to General Statutes § 42-110g (a);
4. Reasonable costs and attorneys' fees pursuant to General Statutes § 42-110g (d).
5. A permanent injunction preventing the defendants from using any unfair or deceptive advertising practices in the future; and
6. Any other legal or equitable relief the court deems appropriate.

C. As To The Third Count, Alleging Liability Under The Connecticut Unfair Trade Practices Act In Connection With Sales Practices:

1. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne as a result of the defendants' unfair and deceptive sales practices;
2. Any profits reaped by the defendants as a result of their unfair and deceptive sales practices;
3. Punitive damages pursuant to General Statutes § 42-110g (a);

4. Reasonable costs and attorneys' fees pursuant to General Statutes § 42-110g (d).
5. A permanent injunction preventing the defendants from using any unfair or deceptive sales practices in the future; and
6. Any other legal or equitable relief the court deems appropriate.

D. As To The Fourth Count, Alleging The Creation Of A Public Nuisance

1. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for damages incurred in connection with each defendant's creation of the nuisances described in Sections A through F of the Fourth Count;
2. A permanent injunction preventing the defendant dealers from continuing to participate in the type of "straw purchases" described in Section A of the Fourth Count;
3. A permanent injunction requiring the defendant manufacturers and distributors to create and implement standards regarding their own distribution of handguns as well as the conduct of the gun dealers to whom the defendant distributors supply handguns, in an effort to eliminate or substantially reduce the illegal secondary handgun market that currently exists in the City of Bridgeport and elsewhere; and
4. Any other legal or equitable relief the court deems appropriate.

E. As To The Fifth Count, Alleging A Civil Conspiracy As To All Defendants:

1. Allocated monetary damages attributable to each defendant manufacturer to compensate the City of Bridgeport for damages incurred in connection with the civil conspiracy set forth in the Fifth Count;
2. A permanent injunction requiring the defendant manufacturers to develop and implement safety features for their handguns designed to prevent their handguns from being discharged by children, those who steal handguns and other unauthorized users and also to prevent accidental discharge;
3. A permanent injunction requiring the defendant manufacturers to provide adequate warnings relating to the risk of guns and the proper storage thereof-, and
4. Any other legal or equitable relief the court deems appropriate.

F. As To The Sixth Count, Alleging A Civil Conspiracy Amongst The Defendant Retailers:

1. Allocated monetary damages attributable to each defendant manufacturer and distributor to compensate the City of Bridgeport for damages incurred in connection with the civil conspiracy set forth in the Sixth Count;
2. A permanent injunction requiring the defendant manufacturers and distributors to create and implement standards regarding their own distribution of handguns as well as the conduct of the gun dealers to whom the defendant distributors supply handguns, in an effort to eliminate or

substantially reduce the illegal secondary handgun market that currently exists in Bridgeport and elsewhere; and

3. Any other legal or equitable relief the court deems appropriate.

G. As To The Seventh Count, Alleging Unjust Enrichment:

1. Allocated monetary damages attributable to each defendant in an amount equal to the financial benefit to each defendant resulting from the failure to pay for the consequences of their unlawful conduct; and
2. Any other legal or equitable relief the court deems appropriate.

H. As To The Eighth Count, Alleging Common Law Negligence:

1. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne and will continue to bear as a result of the infusion into the marketplace of handguns without appropriate safety devices;.

2. Allocated monetary damages attributable to each defendant to compensate the City of Bridgeport for the costs that it has borne and will continue to bear as a result of the failure of the defendants to provide adequate warnings as to the dangerous nature of their products;

3. A permanent injunction preventing the defendants from continuing to distribute handguns without appropriate safety devices and warnings; and

4. Any other legal or equitable relief the court deems appropriate.

Respectfully submitted,

PLAINTIFFS,

MAYOR JOSEPH P. GANIM AND
THE CITY OF BRIDGEPORT

By:

BOURKE G. SPELLACY, ESQ.
ROBERT M. DECRESCENZO, ESQ.
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Legal Action Project
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RETURN DATE: MARCH 23, 1999

SUPERIOR COURT

MAYOR JOSEPH P. GANIM AND
THE CITY OF BRIDGEPORT

V.

SMITH & WESSON, INC., STURM, RUGER & CO., BERETTA
U.S.A. CORP., FABRICA D'ARMI PIETRO BERETTA S.P.A.,
COLT'S MANUFACTURING CO., GLOCK, INC., TAURUS
INTERNATIONAL MANUFACTURING, INC., SIG ARMS, INC.,
LORCIN ENGINEERING CO., INC., BRYCO ARMS, DAVIS
INDUSTRIES, CHARCO 2000, INC., CHARTER ARMS
CORPORATION, INTERNATIONAL ARMAMENTS INC., D/B/A
INTERARMS, INC., HECKLER & KOCH, B.L. JENNINGS, INC., A
NICE PAWN SHOP, INC., CONNECTICUT FINANCE CORP. D/B/A
JOE DAVIS PAWN SHOP, AMERICAN SHOOTING SPORTS
COALITION, INC., NATIONAL SHOOTING SPORTS
FOUNDATION, INC., SPORTING ARMS AND AMMUNITION
MANUFACTURERS' INSTITUTE, INC., CONNECTICUT GUN
EXCHANGE, INC., FRANK D'ANDREA, D/B/A D'ANDREA'S GUN
SHOP, K-5 ARMS EXCHANGE, INC., MERIDEN TRADING POST,
INC., HANSEN & COMPANY GUNSMITHING, HALLOWELL &
CO., INC., ARMS & MUNITIONS OF FAIRFIELD, INC., MARILYN
HASEE D/B/A EUROCHASSE, GARY BROWN, DONALD BROWN
AND KEN JOHNSON, D/B/A THE GUN RACK, AND SCOTT MOSS,
D/B/A/ SCOTT MOSS GUN & TACKLE

JUDICIAL DISTRICT OF FAIRFIELD

AT BRIDGEPORT

JANUARY 27, 1999

STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest or property in demand is in excess of Fifteen Thousand Dollars
(\$15,000.00), exclusive of interest and costs.

Respectfully submitted,

PLAINTIFFS,

MAYOR JOSEPH P. GANIM AND THE
CITY OF BRIDGEPORT

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