

**IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA**

Marc A. Simon, as Executor of the Estates of
Sylvan Simon and Bernice R. Simon,

Plaintiff,

vs.

National Rifle Association of America, Inc.,
Colt's Manufacturing Company, LLC, Colt
Defense, LLC, John Doe Company and
Robert Bowers,

Defendants.

NOTICE TO DEFEND

TO: Defendants

You are hereby notified to file a written
response to the enclosed **First Amended
Complaint** within Twenty (20) days from the
date of service hereof or a judgment may be
entered against you.

By: 

Robert A. Bracken

JURY TRIAL DEMANDED

CIVIL DIVISION

Docket No. GD-20-011130

FIRST AMENDED COMPLAINT

Filed on behalf of Plaintiff,

Marc A. Simon, as Executor of the
Estates of Sylvan Simon and Bernice
R. Simon

Counsel for Plaintiff:

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NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
920 City-County Building
414 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 261-5555

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FIRST AMENDED COMPLAINT

Plaintiff Marc A. Simon, Executor of the Estates of Sylvan Simon and Bernice R. Simon,
through counsel Robert A. Bracken, Esquire, Charles A. Lamberton, Esquire and Bracken
Lamberton, LLC, sues the Defendants on the following grounds:

I. INTRODUCTION

1. On the 27th day of October 2018, a propagandized white supremacist entered a Pittsburgh synagogue with a COLT AR-15 yelling "All Jews must die!" He trained his AR-15 on those inside and shot eleven Jewish Americans to death. Among them were Bernice and Sylvan Simon, murdered in the same synagogue where they had married. The shooter, Robert Bowers, believed that Jews were committing what white supremacists call "white genocide," and that if he did not act, the white race faced extinction.

2. The Shooter¹ was not born fearing and hating Jews. Nor was he born clutching an AR-15. Instead, the NRA and gun makers like Colt taught him to fear and hate and ensured that he could purchase, own and use an unreasonably dangerous military assault rifle to commit one of the bloodiest acts of domestic terrorism in United States history and the deadliest anti-Semitic hate crime ever on American soil.

3. For years, the NRA has radicalized people like The Shooter with fringe conspiracy theories from the white supremacist movement. One such theory holds that Jews are funding an invasion of the United States by thousands of people of color from third-world countries with the goal of creating a majority non-white population. Another holds that Jews are scheming to take over government, confiscate firearms, and impose socialism on the American people.

4. The NRA and its gun merchant clients know that lies like these cause some people to act violently. And they know that such lies increase the risk of anti-Semitic violence.

5. Why does the gun lobby tell such lies? For love of money. In the gun industry, fear and hate sell NRA memberships, guns and ammunition.

6. As the NRA injects white supremacy into the American bloodstream and stokes tribal fear and hate, Colt and other gun merchants turn racists who would otherwise only fantasize about violence into mass killers by arming them with assault weapons like the AR-15 and giving them the means to turn their fantasies into deadly reality.

7. Capable of shooting through body armor, disintegrating bone and exploding organs, the AR-15 is not a civilian firearm.

¹ To avoid giving notoriety to criminals, the shooter will hereinafter be referred to as The Shooter.

8. The AR-15 was not designed to hunt deer on the neighbor's farm, or for recreational shooting, or for close quarter self-defense; it was made so soldiers could quickly and decisively kill enemies on the battlefield.

9. Although the AR-15 has long been the weapon of choice of mass shooters, the gun lobby falsely says that it is merely a semi-automatic rifle – nothing more than a “modern-day musket.”

10. In fact, the AR-15 is a machine gun.

11. A true semi-automatic rifle cannot replicate fully automatic fire with one pull of the trigger.

12. An AR-15 can replicate fully automatic fire with a simple technique called bump firing or with easy modification.

13. Colt could have designed the AR-15 so it could not be fired like a machine gun – by making it so it could not be easily modified to fire automatically, or be bump fired, or accept such lethal rounds, or accept a large capacity detachable magazine.

14. Instead, Colt consciously chose to make the “civilian” AR-15 more deadly rather than more safe -- in short, to make it virtually indistinguishable from the M-16s that soldiers carry into battle.

15. Colt could have restricted the sale of its AR-15s to the military, law enforcement, or to civilians with legitimate needs for such a weapon.

16. Instead, Colt sells these guns to the general public, without any reasonable restrictions, ensuring that people like The Shooter can easily obtain them and then foreseeably use them in mass shootings.

17. Colt could have marketed its AR-15s in a reasonable and responsible manner, to minimize the risk that potential mass killers would be attracted to them.

18. Instead, Colt advertises to emphasize the AR-15's military nature, to attract would be mass killers.

19. After years of valorizing gun use and vilifying disfavored groups, and after dozens of mass shootings with military weapons like the AR-15, the NRA and Colt could hardly be surprised by The Shooter's hate crime at Tree of Life, or the fact that their conduct helped cause the shooting.

20. Indeed, after the Parkland, Florida AR-mass shooting, the national retail chain Dick's Sporting Goods chose to stop selling assault rifles, rather than be party to such devastation.

21. And after the Tree of Life AR-mass shooting, Colt announced it would stop selling assault rifles.

22. But Colt's desire for profit led it to reverse field, and it doubled down on selling these military-style weapons to the public.

23. Ultimately, gun and ammunition sales surged, just as they do after every mass shooting. It is a predictable wave that the gun lobby rides all the way to the bank.

24. Sylvan and Bernice Simon were victims of this reckless and unlawful quest for profit. Their son, on their behalf, brings this case to hold these bad actors accountable.

II. PARTIES²

25. Plaintiff Marc A. Simon is an adult individual residing in Washington County, Pennsylvania and is the Executor of the Estates of his parents, Sylvan Simon and Bernice R. Simon.

26. Sylvan and Bernice Simon were married for sixty-two years and were longtime members of the Tree of Life synagogue. Sylvan, a retired accountant, served honorably as a paratrooper in the United States Army and enjoyed “drinking American” with an occasional shot of Jim Beam. Bernice, also retired, had worked as a nurse. They are survived by three children – Marc, Michelle and Michael.

27. Defendant Colt’s Manufacturing Company, LLC is a limited liability company with a principal place of business located at 545 New Park Ave., West Hartford, CT 06110.

28. Defendant Colt Defense, LLC is a limited liability company with a principal place of business located at 547 New Park Ave., West Hartford, CT 06110. Colt Defense, LLC is the parent company of Colt’s Manufacturing Company, LLC. Colt Defense, LLC, Colt’s Manufacturing Company, LLC and their predecessors and related companies shall be referred to collectively herein as “Colt.”

29. Defendant John Doe Company is a Pennsylvania company that regularly deals firearms, including semi-automatic assault rifles and other firearms. John Doe Company sold the

² On October 26, 2020, Plaintiff filed a Praecipe for Writ of Summons naming National Rifle Association of America, Inc. as a defendant. On or about January 15, 2021, the NRA filed a bankruptcy petition in the United States Bankruptcy Court for the Northern District of Texas. As a result, on January 18, 2021, Plaintiff filed a Suggestion of Bankruptcy noting that the case is stayed as to the NRA only. Due to the automatic stay, Plaintiff is not yet permitted to assert his claims against the NRA in this pleading. Of note, multiple parties including the New York Attorney General and Ackerman McQueen have moved to dismiss the NRA’s bankruptcy petition as having been filed in bad faith. Those motions are pending.

Colt AR-15 assault rifle to The Shooter, which was used to murder Sylvan Simon, Bernice Simon and other congregants at the Tree of Life on October 27, 2018.

30. Defendant Robert Bowers is an adult individual who lived in Baldwin Borough, Allegheny County, Pennsylvania as of October 27, 2018. The Shooter presently resides in prison in Butler County, Pennsylvania.

III. FACTS

31. The NRA is the principal propagandist for the United States' gun industry.

32. The NRA propagates a message of America at war with itself, in which Americans are threatened by dangerous domestic enemies – often minorities or others who support them -- for which the weapons and ammunition manufactured by the gun industry are needed for protection.

33. The NRA fights to ensure that gun makers can continue to make and sell all manner of guns to the public with as little regulation or accountability as possible.

34. This campaign to stoke fears and incite violence in order to sell guns and memberships has proven to be a profitable joint venture between the NRA and gun makers like Colt.

35. For example, Colt sponsors and supports the NRA's Life of Duty program and the NRA's "American Warrior" digital magazine.

36. American Warrior is "the NRA's Magazine for the Ultimate Warrior."

37. In 2011, Colt presented "Warrior Features" in American Warrior No. 5 which included extensive propaganda demonizing people of color from Mexico and branding them as terrorists "hell-bent on destroying us."

38. Colt encourages its customer base and employees to join the NRA.

39. Joyce Rubino, then-Vice President of Marketing for Colt, highlighted the interrelationship of Colt and the NRA in a 2014 guest editorial for the Friends of NRA:

Providing product to *Friends of NRA* gives us the opportunity to reach the attendees of local banquets and national events as well as sponsors of the program with our in-demand, collectible firearms. NRA members and *Friends of NRA* supporters receive the exclusive chance to acquire pieces of history from [Colt] with the knowledge that the money they spend goes to The NRA Foundation. By offering product availability as well as donations of product and money, we are able to give back to an organization and a community of firearms enthusiasts that are the backbone of our American traditions.

40. Colt also encourages its Facebook followers to join the NRA.



41. Colt is a “Premier NRA Industry Ally.” Allies agree to “encourage customers to become NRA members” through efforts such as “inserting membership cards into [] product packaging, plac[ing] ‘Join Here’ links on [] websites; offer[ing] employee membership drives; and provid[ing] free NRA memberships with a customer’s purchase.” See <https://nraindustryally.nra.org/become-an-ally/>

42. Colt manufactures firearms bearing the NRA logo, including the Colt Government Model .45 branded as the “NRA Right to Bear Arms Tribute Pistol.”



43. For its part, the NRA uses the rhetoric of vilification to stoke fear and hate among current and prospective gun owners and to motivate them to buy guns and send money to the NRA.

44. The NRA impugns those with different views as enemies bent on destroying America, anti-freedom, criminals, socialists, liars, insane, dangerous, threatening and/or corrupt.

45. This is part of a deliberate technique that divides the world into an ingroup (we, our, us) and an outgroup (they, their, them), often separated along racial, ethnic, religious or cultural lines. The outgroup is said to threaten the ingroup, its members, their values and their way of life.

46. The outgroup is dehumanized, often depicted as something dirty and detestable such as vermin, insects, pollution or cancer. Other times members of the outgroup are said to be criminals and sometimes also as parasites who drain social programs.

47. The ingroup audience is told that it faces serious threats from the outgroup and that it will likely suffer harm unless it takes preemptive action.

48. Gun marketing strategies that create and amplify fear and hate based on race, ethnicity or national origin are reckless and dangerous; this is especially true given the long growing and well documented threat of white supremacist extremism in the United States.

49. The Department of Homeland Security (“DHS”) has named white supremacist extremism “one of the most potent forces driving domestic terrorism” in the United States.

50. FBI Director Christopher Wray testified to the U.S. Senate Committee on Homeland Security and Government Affairs that domestic terrorism posed a “serious, persistent threat” and that the majority of the FBI’s investigations into domestic, racially motivated extremism attacks are “fueled by some kind of white supremacy.”

51. An unclassified May 2017 joint intelligence bulletin from the Federal Bureau of Investigation and the Department of Homeland Security found that “white supremacist extremism poses [a] persistent threat of lethal violence,” and that White supremacists “were responsible for 49 homicides in 26 attacks from 2000 to 2016 ... more than any other domestic extremist movement”

52. The report concluded that “firearms likely will continue to pose the greatest threat of lethal violence by [white supremacist extremists] due to their availability and ease of use.”

53. In July 2018, the Institute for National Security and Counterterrorism found that white supremacists strongly correlate Jews with globalism, internationalism and anti-democratic forms of government, and that extremists in the white supremacist movement remain fixated on the Jewish community as the primary threat to themselves and the political institutions that they regard as their own.

54. Colt has long known that much of its customer base are people primed by the NRA’s hate-filled propaganda.

55. Colt has long known that some of these customers use guns to make their dark, racist visions deadly realities.

56. That a weapon like Colt's AR-15 would be used not only in a mass shooting but in a hate-motivated mass shooting specifically was also predicable in light of the history of guns being used in anti-Semitic or generally hate-motivated shootings in the United States and abroad.

57. Well-known incidents of which Colt knew or should have known illustrating the prevalence of this trend include but are not limited to the following:

- a. In July 1999 a white supremacist went on a shooting spree wounding 9 and killing 2 people in multiple locations in Illinois and Indiana, including injuring 6 Orthodox Jews returning from temple services.
- b. In August 1999 a white supremacist injured 5 and killed 1 in and around a Jewish Community Center in California.
- c. In June 2009 a white supremacist killed a security guard at the Holocaust museum in Washington, D.C.
- d. In April 2014 an anti-Semite killed 3 people at a Jewish Community Center and retirement community in Overland Park, Kansas.
- e. In June 2015 a white supremacist attacked a Black church in Charleston, South Carolina and killed 9 people and injured one person.
- f. In June 2016 a man pledging allegiance to ISIS and exhibiting homophobic tendencies armed himself with an AR-15 style rifle and at least one handgun and killed 49 and injured 58 people at an LGBTQ+ nightclub in Orlando, Florida.

58. The AR-15 has become a "weapon of choice" for mass shooters in the United States.

59. In July 2012, a mass shooter armed with an AR-15 style rifle killed 12 people and injured 58 others in a movie theater in Aurora, Colorado.

60. In December 2012, a mass shooter armed with an AR-15 style rifle killed 26 children and adults and injured 2 others at an elementary school in Newtown, Connecticut.

61. In June 2015 a mass shooter armed with an AR-15 style rifle killed 9 people and injured another at a church in Charleston, South Carolina.

62. In December 2015, a mass shooter armed with an AR-15 style rifle killed 14 and injured 24 others at county employee holiday party in San Bernardino, California.

63. In June 2016 a mass shooter armed with an AR-15 style rifle killed 49 and injured 58 people at a nightclub in Orlando, Florida.

64. In November 2017, a mass shooter used three Colt AR-15 rifles to kill 61 people and injure over 400 others in Las Vegas, Nevada.

65. In November 2017, a mass shooter used an AR-15 style rifle to kill 27 people in a church in Sutherland Springs, Texas.

66. In February 2018, a mass shooter armed with an AR-15 style rifle killed 17 people and injured 17 more at a high school in Parkland, Florida.

67. Many or all of these attacks received significant media coverage in the press and, upon information and belief were known to Colt prior to October 2018.

68. NRA Executive Vice President Wayne LaPierre has himself observed that:

Our society is populated by an unknown number of genuine monsters - people so deranged, so evil, so possessed by voices and driven by demons that no sane person can possibly ever comprehend them. They walk among us every day. And does anybody really believe that the next [mass shooter] isn't planning his attack on a [target] he's already identified at this very moment?

69. Yet despite this knowledge, as more fully detailed below, the gun lobby propagates and amplifies the anti-Semitic conspiracy theories at the core of the white supremacist worldview.

70. Year after year, the gun lobby feeds people like The Shooter more hateful versions of what they hate, and more fearful versions of what they fear.

71. Eventually The Shooter responded, predictably, with an act of violence against Jews: “remote control” terror by lone wolf.

72. The Shooter shot everyone he saw inside the Tree of Life synagogue.

73. After the Shooter had shot the worshippers, he fired on two responding police officers, one of whom exclaimed: “We’re under fire! He’s got an automatic weapon and firing at us from the synagogue!”

74. The Shooter’s use of the unreasonably dangerous and defective Colt AR-15 forced responding officers to wait for back up while those congregants who were not killed immediately, bled to death.

75. More than an hour later, The Shooter surrendered to law enforcement and told them: “I just want to kill Jews” and “All these Jews need to die.”

76. A summary of the gun lobby propaganda that radicalized and incited The Shooter is set forth below.

77. After law enforcement called for an end to the sale of assault weapons, including AR-15s, to the public, and Congress passed a 10-year assault weapons ban in 1994, LaPierre told readers of the NRA’s American Rifleman magazine that “The Final War Has Begun.” “War” is a common theme for militia groups and white supremacists who believe they are at war with government and Jews.

78. The Shooter believed he was engaged in such a war and posted about Jews’ “war against #WhitePeople” on social media.

79. In his book *Guns, Crime, & Freedom*, LaPierre valorized white supremacist Randy Weaver who killed a United States Marshal at Ruby Ridge. Weaver had attended the Aryan Nation’s World Congress at least three times, where he wore an Aryan Nation belt buckle

and a T-shirt with the slogan “Just Say No to ZOG,” a reference to the anti-Semitic Zionist Occupied Government conspiracy theory.

80. The Shooter often posted about the ZOG on social media.

81. On April 13, 1995, LaPierre wrote to millions of NRA members that some government law enforcement officials were licensed killers, telling them that “if you have a badge, you have the government’s go-ahead to harass, intimidate, even murder law-abiding citizens. *** You can see it when jack-booted government thugs, wearing black, armed to the teeth, break down a door, open fire with an automatic weapon, and kill or maim law-abiding citizens.” (emphasis in original).

82. Just six days later, Timothy McVeigh blew up the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people. McVeigh had been a long time NRA member and had once stamped an “I’m the NRA” sticker on a letter to Congress. He chose the Federal Building because the federal law enforcement agency, ATF, had an office there.

83. Like McVeigh, The Shooter hated government almost as much as he hated Jews. This gun lobby induced hatred of government was a principal reason why The Shooter believed there were no legitimate democratic solutions to his grievances.

84. In his 2006 book “The Global War on Your Guns,” LaPierre falsely represented that United Nations “blue helmets” were orchestrating a plan to confiscate guns in the United States.

85. To guard against this perceived threat, The Shooter kept a loaded shotgun at his door in case “the [United Nations] blue hats” came for him or tried to take his guns.

86. Also in 2006, the NRA published “Freedom in Peril” in which it said that “[a]cting alone and in shadowy coalitions, the[] enemies of freedom are preparing for a profound

and foreboding confrontation....” Gun owners had “better be ready” because “[i]t’s inevitable that terrorists will infest America for generations to come.” “Sometimes any hope of prevailing rests in the hearts and hands of a very urgent few....”

87. “Freedom in Peril” divides the world into an ingroup and an outgroup, with the outgroup branded as “terrorists” and “enemies of freedom,” who existentially threaten gun owners like The Shooter. “Terrorist” is white supremacist code for immigrants and people of color. “Infest” dehumanizes the outgroup, comparing it to vermin or insects. The NRA also suggests gun violence by telling the “very urgent few” that any hope for prevailing rests in their “hands.”

88. The NRA promoted similar views in “Terror on the Border” published in 2010 and in “Stand and Fight” published in 2013 that falsely denigrated immigrants of color.

89. In 2016, LaPierre said that “European-style socialists” who “hate individual freedom” had taken control of American government, and “[t]hat should terrify every citizen who values the American ideal in this country of individual liberty.”

90. “European-style socialists” is white supremacist code for Jews.

91. NRA Board Member Ted Nugent later posted a facially anti-Semitic meme on Facebook branding a number of prominent Jews as “evil,” a term that The Shooter also used when he talked about Jews on social media.



Ted Nugent ✓

February 8, 2016 · 🌐

Know these punks. They hate freedom, they hate good over evil, they would deny us the basic human right to self defense & to KEEP & BEAR ARMS while many of them have tax paid hired ARMED security! Know them well. Tell every1 you know how evil they are. Let us raise maximum hell to shut them down!



👍👎❤️ 7.7K

7.5K Comments 5.7K Shares

92. In 2017, the NRA encouraged violence by stating, “the only way we save our country and our freedom is to fight ... with the clenched fist of truth.”

93. On February 22, 2018, LaPierre told the annual convention of the Conservative Political Action Conference:

[Y]ou should be anxious. And you should be frightened. If ... these so-called new European socialists take over the House, and the Senate, and god forbid they get the White House again, our

American freedoms could be lost and our country will be changed forever. And the first to go will be the Second Amendment to the United States Constitution. History proves it. Every time, in every nation, in which this political disease rises to power, its citizens are repressed, their freedoms are destroyed, and their firearms are banned and confiscated. It is all backed in this country by the social engineering and the billions of people like George Soros, Michael Bloomberg, Tom Steyer and more.

94. Here, LaPierre makes the connection between “Europeans socialists” and Jews explicit; Soros, Bloomberg and Steyer are Jewish philanthropists. LaPierre dehumanizes them by saying they are a “disease.” He also presents them as an existential threat to gun owners, their freedom and their way of life.

95. In October, 2018, NRATV correspondent Chuck Holton falsely represented that George Soros was “sending Honduran migrants north” in a caravan.

96. On another segment, NRATV showed a picture of Soros above a chyron that said, “Immigrant Caravan: Who’s Paying The Bill?” Holton falsely claimed that Soros was conspiring with foreign governments to send non-white migrants north into the United States by the thousands and called it “an invasion under the guise of migration.”

97. This NRA propaganda amplified the white supremacist conspiracy theory known as “white genocide.” “White genocide” posits that Jews are pursuing policies to destroy the white race in Europe and the United States through the deliberate importation of people of color from other countries.

98. The NRA’s white supremacist conspiracy theories inspired anti-Semitic hate groups all across the United States.

99. On February 27, 2018, for example, just a few days after LaPierre's appearance at CPAC, Daily Stormer³ founder Andrew Anglin posted:



The classification of the NRA as an Anti-Semitic hate group is the greatest thing that has happened this year. The NRA is the only organization that actually is successful in advocating for the interests of white people. A big part of what got this rolling was the CPAC speech by the NRA chief Wayne LaPierre. He literally put out a Jew list, showing that everyone who disagrees with gun rights is a Jew. And he has to know too. There is no way you list off a dozen Jews – and not a single goy – without noticing that pattern. *** Wayne LaPierre is an anti-Semitic white nationalist. He is 1488% /ourguy/.⁴ And he purposefully pushed for an open war with the Jews.

100. Lee Rogers is another prolific writer on The Daily Stormer.

101. On February 28, 2018, Rogers posted that he had recently joined the NRA because “it has become clear that the NRA is one of the few big lobbying groups that is actively advocating on behalf of White interests.”

³ The Daily Stormer is a white supremacist and Holocaust denial message board website that advocates for the genocide of Jews.

⁴ 1488 is a combination of two popular white supremacist numeric symbols. The first symbol is 14, which is shorthand for the "14 Words" slogan: "We must secure the existence of our people and a future for white children." The second is 88, which stands for "Heil Hitler" (H being the 8th letter of the alphabet). Together, the numbers form a general endorsement of white supremacy and its beliefs. As such, they are ubiquitous within the white supremacist movement - as graffiti, in graphics and tattoos, even in screen names and e-mail addresses.

Top Neo-Nazi Journalist Joins the National Rifle Association

Lee Rogers February 28, 2018



Lee Rogers | As a prominent Neo-Nazi, I'd like to explain why I just joined the NRA.

102. As support, Rogers – like Anglin – referenced LaPierre’s CPAC speech.

103. On March 1, 2018, Anglin published an extensive piece entitled “JOIN THE NRA AND STOP THESE KIKES!”

Join the NRA and STOP THESE KIKES!

Andrew Anglin March 1, 2018



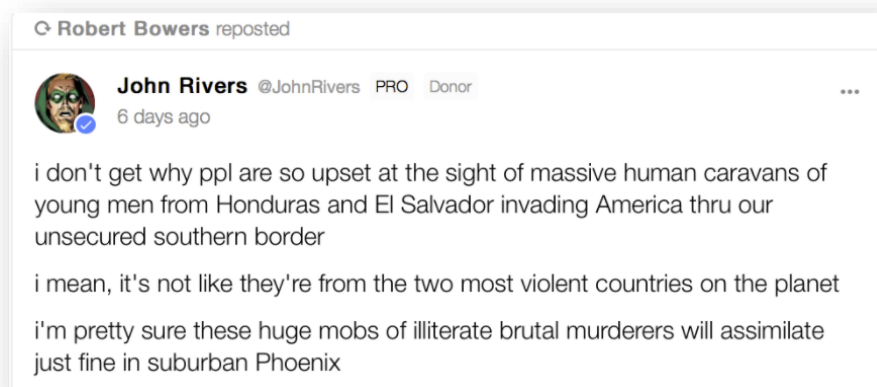
Andrew Anglin | Join now and help to EXTERMINATE the JEW!

104. Anglin wrote that “[t]he NRA is the country’s premier pro-white and anti-Semitic organization.” In emphatic language next to a picture of LaPierre, Anglin exhorted readers to “JOIN NOW.” “It’s time to put your money where your mouth is and join up with the country’s single most effective pro-white organization intent on SMASHING THE JEW.” He continued, “[W]earing an NRA hat is the closest you can come to wearing a SWASTIKA to let the Jews know you see them – and you’re coming for them.” Anglin concluded: “WIPE EUROPEAN-STYLE SOCIALISM OFF THE MAP! JOIN NOW! HAIL LAPIERRE! HAIL THE NRA! HAIL OUR PEOPLE! HAIL VICTORY!”

105. On March 2, 2018, Anglin published another extensive piece telling his neo-Nazi readership to “JOIN THE NRA TO END SEMITISM.”

106. As the NRA was speaking, The Shooter was listening. He agreed that America was under invasion and just like the people on NRATV he blamed the Jews.

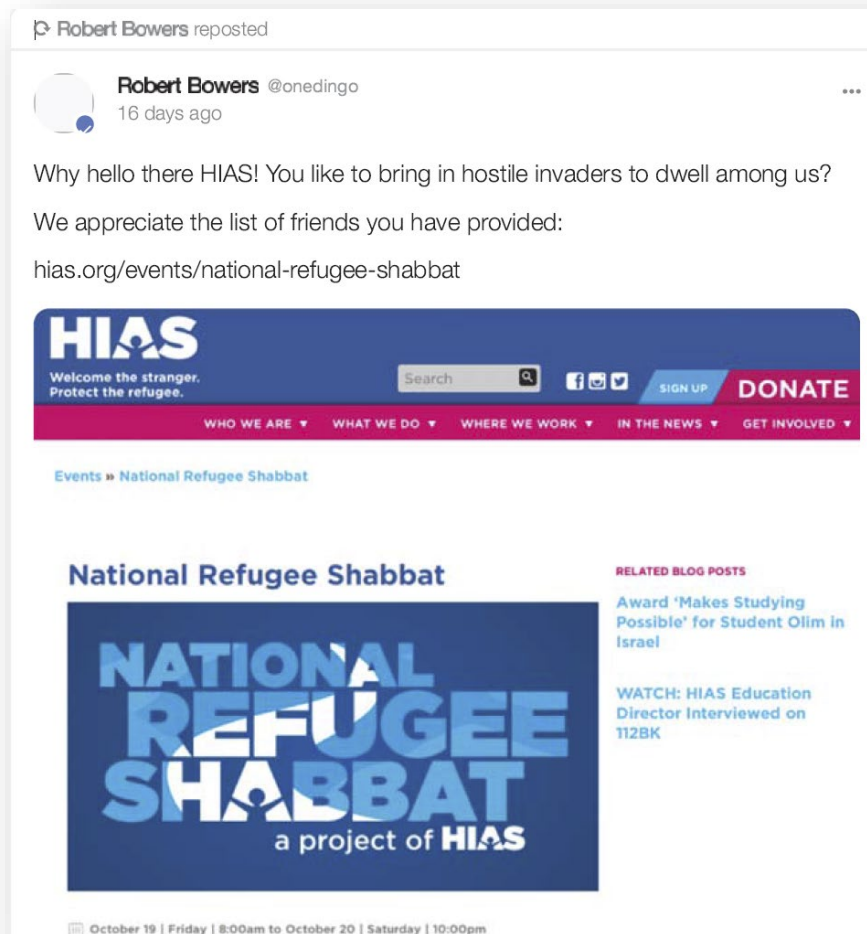
107. For example, shortly after Holton blamed a Jew for the migrant caravan, The Shooter posted the following on his Gab⁵ timeline:



108. Just like the NRA, The Shooter complained of a caravan invasion by foreigners crossing America’s unsecured southern border.

109. And just as NRATV had blamed Jews such as George Soros for the migrant “invasion,” The Shooter also blamed Jews (and Hebrew Immigrant Aid Society in particular) for “bringing in hostile invaders.”

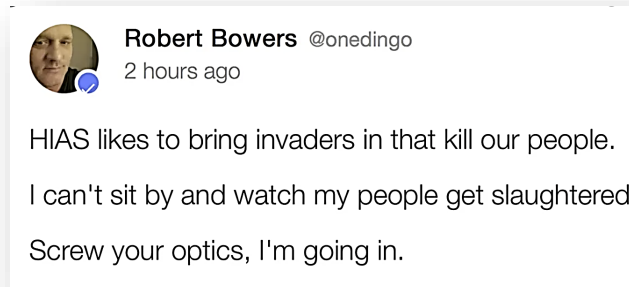
⁵ Gab is Facebook for neo-Nazis and white supremacists. Rogers, Anglin and innumerable other racists, xenophobes and anti-Semites regularly post on Gab. The NRA has expressly praised Gab as a friendly forum for gun owners. Bowers was a member of “Guns of Gab,” a pro-NRA Gab.com page where members “discuss[ed] the ongoing struggle to preserve our Right to Keep and Bear Arms.”



110. The NRA’s white genocide propaganda agitated The Shooter profoundly. He soon wrote on Gab that “Jews are waging a propaganda war against Western civilization and it is so effective that we are headed towards certain extinction within the next 200 years and we’re not even aware of it.”

111. The Shooter said that Jews were conspiring to “keep whites asleep for a few more years so they are totally outnumbered by [their] nonwhite minions and can never again regain their country.” “Open you[r] Eyes!” The Shooter exclaimed. “It’s the filthy EVIL Jews bringing the filthy EVIL Muslims into the Country!! Stop the kikes [and] then worry about the Muslims!”

112. By October 27, 2018, the gun lobby's white supremacist propaganda had pushed The Shooter to his breaking point. Moments before opening fire at Tree of Life, he announced:



113. Perhaps The Shooter would not have turned to violence had he believed he had alternatives. But just as the gun lobby had taught The Shooter to hate non-whites and Jews, it also conditioned him to believe that there were no legitimate democratic solutions to his grievances.

114. According to the NRA, government was an enemy, captured by “European-style socialists” who hate freedom and jack booted thugs who murder law abiding citizens. In a recent example of the NRA’s long history of undermining confidence in the rule of law, LaPierre told readers of *Americas1stFreedom*:

[T]he anti-gun, anti-freedom Left has made it clear that what they can't win at the ballot box or in a legitimate legislative debate, they will take by force. They made it clear that unless every American knuckles under to their demands, they will use violence, intimidation, arson, looting and even murder to suppress any viewpoint that doesn't line up with their sickening vision for our nation.

115. According to LaPierre, democracy doesn't work because the gun lobby's opponents don't believe in it and use violence to accomplish their goals. Why bother to engage in debate or contest them at the ballot box when they will simply take what they want by force if they lose?

116. As detailed above, the NRA maliciously and recklessly spreads objectively false information, that it knows is false, and that it knows is likely to incite violence. The NRA spreads these dangerous falsehoods in reckless disregard of the great likelihood that they will be taken as true and will incite violence, including deadly violence like the Tree of Life shooting, in order to make money for itself and its gun industry patrons.

117. Having been programmed to hate Jews and believe that guns alone could solve the Jewish problem, it was far from surprising when The Shooter drove up to the Tree of Life synagogue armed to the teeth and intending to kill.

118. But as dangerous as The Shooter's views were, he could not have turned them into deadly reality without easy access to a mass killing machine like Colt's AR-15.

119. The AR-15 assault weapon that The Shooter used to send 11 Jewish congregants to their graves should never have been available on the civilian market.

120. Nearly a century before American troops were ordered into Vietnam, weapons designers made a discovery in the science of wound ballistics. The discovery was that a small, fast-traveling bullet did substantially more damage than a larger round when fired into animal flesh. A large round might pass straight through a human body, but a small bullet would act like a gouge.

121. In 1956, Armalite developed the AR-15 in response to the Army's desired specifications for a new combat weapon: lightweight with a large detachable magazine that rapidly expelled ammunition with enough velocity to penetrate body armor and even steel helmets.

122. In 1959, Armalite sold the AR-15 design and rights to Colt.

123. "AR-15" is a Colt registered trademark.

124. The AR-15 was devastating on the battlefield. According to field testing in Vietnam, “At a distance of approximately 15 meters, [a] Ranger fired an AR-15 ... hitting one [combatant] with three rounds. One round in the head took it completely off. Another in the right arm took it completely off too. One round hit him in the right side, causing a hole about five inches in diameter. It cannot be determined which round killed the [combatant] but it can be assumed that any one of the three would have caused death.”

125. The U.S. Department of Defense changed the name of the AR-15 to the M-16.

126. Colt then began manufacturing AR-15s for civilians.

127. Rather than change the design of the AR-15 to tailor it to civilian uses, Colt maintained the design and functionality of the M-16.

128. This has remained true for all AR-15s that Colt has manufactured and designed for civilians, including the AR-15 that The Shooter used to kill the Simons.

129. The civilian Colt AR-15 is just as lethal as the M-16, which has endured as the U.S. military’s weapon of choice for more than half a century.

130. The AR-15 has a particularly high “muzzle velocity.”

131. The term “muzzle velocity” refers to the speed a bullet possesses at the moment it leaves the muzzle of a firearm.

132. The velocity of a bullet on impact is a significant determinant of its destructive capacity.

133. The AR-15 shoots a .223 Caliber or 5.56 mm round at roughly 3,300 feet per second, which is about three times the speed of sound and three times the muzzle velocity of a typical Glock pistol.

134. The AR-15 round has more gun powder than other rounds and strikes with about three-times the force of a 9 mm round.

135. The AR-15's effective firing range is more than 1,300 feet, whereas a typical handgun's firing range is approximately 160 feet.

136. The AR-15 was engineered to create "maximum wound effect."

137. The AR-15 causes far more extensive damage to bones, tissues and organs than a pistol.

138. AR-15 bullets do not pass straight through an object. Instead, they "tumble" when they hit, destroying flesh along the way and leaving a large exit wound.

139. The AR-15 assault rifle's bullet performance is similar to a bomb exploding inside a victim's body.

140. Reports from field testing in Vietnam in 1962 found that "the very high-velocity AR-15 projectiles" had caused "[a]mputations of limbs, massive body wounds, and decapitations." "A hit in the arm caused the arm to fall off. A hit in the fleshy part of the buttocks was fatal in five minutes. A chest wound caused the thoracic cavity to explode."

141. An AR-15 round has so much energy that it can disintegrate three inches of leg bone and if it hits the liver, the liver looks like a Jell-O mold that's been dropped on the floor.

142. An exit wound from an AR-15 round can be the size of an orange.

143. AR-15 rounds damage flesh several inches away from their path because of cavitation. When a high-velocity AR-15 round pierces the body, tissue ripples away from the bullet path. The round might miss the femoral artery, but cavitation will burst the artery anyway.

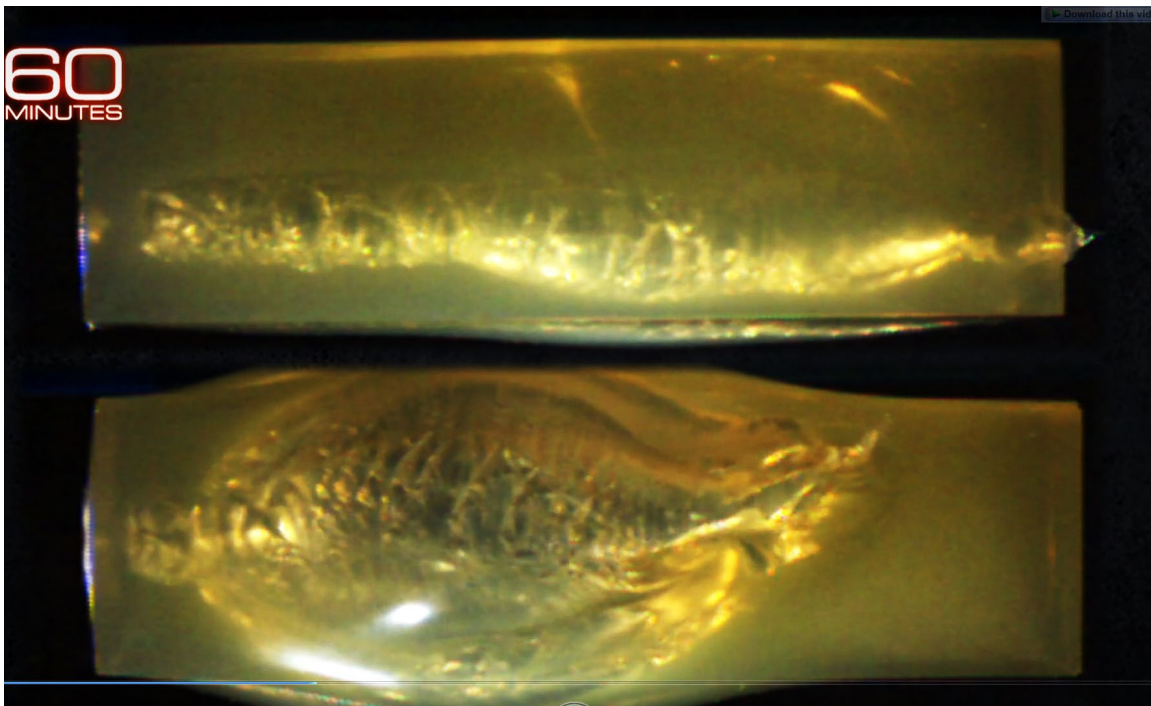
144. Dr. Peter Rhee, a leading trauma surgeon and retired captain with 24 years of active-duty service in the Navy who saved the life of Arizona Rep. Gabby Giffords after she was

shot point-blank in the head with a handgun fired by a mass shooter in 2011, described the lethality of the AR-15 as follows: “Its tiny bullets – needle-nosed and weighing less than four grams – travel nearly three times the speed of sound. As the bullet strikes the body, the payload of kinetic energy rips open a cavity inside the flesh – essentially inert space – which collapses back on itself, destroying inelastic tissue, including nerves, blood vessels and vital organs. It’s a perfect killing machine.”

145. With a handgun, if the bullet does not directly hit something crucial like the heart or the aorta, and the victim does not bleed to death before being transported to a hospital, the victim has a strong likelihood of survival.

146. No so with an AR-15. With the high-velocity rounds of the AR-15, Dr. Rhee says, “it’s as if you shot somebody with a Coke can”.

147. 60 Minutes showed the difference between the damage caused by a 9 mm handgun (top) and the damage caused by an AR-15 (bottom):



148. The AR-15 shot results in a shockwave that causes catastrophic injuries even in areas remote to the direct wound, which is why the AR-15 is the nightmare of every Emergency Room.

149. When accompanied with a high-capacity magazine, the AR-15 can fire a barrage of rounds uninterrupted, akin to a military assault.

150. As a longtime gun manufacturer, Colt is well aware of the strictures of U.S. gun laws, including the National Firearms Act (“NFA”). *See* 26 U.S.C. §§ 5801-1861.

151. The NFA prohibits automatic fire guns, aka machineguns, from being sold to the general public unless the buyer undergoes a rigorous registration process. 18 U.S.C. § 922(b)(4).

152. Congress restricted the sale and possession of “machinegun[s]” because automatic fire weapons pose an undue risk to members of the public, provide no or negligible benefit to law-abiding civilian users, and will be disproportionately likely to be misused by bad actors like The Shooter in a mass shooting.

153. The NFA defines a “machinegun” as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.” 26 U.S.C. § 5845(b). The definition also includes “the frame or receiver of any such weapons,” as well as “any part” or “combination of parts designed and intended, for use in converting a weapon into a machinegun,” and “any combination of parts from which a machinegun can be assembled” as long as those “parts are in the possession or under the control of a person.” *Id.*

154. Then-president of the NRA, Karl Frederick, who proposed the text ultimately adopted into legislation, indicated that the “essence of a machine gun” is the ability to produce a rate of fire that is not limited by how quickly the shooter can pull the trigger.

155. As Mr. Frederick explained in his testimony:

Other guns require a separate pull of the trigger for every shot fired, and such guns are not properly designated as machine guns. . . . You must release the trigger and pull it again for the second shot to be fired. You can keep firing that as fast as you can pull the trigger. But that is not properly a machine gun and in point of effectiveness any gun so operated will be very much less effective.

156. In 1982, the Bureau of Alcohol, Tobacco Firearms and Explosives (ATF) underscored that the NFA definition of “machinegun[s]” includes “those weapons which have not previously functioned as machineguns *but possess design features which facilitate full automatic fire by simple modification or elimination of existing component parts.*” (emphasis added).

157. AR-15 style weapons like the Rifle used in Tree of Life are “machinegun[s]” because they can be fired automatically, or easily modified to facilitate automatic fire.

158. The original AR-15 rifle was developed in response to the needs of the United States military during the Vietnam War and was unquestionably a “machinegun” that included a selector switch enabling fully automatic fire.

159. In semi-automatic mode, a shooter can fire rounds as quickly as they can pull the trigger, discharging at least 30 to 45 bullets per minute.

160. A Colt AR-15 can be fired automatically with the use of a bump stock or other accessory, or after simple modification.

161. An AR-15 can be simply modified by individuals with minimal financial resources and little to no gunsmithing expertise through methods including but not limited to:

- a. replacing the manufacturer-installed sear system inside the Rifle (which enables semi-automatic fire) with a third-party sear system which enables automatic fire;

- b. shaving down part of the manufacturer-installed sear system to change the way it functions; or
- c. attaching an external device such as a “bump stock” or trigger crank to the weapon.

162. As Colt knows or should know, the Internet is full of explanations about how to simply and easily modify an AR-15 to fire automatically.

163. A Colt AR-15 can also be fired automatically without modification by “bump firing.”

164. Bump firing allows a shooter to replicate fully automatic fire using a simple technique that can be learned in 30 seconds on YouTube. No bump stock, accessory or modification is required.

165. With bump firing, a shooter can fire thirty rounds in two seconds.

166. The defining feature of bump firing is a single pull of the trigger that uses recoil energy to replicate fully automatic fire.

167. Bump firing can easily be done by using a bump stock, which, as Colt’s knew or should have known, were easily obtainable at the time of the Shooter’s purchase of the AR-15.

168. To bump fire without a bump stock, the shooter need only apply steady forward pressure with the non-trigger hand on the barrel-shroud while holding the trigger finger in place. The regular stock can be positioned in front of the shoulder, on top of the upper arm or on the side of the torso under the trigger arm. Once the trigger is pulled, recoil pushes the weapon backward. The application of forward force with the non-trigger hand pulls it back into the stationary trigger finger causing another round to fire and the cycle to repeat itself. Self-perpetuating fire will continue in this manner until the trigger finger is removed, the magazine is exhausted or the weapon malfunctions.

169. The Department of Justice (“DOJ”) and the Bureau of Alcohol, Tobacco and Firearms (“ATF”) have found that bump fireable weapons “can empower a single individual to take many lives in a single incident,” and have “particularly destructive capacity ... when used in mass shooting incidents.”

170. DOJ and ATF have found that bump fireable weapons should only be accessible to the military or law enforcement.

171. Colt chose to design the Rifle in a manner that made it able to be simply and easily modified or manipulated to fire automatically.

172. It was foreseeable to Colt that its AR-15 style rifles would be simply and easily modified or manipulated to create a fully automatic weapon and/or a weapon approximating a fully automatic rate of fire, and that these features would make firearms attractive to would-be mass shooters like The Shooter, and would be used in crimes, including mass shootings.

173. Colt sold firearms, including the Rifle, which were designed to be and were, in fact, capable of ready modification to function as automatic weapons or to approximate the rate of fire of automatic weapons with minimal expenditure of cost or effort.

174. Colt could have designed the AR-15 assault rifle to ensure that the weapon could not be easily made to fire automatically.

175. Colt knowingly violated state and federal laws applicable to the sales and marketing of firearms, including the National Firearms Act, and its violations proximately caused the damages suffered by Plaintiffs.

176. Colt’s is responsible for violations of 18 U.S.C. § 922(b)(4)’s prohibition on the sale of “machinegun[s]” to the general public, and to The Shooter in particular.

177. In addition to simulating fully automatic fire, AR-15s are highly customizable. They can be fitted with flash suppressors, grenade launchers, night sights and bayonets.
178. Colt designed the AR-15 to accept large capacity magazines of 30, 50 or even 100 rounds.
179. When an AR-15 with a large-capacity magazine is used, more shots are fired.
180. AR-15s also pose a heightened risk to civilians because rounds can easily penetrate most materials used in standard home construction, car doors, and similar materials.
181. Large-capacity magazines enable shooters to kill large numbers of people while depriving victims and law enforcement of opportunities to escape or overwhelm the shooter while reloading.
182. Even in the hands of law-abiding citizens, large-capacity magazines are particularly dangerous. When inadequately trained civilians fire weapons equipped with large-capacity magazines, they tend to fire more rounds than necessary and thus endanger more bystanders.
183. Assault rifles such as the AR-15 are effective combat weapons for the United States Military and law enforcement.
184. Soldiers and law enforcement officers are extensively trained on how to use, maintain and store such combat weapons and are even reprimanded if they fail to do so properly.
185. Before marketing to civilians, Colt could reasonably have designed the AR-15 assault rifle to fire a less lethal round than the .223 Caliber or 5.56 mm round.
186. Before marketing to civilians, Colt could reasonably have designed the AR-15 assault rifle to have a fixed rather than detachable magazine.

187. Before marketing to civilians, Colt could reasonably have designed AR-15 assault rifles as bolt action or pump action firearms, and eliminated semi-automatic fire, or otherwise designed it so it could not have been simply and easily modified to fire automatically.

188. Before marketing to civilians, Colt could reasonably have designed the AR-15 to ensure that it could not replicate fully automatic fire.

189. Colt's knowingly violated laws applicable to sale and marketing of firearms in its marketing of the Colt AR-15 to the general public, including knowingly violated the Connecticut Unfair Trade Practices Act, CT Gen. Stat § 42-110b, *et. seq.*

190. Colt advertised the AR-15 to civilians based on its military features.

191. Colt boasted that its AR-15 rifles are manufactured "based on the same military standards and specifications as the United States issue Colt M16 rifle and M4 carbine."

192. There are hundreds of videos available online showing the AR-15 being shot automatically in back yards and at ranges with simple hacks and/or unsophisticated materials that allow the highly lethal, customizable weapon to fire automatically.

193. Colt sold the AR-15 SP1 with a bayonet lug.

194. As Colt recognizes, there is a substantial value to the non-military commercial market to produce a weapon that looks and feels like a genuine military weapon.

195. The AR-15s that Colt sells to civilians look and function virtually identically to the M16.

Colt's M16A2 and AR-15A2. So close, even Colt inspectors look twice.

What does that tell you?

The fact is, the AR-15A2 you buy at your local gun shop meets exactly the same accuracy and function standards as the toughest, most battle-proven 5.56mm (223 Rem) military rifle in the free world, the incomparable M16A2. And for a lot of good reasons.

Sure, there are differences.
The AR-15A2 features semi-automatic capability; the M16A2 an automatic, selective-fire. The AR-15A2 is supplied with two four-round magazines. The M16A2 has military magazine capacity. And, the receiver markings are different.

But there are far more similarities.
All the engineering and performance of the M16A2 weapon system is engineered into every AR-15A2 rifle. With the exception of the semi-automatic parts, every component on every AR-15A2 is manufactured to the same blueprint as the corresponding component of the M16A2.

The same production lines and procedures. The same metallurgy. The same materials. The same skilled hands gunning assembly and finish. The same accuracy and function standards. The same everything.

The AR-15A2 is recognized by outdoorsmen everywhere as a superior sporting rifle for the individual who wants versatility and firepower in a practical caliber like the heady, all-round, and economical 223 cartridge. This rugged sporting rifle can be adapted to any climate and terrain, and small game or ranching requirement. The AR-15A2 is also fast becoming the choice of competitive rifle shooters.

Stop by your local gun shop soon to see all the similarities that make Colt's AR-15A2 no different from every other 223 on the market.

Field shipping is simple, without tools.

AR-15A2 SPECIFICATIONS									
MODEL	TYPE	CALIBER	LENGTH	WEIGHT	CAPACITY	PRICE	DATE	REMARKS	NOTES
AR-15A2 (S&W)	Assault Rifle	5.56mm (223 Rem)	34.5"	6.5 lbs	30	\$199.95	10/88		
AR-15A2 (S&W)	Assault Rifle	5.56mm (223 Rem)	34.5"	6.5 lbs	30	\$199.95	10/88		
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Colt M16A2

Colt AR-15A2

COLT A Heritage of Fine Craftsmanship
Hartford, CT 06101

196. In one advertisement, Colt proclaims:

- “Survival means different things to different people”;
- “For a rugged individual in the wilderness, it means being prepared for any eventuality”; and
- The AR-15 “is the civilian version of the battle proven and recently improved U.S. military issue M16A1 for which ammo is readily available.”

197. In another Colt says:

- “The Colt AR-15. Performance is proof”;
- “For 18 years, the Colt M-16 rifle has served the United States Armed Forces as a key weapon in our first line of defense. Today Colt offers a civilian version of this famous assault rifle, the semi-automatic AR-15. Designed for ranchers, guides, outdoorsman, hunters, and police use, many experts agree it is one of the finest survival guns available to the shooting public”; and
- “Buy a lightweight, weather-proof Colt AR-15, and be prepared for any outdoor situation. Millions of American soldiers and our allies have liked it, and so will you.”

198. Colt also equips its civilian AR-15 with “the identical rear sight found on the U.S.

military’s new Colt M16A2” and advertises it showing a man aiming an AR-15 wearing a camouflage military-style hat.

199. In some ads, Colt shows AR-15 rifles lined up under S.W.A.T. and military hats and calls the AR-15 a “military style rifle.”

200. Following numerous mass shootings with AR-15s, Colt and the gun lobby stopped calling the AR-15 an assault rifle or military style rifle, and began using the bland and deceitful term “Modern Sporting Rifle.”

201. Other manufacturers such as Bushmaster have utilized Colt’s “AR-15” and “M16” trademarks and traded on Colt’s goodwill and reputation.

202. Colt routinely collects the marketing materials of other gun manufacturers and sellers to monitor their activities.

203. Colt claims that it attempted to correct misleading representations of which it is aware; however, Colt has never attempted to prevent or correct manufacturers of AR-15 assault rifles from advertising about the combat weapon’s military prowess and lethality.

204. For example, Colt claims, consumers often believe that Bushmaster semi-automatic rifles are Colt products, yet Colt has not sought to correct Bushmaster AR-15 advertisements including slogans such as “Forces of Opposition, Bow Down.”

205. Courts have recognized that the AR-15 to be a military weapon. In 2017, for example, the Fourth Circuit found that “Whatever [its] other potential uses - including self-defense - the AR-15 ... [is] unquestionably most useful in military service. That is, the banned assault weapons are designed to kill or disable the enemy on the battlefield.”

206. The NRA’s Bill Whittle has said, “[I]t’s a mistake ... to say [the AR-15] is used for hunting or ... for target shooting. I have my AR-15 to kill people.”

207. Assault rifles such as the AR-15 are effective combat weapons for the United States Military and law enforcement.

**Arm your men with confidence
and increased mobility**



BUTT RETRACTED

BUTT EXTENDED

**Colt's AR-15
Semi-Automatic Carbine**
(WITH TELESCOPING STOCK)

MODEL 6001

- Lightweight
- Weighs only 6.3 pounds
- Easy to handle
- Extremely accurate
- Straight line construction
- Simple to maintain

Colt's answer to the law enforcement agencies' demands for a lightweight, compact, semi-automatic weapon. Based on the M-16 rifle user by the U.S. Armed Forces, the design has been modified for use where space is limited.

Colt Industries  **Colt's Small Arms Division
Security Equipment**
150 Huyslope Avenue, Hartford, Conn. 06102

208. Soldiers and law enforcement officers are extensively trained on how to use, maintain and store such combat weapons and are even reprimanded if they fail to do so properly.

209. Combat weapons such as the AR-15 have no legitimate civilian purpose.

210. From the date Colt began manufacturing, designing and marketing AR-15 assault rifles to civilians through the date of the Tree of Life massacre and continuing to the present, it was reasonably foreseeable (particularly given the United States' significant history of gun violence) that these assault rifles could and would be used to commit murder.

211. Colt recognized this foreseeable risk yet, for financial purposes, chose to design, manufacture, distribute, market and sell AR-15s to civilians.

212. Colt knows that the AR-15 is not a self-defense weapon.

213. Those Americans who choose to use firearms for self-defense overwhelmingly choose handguns for self-defense.

214. There is no record of any Pennsylvanian ever lawfully using an AR-15 for self-defense.

215. Large capacity magazines are even less useful for self-defense. Studies of "armed citizen" stories collected by the NRA for the year 1997-2001 and 2011-2013 found that the average number of shots fired in self-defense was 2.2 and 2.1, respectively.

216. The Supreme Court of the United States has held that a handgun is the “quintessential self-defense weapon.”

217. The AR-15 and other semi-automatic assault rifles are not only less effective at home defense, they are also more dangerous.

218. The extreme muzzle velocity and rate of fire in a home creates a significant risk of harm to family members, neighbors and passers-by.

219. The AR-15 is so powerful that ATF special agents are not permitted to carry it during indoor raids because the rounds travel so fast that they could penetrate a victim, then a wall, and kill someone in another room.

220. The likelihood of an AR-15 causing accidental harm when used for home defense substantially exceeds its utility for this purpose.

221. There are many effective rifles and shotguns on the market for hunting and sporting.

222. True sportsmen do not use semi-automatic assault rifles when hunting game.
223. The ATF conducted a thorough study and found it “clear and compelling” that semi-automatic assault rifles that accept large-capacity magazines are not suitable for sporting or hunting.
224. The ATF concluded that the ability to expel large amounts of ammunition “serves a function in combat and crime, but serves no sporting purpose.”
225. Pennsylvania only allows the use of semiautomatic rifles for hunting of small game.
226. In 2017 hunters opposed efforts to allow semiautomatic rifles more broadly for hunting.
227. The clear majority of Pennsylvania hunters surveyed by the Game Commissioners opposed or strongly opposed the use of semiautomatic rifles for hunting.
228. The foreseeable risks posed by AR-15 assault rifles being used to commit murder far outweighs the benefits, if any even exist, of AR-15 assault rifles being used in hunting or sporting.
229. The AR-15 was used in the 2012 Sandy Hook Elementary School shooting, the 2015 San Bernardino attack, the 2017 Las Vegas shooting, the 2017 Sutherland Springs church shooting, and the 2018 Stoneman Douglas High School shooting, among other mass shootings.
230. On or about September 19, 2019, less than one-year after the Tree of Life massacre, Colt announced that it would stop selling AR-15s to civilians.
231. In response, NRA spokesperson Joe Barron called for a boycott: “What Colt has done is to take the side of the constitution hating liberals. This is a direct attack on 2A and we won’t stand for it. They need to sell us those guns. It is our constitutional right. And until they

do again, the National Rifle Association would urge all patriotic, arm-bearing Americans to boycott. Do not buy their guns, do not buy their accessories, do not buy their ammo. Hell, avoid the horses! Cut Colt from your life.”

232. After the call for a boycott, Colt reversed course and continued selling its defective, unreasonably dangerous AR-15s to civilians.

COUNT I

Plaintiff vs. All Defendants *Wrongful Death Act*

233. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

234. Plaintiff brings this action on behalf of the beneficiaries under and by virtue of the Wrongful Death Act, 42 Pa.C.S.A. § 8301, and the applicable Rules of Civil Procedure and decisional law.

235. Sylvan Simon and Bernice Simon left surviving beneficiaries entitled to take under the Wrongful Death Act.

236. As a result of the conduct of all Defendants, jointly and severally, as set forth herein, Sylvan Simon and Bernice Simon were caused grave injuries and death resulting in the entitlement to damages by the beneficiaries under the Wrongful Death Act.

237. Plaintiff claims all available expenses recoverable under the Wrongful Death Act necessitated by reason of injuries causing the deaths of Sylvan and Bernice Simon.

238. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for monetary support that Sylvan Simon and Bernice Simon would have provided to the beneficiaries during their lifetime, including, but not limited to, the support provided or which could have been expected to have been provided to the beneficiaries.

239. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for the services provided or which could have expected to have been performed in the future by Sylvan Simon and Bernice Simon.

240. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for the loss of companionship, comfort, society, guidance, solace and protection of Sylvan Simon and Bernice Simon.

241. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for the beneficiaries' emotional and psychological loss that accompanied the deaths of Sylvan Simon and Bernice Simon.

242. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for all pecuniary loss suffered by the beneficiaries.

243. On behalf of the Wrongful Death Act beneficiaries, Plaintiff claims damages for the full measure of damages allowed under the Wrongful Death Act and decisional law interpreting said Act.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, punitive damages and any other damages deemed proper by the Court.

COUNT II

Plaintiff vs. All Defendants *Survival Act*

244. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

245. Plaintiff brings this Survival Action on behalf of the Estates of Sylvan Simon and Bernice Simon under and by virtue of 42 Pa.C.S.A. § 8302, and the applicable Rules of Civil Procedure and decisional law.

246. Sylvan Simon and Bernice Simon died testate.

247. Sylvan and Bernice Simon left surviving individuals entitled to take under the Survival Act.

248. As a result of the conduct of all Defendants, jointly and severally, as set forth herein, Sylvan Simon and Bernice Simon were caused grave injuries and death resulting in the entitlement to damages by the beneficiaries under the Survival Act.

249. On behalf of the Survival Act beneficiaries, Plaintiff claims damages for the amount of lost earnings and/or benefits of decedents between the time of injury and death.

250. On behalf of the Survival Act beneficiaries, Plaintiff claims damages for the economic losses to the Estates of Sylvan Simon and Bernice Simon.

251. On behalf of the Survival Act beneficiaries, Plaintiff claims damages for all loss of income, retirement, and/or Social Security as a result of Sylvan Simon and Bernice Simon's death.

252. On behalf of the Survival Act beneficiaries, Plaintiff claims damages for the pain and suffering endured by Sylvan Simon and Bernice Simon prior to their deaths, including, but not limited to, physical pain and suffering, mental pain and suffering, and the fright and mental suffering attributed to the peril leading to their deaths.

253. Plaintiff claims the full measure of damages under the Survival Act and decisional law interpreting the same.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, punitive damages, and any other damages deemed proper by the Court.

COUNT III

**Plaintiff vs. Colt's Manufacturing Company, LLC,
Colt Defense, LLC and John Doe Company
*Strict Products Liability***

254. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

255. At all times material hereto, Colt was in the business of designing, manufacturing, testing, inspecting, developing, advertising, promoting, supplying and distributing AR-15 assault rifles, including the AR-15 used by The Shooter.

256. Colt possessed a non-delegable duty to manufacture, design and sell a safe product.

257. At the time the AR-15 left Colt's control it was defective and therefore unreasonably dangerous.

258. At all times material hereto, John Doe Company was in the business of dealing firearms and sold the defective and unreasonably dangerous AR-15 to The Shooter.

259. John Doe possessed a non-delegable duty to sell a safe product.

260. Among other defects, the risks posed by Colt's decision to design and sell a gun that could be easily fired as an automatic weapon, that could be simply and easily modified to fire automatically, and that had military features and attributes of little or no use for legitimate civilian uses renders the Colt AR-15 defective.

261. At the time the AR-15 left John Doe Company's control it was defective and therefore unreasonably dangerous.

262. The AR-15 reached The Shooter without substantial change in the manner in which it was manufactured, designed and sold.

263. The defective condition of the AR-15 was a factual cause of the death of Sylvan and Bernice Simon and the terror they experienced in the last moments of their lives.

264. The defective condition of the AR-15 was a factual cause of the damages Plaintiff seeks pursuant to the Wrongful Death Act and Survival Act as set forth throughout this Complaint.

265. The risk-utility test demonstrates that the AR-15 was defectively designed.

266. It was reasonably foreseeable that the AR-15 would be used to murder and maim individuals such as Sylvan and Bernice Simon.

267. Thus, the risks posed by the AR-15 were serious and exceeded any benefits from it being placed in the civilian market.

268. The AR-15 is widely known as the mass shooters weapon of choice; thus, it was likely that it would be used in yet another massacre.

269. An alternative design was feasible at the time of sale or manufacture of the product.

270. Safer alternative designs that could have been implemented at the time of manufacture or sale of the product include:

- a. Designing the AR-15 to use less lethal ammunition;
- b. Designing the AR-15 to not support large-capacity magazines;

- c. Designing the AR-15 to ensure that it could not be fired in a fully automatic manner, or be simply and easily modified or used to fire automatically;
- d. Designing the AR-15 to not include semi-automatic fire; and
- e. Designing the AR-15 to use permanently-fixed rather than detachable magazines.

271. The cost of the alternative design is and was feasible for Defendants.

272. Disadvantages, if any, of an alternative design are minimal when considering the benefits posed to civilians.

273. Defendants were aware of the risk posed by the AR-15 while it was in the civilian stream of commerce and chose to act in conscious disregard to the interests of the public, including Sylvan and Bernice Simon.

274. Defendants' actions were reckless, willful and intentional; thus, punitive damages should be imposed to punish Defendants and deter such conduct in the future.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, punitive damages, and any other damages deemed proper by the Court.

COUNT IV

**Plaintiff vs. Colt's Manufacturing Company, LLC,
Colt Defense, LLC and John Doe Company
*Public Nuisance***

275. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

276. As set forth throughout this Complaint, Colt and John Doe Company have unreasonably interfered with a right common to the general public – the right of every individual to be safe and free from the danger posed by unreasonably dangerous and defective assault rifles.

277. These Defendants' conduct significantly interfered with the public health, public safety, public peace, public comfort and public convenience.

278. These Defendants' conduct, as set forth throughout this Complaint, is ongoing, will have a long-lasting effect and these Defendants know that their respective conduct has a significant effect upon public rights.

279. Plaintiff suffered a harm of a kind different from that suffered by other members of the public exercising the right common to the general public that was the subject of the interference, as a result of the murder of Sylvan and Bernice Simon.

280. Plaintiff is entitled to recover all available damages under the Wrongful Death and Survival acts including but not limited to damages for pain, suffering, loss of enjoyment of life, emotional distress, fear, anxiety and worry.

281. Moreover, Defendants' conduct was reckless, outrageous, willful, wanton, and intentional; thus, punitive damages are warranted.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, and any other damages deemed proper by the Court.

COUNT V

Plaintiff vs. All Defendants *Negligence*

282. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

283. At all relevant times Colt had a duty to design, market, promote and sell firearms using the highest degree of care to minimize the risk of its weapons causing harm to others.

284. Colt, as a manufacturer and seller of lethal weapons that are sought after by criminals, owed the highest duty of care to members of the public and to populations at heightened risk of criminal misconduct by third parties to minimize the foreseeable misuse of its products.

285. Colt did the opposite: it designed, marketed and sold the AR-15 in ways that exacerbated the risks it posed, including the risks that it would facilitate a mass shooting like Tree of Life.

286. Colt included design features in its AR-15 model SP1 assault weapons that enabled them to be simply and easily modified to fire automatically, which is prohibited by federal law unless sold in compliance with the National Firearms Act (“NFA”).

287. Colt was well aware before Tree of Life that hate-motivated mass shootings were alarmingly frequent and deadly in the United States, and that it was foreseeable that some would-be mass shooters would seek to obtain firearms, including AR-15 style assault rifles, to commit these shootings.

288. Colt engaged in unlawful and dangerous marketing practices by targeting its advertisements for assault weapons to a civilian audience it knew to be primed by the NRA’s propaganda and white supremacist lies to commit acts of mass violence.

289. The risk posed by the AR-15 assault rifle being sold to civilians greatly outweighs any utility.

290. From the date Colt began manufacturing, designing and marketing AR-15 assault rifles to civilians through the date of the Tree of Life massacre and continuing to the present, it was reasonably foreseeable (particularly given the United States’ significant history of gun violence) that these assault rifles could and would be used to commit murder.

291. Colt recognized this foreseeable risk yet, for financial purposes, chose to design, manufacture, distribute, market and sell AR-15s to civilians despite knowledge of the ease with which the weapon could be made to fire automatically and the market for these weapons.

292. Colt breached its duties and failed to use reasonable care in the following particulars:

- a. Failing to design the AR-15 to use less lethal ammunition;
- b. Failing to design the AR-15 to not support large-capacity magazines;
- c. Failing to design the AR-15 to ensure that it could not be fired in a fully automatic manner;
- d. Failing to design the AR-15 to not include semi-automatic fire;
- e. Designing the AR-15 to use detachable rather than fixed magazines;
- f. Engaging in reckless and deceptive advertising that attracted a dangerous category of consumers, including The Shooter; and
- g. Marketing the AR-15 to the general public without reasonable restrictions or limits to minimize the risk of criminal use.

293. John Doe Company, at all relevant times, had a duty to sell firearms using the highest degree of care to minimize the risk of its weapons causing harm to others.

294. John Doe Company breached that duty by selling the Colt AR-15 to The Shooter in an unreasonably dangerous and defective condition.

295. As a result of the breaches of those duties, Bernice and Sylvan Simon and their beneficiaries suffered permanent and irreparable harm and are entitled to all damages recoverable under the Wrongful Death and Survival statutes.

296. Defendants' conduct was reckless and outrageous; thus, punitive damages are warranted.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, punitive damages, and any other damages deemed proper by the Court.

COUNT VI

Plaintiff vs. Robert Bowers *Assault and Battery*

297. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

298. As set forth in detail throughout this complaint, The Shooter acted with the desire to cause harmful or offensive contact to Sylvan and Bernice Simon.

299. The Shooter murdered Sylvan and Bernice Simon.

300. The Shooter caused Sylvan and Bernice Simon a reasonable apprehension of immediate harmful and offensive contact.

301. The Shooter's conduct went beyond all possible bounds of decency and is utterly intolerable in a civilized society.

302. As a result of such conduct, Sylvan and Bernice Simon suffered pain, suffering, emotional distress, mental anguish, worry and nervous shock.

303. Plaintiff is entitled to all available damages for The Shooter's intentional infliction of emotional distress.

304. The Shooter's conduct was reckless, outrageous, willful, wanton, and intentional; thus, punitive damages are warranted.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, and any other damages deemed proper by the Court.

COUNT VII

Plaintiff vs. Robert Bowers ***Intentional Infliction of Emotional Distress***

305. Plaintiff hereby incorporates by reference the foregoing paragraphs as if they were set forth in their entirety herein.

306. As set forth in detail throughout this complaint, The Shooter intentionally caused permanent physical, mental and emotional abuse and distress upon Sylvan and Bernice Simon and, resultantly, their beneficiaries.

307. Thus, The Shooter engaged in extreme and outrageous conduct that intentionally and recklessly caused Sylvan and Bernice Simon to suffer severe emotional distress.

308. The Shooter's conduct went beyond all possible bounds of decency and is utterly intolerable in a civilized society.

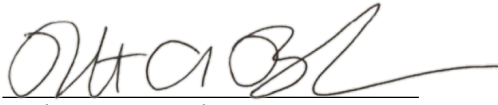
309. As a result of such conduct, Sylvan and Bernice Simon suffered from emotional distress, mental anguish, worry and nervous shock.

310. Plaintiff is entitled to all available damages for The Shooter's intentional infliction of emotional distress.

311. The Shooter's conduct was reckless, outrageous, willful, wanton, and intentional; thus, punitive damages are warranted.

WHEREFORE, Plaintiff demands damages against Defendants, jointly and severally, in a sum in excess of the prevailing arbitration limits, plus interest, cost of suit, and any other damages the Court deems just and proper.

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

I, Robert A. Bracken, certify that a true and correct copy of the foregoing was served on the parties set forth below first-class mail:

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