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IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Carlos Daniel Travieso,

Plaintiff,

v.

GLOCK, Inc., a Georgia Corporation;
GLOCK Ges.m.b.H, an Austrian
Corporation; ABC Firearm Dealer
Corporation; 123 Firearm Distributor
Corporation, and DOES 1-50
Defendants.

Case No.:

COMPLAINT

(Jury Trial Demanded)

Plaintiff CARLOS DANIEL TRAVIESO hereby alleges as follows:

PARTIES

1 1. Plaintiff, CARLOS DANIEL TRAVIESO (“Carlos”), is an adult individual
2 who resides at 11322 W. Vernon Ave., Avondale, Arizona.

3 2. Upon information and belief, Glock, Inc. is a corporation organized and
4 existing under the laws of Georgia, with its principal place of business in Smyrna,
5 Georgia. Glock designed, manufactured, and sold the handgun used in the unintentional
6 shooting of Carlos. At all times relevant to this complaint, Glock had continuous and
7 systematic contacts with the State of Arizona by delivering its products into the stream of
8 commerce with the expectation that the products would reach users within the State of
9 Arizona. Upon information and belief, Glock had minimum contacts with the State of
10 Arizona. The causes of action asserted herein arise from such contact and business
11 operations.
12

13 3. Defendant Glock Ges.m.b.H is a corporation organized and existing under
14 the laws of the nation of Austria with its principal place of business in Austria. At all
15 times relevant to this complaint, Glock Ges.m.b.H designed, manufactured, assembled
16 and/or imported guns which were marketed, distributed and/or sold in the United States,
17 and which were distributed, marketed, sold and/or possessed within Arizona, including the
18 handgun used in the unintentional shooting of Carlos. Glock Ges.m.b.H had continuous
19 and systematic contacts with the State of Arizona by delivering their products into the
20 stream of commerce with the expectation that the products would reach users within the
21 State of Arizona. Upon information and belief, Glock had minimum contacts with the
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1 State of Arizona. The causes of action asserted herein arise from such contact and
2 business operations.

3 4. Upon information and belief, Defendant ABC Gun Dealer is a corporation,
4 partnership, limited liability company, individual, or other incorporated or unincorporated
5 association whose true name is presently unknown to Plaintiff, but who is or may be liable
6 to Plaintiff for his Complaint. If and when the true name of such fictitious defendant
7 becomes known, Plaintiff will seek leave of the Court to amend his Complaint to set forth
8 ABC Gun Dealer's true name, capacity and relationship.
9

10 5. Upon information and belief, Defendant 123 Gun Distributor is a
11 corporation, partnership, limited liability company, individual, or other incorporated or
12 unincorporated association whose true name is presently unknown to Plaintiff, but who is
13 or may be liable to Plaintiff for his Complaint. If and when the true name of such
14 fictitious defendant become known, Plaintiff will seek leave of the Court to amend his
15 Complaint to set forth ABC Gun Distributor's true name, capacity and relationship.
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17

18 6. Upon information and belief, DOES 1-50 are corporations, partnerships,
19 limited liability companies, individuals, or other incorporated or unincorporated
20 associations whose true names are presently unknown to Plaintiff, but who are or may be
21 liable to Plaintiff for his Complaint. If and when the true names of such fictitious
22 Defendants become known, Plaintiff will seek leave of the Court to amend his Complaint
23 to set forth the parties' true names, capacities and relationships.
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25

26 **JURISDICTION**

1 12. For over a century, the firearms industry, including Defendants, have been
2 well aware of the grave risk of injury and death their products pose to gun owners, their
3 families, visitors to their homes, and others when unauthorized, untrained, or irresponsible
4 persons obtain access to their firearms – and they have been aware of feasible safety
5 features that can prevent many of gun injuries and deaths.
6

7 13. Defendants know that many of their customers will store guns that are
8 unlocked and loaded, accessible to children, and that as a result many children and adults
9 die or are injured from those firearms unless the guns are made with safety features to
10 prevent those deaths and injuries.
11

12 14. Defendants know that guns could easily be made and sold with safety
13 features that would prevent some of these deaths, and would greatly reduce the risk that
14 people will be injured or killed from unintentional shootings by children, as well as adults.
15

16 15. For example, Defendants know that many children – and adults – often are
17 deceived by the design of semiautomatic firearms to believe that they are unloaded after
18 the ammunition magazine is removed, even though a live round may remain in the
19 chamber.
20

21 16. Defendants know that many people, often children, die or are seriously
22 wounded when someone fires a gun he or she thinks is unloaded because there is no
23 magazine in the gun, but, unbeknownst to the person handling the gun, a bullet is in the
24 chamber.
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1 17. For over a century, magazine disconnect safeties have been an easy and
2 inexpensive fix to this problem that would save lives.

3 18. Magazine disconnect safeties are devices that prevent a gun from firing
4 when the magazine is removed.

5 19. Magazine disconnect safeties were invented over a century ago precisely to
6 prevent the risks – well known even then – that people are killed in unintentional
7 shootings with guns that were thought to be unloaded.

8 20. Defendants have known or should have known that firearms with a short
9 trigger pull, no magazine disconnect safety, no manual safety, or inadequate loaded
10 chamber indicators will foreseeably result in unintentional discharges, especially in the
11 hands of a novice or child.

12 21. These safety features would reduce the unsafe character of the firearm (and
13 the high degree of risk associated with it) without impairing its usefulness or making it too
14 expensive to maintain its utility.

15 22. When Defendants chose to design, manufacture, market, and sell the firearm
16 used in the unintentional shooting of Carlos, they knew or should have known all of the
17 above.

18 23. Despite this knowledge, Defendants chose to design, manufacture, market,
19 distribute, and sell firearms without feasible safety features that would prevent foreseeable
20 deaths and injuries.

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1 features – and lack of safety features and warnings – as it did when it was manufactured
2 and sold by Glock.

3 32. Carlos was one of the children traveling in the church leader’s vehicle.

4 33. A fourteen-year-old girl (“the girl”), who was also in the vehicle, came to
5 possess the handgun.
6

7 34. Upon information and belief, the girl knew that the ammunition magazine of
8 the handgun had been removed.

9 35. Upon information and belief, the girl was deceived into believing that the
10 handgun was unloaded, because the magazine was removed, and there were no adequate
11 indicators or warning to inform her that a live round remained hidden in the chamber.
12

13 36. Unbeknownst to the girl, a live round remained in the chamber.

14 37. While the girl possessed the gun, the gun discharged, firing the live round
15 that remained hidden in the chamber.
16

17 38. The live round discharged into Carlos’s body, who was unintentionally shot
18 in his back.

19 39. Carlos suffered injuries including but not limited to the following:

20 (a) Acute Complete Paraplegia
21

22 (b) Placid Paraplegia

23 (c) Neurogenic Bladder

24 (d) Neurogenic Bowel
25

26 (e) Injury of the Diaphragm

1 (f) Complete Lesion at T7-T10 level of Thoracic Spinal Cord

2 (g) Fracture of T9-T10 Vertebra

3 (h) Left Diaphragm injury

4 (i) Gastric injury

5 (j) Left forearms injury

6
7 40. No criminal charges have been filed against any party in connection with the
8 shooting.

9 **B. Defendants Were Aware of The Need To Include Safety Features In Order To**
10 **Prevent Foreseeable Injuries or Deaths.**

11 41. Defendants could reasonably foresee that the guns they designed,
12 manufactured, marketed, distributed, and sold would be stored, carried, and used in
13 environments that include those in which children will be present and will gain access to
14 these deadly weapons.
15

16 42. Defendants knew or should have known that guns are not products, such as
17 sophisticated industrial machines, intended and expected to be used only by specially
18 educated and trained users in situations where children are not expected to be present and
19 able to obtain access to them.
20

21 43. As Defendants knew or should have known, it is common and highly
22 foreseeable that guns will be stored such that they are accessible to children.
23

24 44. For example, a study of data from the National Center for Health Statistics
25 indicated that:
26

- 1 a. a majority of gun owners living with children do not store their guns
- 2 locked, unloaded, and separate from ammunition;
- 3 b. approximately 40 percent do not store their guns locked in any manner;
- 4 c. about 8.3 million children in the U.S. live in homes where a firearm is
- 5 stored unlocked;
- 6
- 7 d. 2.6 million live in a home where the firearm is also stored loaded or with
- 8 ammunition.

9 45. Other studies have reached similar conclusions about high levels of
10 unsecure gun storage where guns are accessible to children.
11

12 46. Although there have been important initiatives to change the behavior of
13 parents concerning guns and firearms storage, such efforts have not eliminated the
14 problem of children accessing unsecure guns in the home or in other locations.
15

16 47. Defendants knew or should have known that the guns they sold would be
17 stored unlocked and accessible to children.

18 48. As Defendants knew or should have known at all relevant times, failure to
19 incorporate the safety features and adequate warnings discussed herein results in many
20 unintentional shootings every year, such as when a child finds a gun and fires it, injuring
21 or killing himself or another child.
22

23 49. Data indicates that every day in the United States, an average of
24 approximately one person aged 19 and under is killed, and 13 more are injured, in
25 unintentional shootings.
26

1 50. A study by the federal Center for Disease Control found that the U.S. leads
2 the industrialized world in rates of gun-related deaths among children, with unintentional
3 fatal shootings of children 0 to 14 years of age occurring here at rates 9 times higher than
4 in the other 25 industrialized nations studied.

5
6 51. Studies have found that most of these incidents occur when children obtain
7 access to a loaded, unlocked gun without adult supervision.

8 52. A substantial number of these deaths and injuries would be prevented if gun
9 manufacturers equipped guns with safety features to prevent children from discharging
10 them.

11
12 53. As Defendants knew or should have known at all relevant times, handguns
13 are involved in a disproportionately high number of unintentional shooting deaths, as
14 compared to rifles and shotguns, and handguns are particularly likely to be stored
15 unsafely.

16
17 54. Defendants knew or should have known that advertising, marketing and
18 messaging from the firearms industry misleads many people into incorrectly thinking that
19 guns enhance safety and are more likely to save lives, even though studies have
20 consistently shown for years that possession of a gun increases the risk of injury and
21 death.

22
23 55. Defendants knew or should have known that these misperceptions lead some
24 people to buy and possess guns, with an inaccurately low assessment of the risks those
25 guns pose, and an inaccurately high assessment of their safety benefits.

26

1 56. Defendants knew or should have known that advertising, marketing and
2 messaging by the firearms industry suggests that people need guns immediately accessible
3 and useable in order to defend themselves and their families, and that these
4 communications lead people to store guns unsafely, accessible to children.

5
6 57. Defendants knew or should have known that these misperceptions make it
7 more likely that people will store guns unsafely, accessible to children.

8 58. Defendants knew or should have known that users of guns, and particularly
9 children, would be deceived by its design to think that it was unloaded even though a live
10 round was in the chamber. And as a result, many people, including children, would be
11 killed or seriously injured.

12
13 **C. The Glock Handgun's Lack of Safety Features.**

14 59. This tragedy resulted from the negligent, reckless, unnecessarily and
15 unreasonably dangerous actions of Defendants, including their design, manufacturing,
16 marketing, distribution, and sale of a handgun without a magazine disconnect safety,
17 effective loaded chamber indicator, internal lock, or other safety features that would have
18 prevented it from being fired by a child or any other person who did not have proper
19 authority or maturity to use it, or effective warnings.
20

21
22 60. Any one of these feasible features would have prevented the shooting that
23 injured Carlos.
24
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1 61. The handgun was designed and manufactured with a short trigger pull and
2 without a manual safety, which results in increased instances of unintentional discharges,
3 even when being handled by a trained professional.

4 62. The handgun did not include feasible features in its design that could have
5 prevented it from being fired when users were led to believe that it was unloaded because
6 the ammunition magazine was removed.

7 63. The handgun did not include feasible features that would prevent it from
8 being fired by a child or other person without authorization to use it.

9 64. The handgun did not include feasible features and warnings that would
10 effectively alert users that a live round was in the chamber.

11 65. It has long been technologically and economically feasible to design guns so
12 that they include any of these features.

13 66. For example, magazine disconnect safeties have been used in firearms for
14 over 100 years, to prevent guns from firing when users think that the gun is unloaded
15 because the ammunition magazine has been removed.

16 67. Magazine disconnect safeties are used by many manufacturers, without
17 incident or harm to legitimate, appropriate users.

18 68. A 1910 patent for the magazine disconnect stated its intention “to insure
19 absolutely against the dangerous unintentional firing sometimes liable to occur if the
20 trigger is pulled after the magazine has been withdrawn in the belief that all cartridges
21 have been removed from the arm with the magazine.”

1 69. At least as early as January 1958, the National Rifle Association recognized
2 the life-saving potential of magazine disconnect safeties.

3 70. The January 1958 issue of the NRA's *American Rifleman* magazine stated:
4 "There is a magazine safety to prevent the gun being fired unless the magazine is in place,
5 the idea being to prevent accidents caused by people thinking they have the gun when
6 they have merely removed the magazine and left a cartridge in the chamber."
7

8 71. Effective loaded chamber indicators are also feasible and, if effectively
9 designed and manufactured, they can alert foreseeable users that a round is in the
10 chamber, even if the magazine is removed.
11

12 72. Adequate warnings, on the firearm and/or in other materials, can make the
13 loaded chamber indicator more effective in warning users of a live round in the chamber.

14 73. The recognition that a gun can and should be made so that children cannot
15 operate it has been well known in the gun industry for more than a century.
16

17 74. Manual safeties are a switch, button, or lever that, when set to the "safe"
18 position, prevents the firing of a firearm.

19 75. Manual safeties are a design feature that is available on most firearms and at
20 the time of the manufacture of the handgun it was feasible to incorporate a manual safety.
21

22 76. At the time of the manufacture of the handgun, it was also feasible to
23 incorporate a lock into the gun that would secure it against unintentional use.

24 77. Feasible locking devices include key-operated or push button locks similar
25 to those that have been used on briefcases for decades.
26

1 78. These and other locking devices have been successfully incorporated into
2 guns, and would have prevented the shooting of Carlos.

3 79. Locking systems that are internal or integrated into the gun are more
4 effective and more likely to be used than locks that are separate and external and not part
5 of the gun, such as a “trigger block” device that attaches over the gun’s trigger to prevent
6 it from being pulled or a bicycle-style “cable lock” device that is threaded through the gun
7 barrel or chamber.
8

9 80. Unlike external locks, internal locks are always available to the gun user,
10 reminding the gun user of its availability, and its inclusion indicates that the manufacturer
11 believes it is very important to use.
12

13 81. External locks also may be installed incorrectly, defeated by cutting or
14 prying apart the lock, or lost after being removed from the gun.
15

16 82. It was also feasible at the time of the manufacture of the handgun to
17 incorporate “user recognition” technology in the gun, which prevents the gun from firing
18 unless it “recognizes” the user.
19

20 83. Childproof safeties, internal locking systems, user recognition systems, and
21 other safety features to prevent the unintentional use of guns by children have been
22 proposed and available to gun manufacturers for many years, and were feasible and
23 known and available to Glock at the time it manufactured the handgun.
24

25 84. Despite this fact, Glock failed to equip the handgun with any safety feature
26 to prevent its unintentional use by children.

1 85. For example, a trigger lock was patented in 1969.

2 86. For over a decade, another major gun manufacturer, Taurus, has sold
3 firearms with features that “engage[] with the turn of a special key to render the firearm
4 inoperative, and is entirely contained within the firearm, with no parts to misplace.” Only
5 inserting and rotating the special key will render the gun ready to fire.
6

7 87. Unlike a “trigger lock” that is not an integrated part of the gun, this integral
8 lock cannot be installed incorrectly, pried apart, or lost after it is removed.

9 88. Taurus has stated that the Taurus Security System was implemented “to help
10 prevent unauthorized use by children,” and that it is superior to “trigger block” style
11 devices and other locks that are a separate, external device and not an integrated part of
12 the gun and which can be lost when not in use.
13

14 89. Taurus describes the internal lock as providing “additional security for home
15 and family,” as follows:
16

17 Focusing on an ever-increasing awareness of firearms safety,
18 Taurus International introduced in 1997 the internationally
19 patented TAURUS SECURITY SYSTEM.

20 This system renders a firearm inoperable by use of a special
21 key. Taurus listened carefully to its customers and believes the
22 TAURUS SECURITY SYSTEM responds to their desire for
23 additional security for their home and personal defense
24 handguns. This system, a world’s first, gives the owner the
25 option of storing their firearm in a locked condition, without
26 cumbersome external devices.

27 90. Technology equally or more effective than the Taurus Security System was
feasible at the time the handgun was made and sold.

1 97. Glock is the manufacturer of the handgun within the meaning of A.R.S.
2 § 12-681(3).

3 98. The handgun is a product within the meaning of A.R.S. §12-681(4).

4 99. Glock designed, engineered, manufactured, marketed, and/or sold the
5 subject defective Glock handgun, and other defective Glock handguns.
6

7 100. ABC Gun Dealer and 123 Gun Distributor marketed, serviced and sold the
8 subject defective Glock handgun, and other defective Glock handguns.

9 101. The handgun was defective in design, unreasonably dangerous, and lacked
10 elements necessary to make it safe for its intended use because it lacked safety features
11 including a magazine disconnect safety, a manual safety, an effective loaded chamber
12 indicator, an internal locking system or another safety system that would prevent it from
13 being unintentionally fired by a child, a safety feature that would personalize the gun and
14 allow it to be fired only by recognized and authorized users, or a child-proof or child-
15 resistant safety device, and effective and appropriate warnings.
16
17

18 102. The handgun failed to perform as safely as an ordinary consumer would
19 expect, in this incident, which was a reasonably foreseeable use of the handgun, because
20 of the defective design, and as a result Carlos was shot.
21

22 103. The risks of harm resulting from the defective design of the handgun were
23 reasonably foreseeable.

24 104. Alternative designs existed at the time of design, manufacture, and sale of
25 the handgun that were safer, feasible, practical, and cost efficient.
26

1 105. The danger posed by the defective design is severe, because injuries
2 resulting from it are likely to be extremely serious, including catastrophic physical injuries
3 or death.

4 106. This danger has been known to manufacturers, distributors and dealers of
5 the product for many years.
6

7 107. The likelihood that the danger would occur is great.

8 108. It is common and foreseeable for guns to be stored in an unsecure manner
9 that enables children to obtain access to them and unintentionally discharge them.
10

11 109. The risks created by, and harmful characteristics or consequences of, the
12 handgun's design outweigh any benefits of the design.

13 110. A safer design is feasible.

14 111. There are no adverse consequences to the product or to the consumer that
15 would result from the safer design.
16

17 112. A safer design can eliminate the unsafe character of the product without
18 impairing its usefulness or making it too expensive to maintain its utility.

19 113. It is feasible for the manufacturer to spread any costs of a design change
20 through the price of the product or liability insurance.
21

22 114. A reasonable person would conclude that the probability and seriousness of
23 harm caused by the handgun outweigh the burden of cost of taking the safety precautions
24 addressed herein.
25
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1 121. Plaintiff hereby incorporates all previous paragraphs.

2 122. ABC Gun Dealer and 123 Gun Distributor are the seller(s) of the handgun
3 within the meaning of A.R.S. § 12-681(9).

4 123. Glock is the manufacturer of the handgun within the meaning of A.R.S.
5 § 12-681(3).
6

7 124. The handgun is a product within the meaning of A.R.S. §12-681(4).

8 125. Glock designed, engineered, manufactured, marketed, and/or sold the
9 subject defective Glock handgun, and other defective Glock handguns.

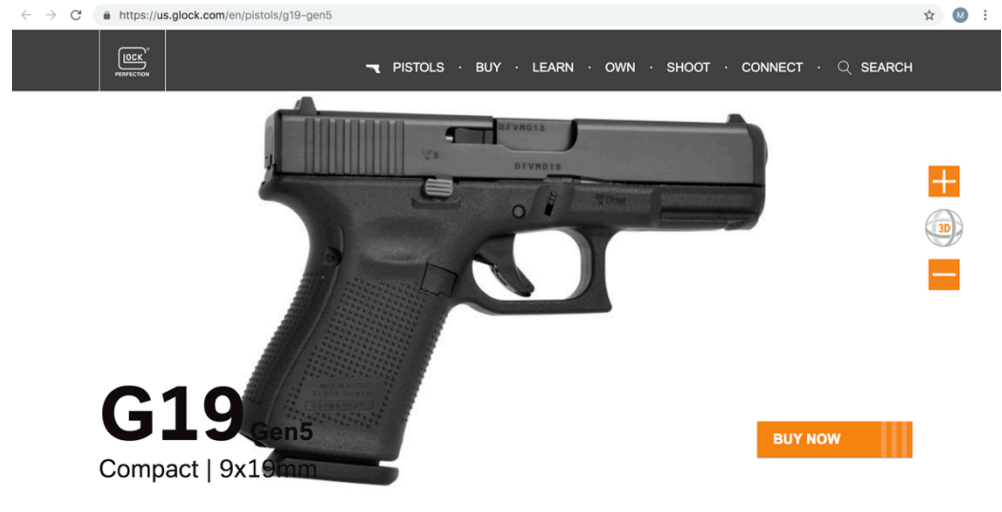
10 126. ABC Gun Dealer and 123 Gun Distributor marketed, serviced and sold the
11 subject defective Glock handgun, and other defective Glock handguns.
12

13 127. At all relevant times, Defendants were subject to the general duty imposed
14 on all persons not to expose others to reasonably foreseeable risks of injury. Defendants
15 had a duty to exercise reasonable care in designing, manufacturing, marketing,
16 distributing and selling its product to protect against foreseeable risk of injury.
17

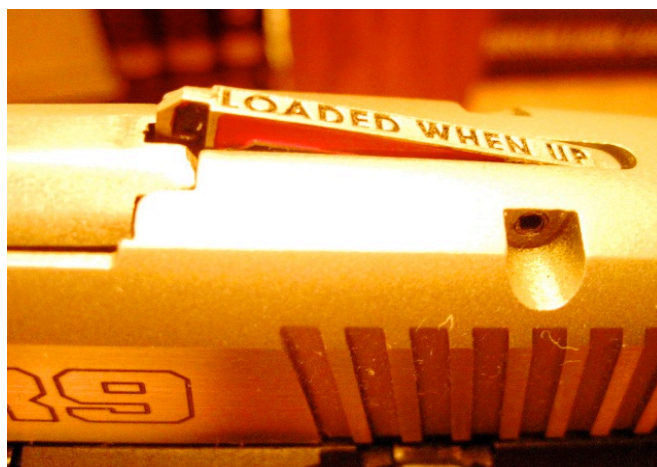
18 128. Defendants could have and should have included stronger, more detailed,
19 and more prominent language and materials to effectively inform potential users as to the
20 risks of firearms and the need to store them safely.
21

22 129. Glock also provided inadequate warnings on the firearm itself, including
23 failing to effectively inform foreseeable users that a live round could be in the chamber
24 and could be fired after the magazine is removed, and to have an effective loaded chamber
25 indicator prominently and clearly inform and alert users when the chamber was loaded.
26

1 130. For example, the handgun's loaded chamber indicator is barely noticeable
2 and, certainly to a child or untrained person, unintelligible, as pictured in the exemplar
3 below:



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13 131. Whereas, it was feasible to place a specific warning on the handgun itself to
14 identify the loaded chamber indicator's purpose and to identify when the chamber is
15 loaded, as pictured in the exemplar below:



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25 132. Placing a similar or more effective warning on the loaded chamber indicator
26 is feasible, there are no adverse consequences to the product or to the consumer that

1 would result from the safer design that includes such a warning, the safer design can
2 eliminate the unsafe character of the product without impairing its usefulness or making it
3 too expensive to maintain its utility, and it is feasible for the manufacturer to spread the
4 cost through the price of the product or liability insurance.

5
6 133. A reasonable person would conclude that the probability and seriousness of
7 harm caused by the handgun outweigh the burden of cost of taking the safety precautions
8 and warnings addressed herein.

9
10 134. Defendants failed to adopt safety precautions and warnings proportionate to
11 the magnitude of the expected risk of the handgun and failed to apprise users of the
12 existence and seriousness of the potential dangers.

13
14 135. At the time the handgun was placed into the stream of commerce, it was or
15 should have been reasonably expected and foreseeable that it would be used in the manner
16 and application in which it was used at the time of the unintentional shooting that resulted
17 in Carlos's injuries.

18
19 136. Here, the shooter thought the handgun was unloaded because the magazine
20 clip was not in it.

21
22 137. Had the loaded chamber indicator effectively provided the requisite warning
23 to the girl that the handgun was loaded, Carlos would not have be shot and injured.

24
25 138. Defendants placed the handgun into the stream of commerce and are strictly
26 liable for the injuries and damages caused by the failure to warn and failure to provide
information on the defective condition of the handgun.

1 factor in the shooting of Carlos and his severe and permanent injuries and damages, in an
2 amount to be proven at trial.

3 **FOURTH CAUSE OF ACTION**

4 **(Negligent Warnings and Marketing – Against Glock, Glock GmbH, ABC Gun
5 Dealer, 123 Gun Distributor, and DOES 1-50)**

6 144. Plaintiff hereby incorporates all previous paragraphs.

7 145. At all relevant times, Defendants were subject to the general duty imposed
8 on all persons not to expose others to reasonably foreseeable risks of injury. Defendants
9 therefore had a duty to exercise reasonable care in distributing and selling guns and to
10 refrain from engaging in any affirmative activity creating reasonably foreseeable risks of
11 injury to others.
12

13 146. Defendants breached their duty not to expose others to reasonably
14 foreseeable risks of injury by negligently marketing guns, and by misleading consumers
15 as to the risks and benefits of handguns.
16

17 147. Defendants could have and should have included strong, detailed, and
18 prominent language and materials to effectively inform potential users as to the risks of
19 firearms and the need to store them safely.
20

21 148. Defendants also negligently provided inadequate warnings on the firearm
22 itself, including by failing to inform foreseeable users that a live round could be in the
23 chamber and could be fired after the magazine is removed, and to have a loaded chamber
24 indicator prominently and clearly inform and alert users when the chamber was loaded.
25
26

1 149. For example, the handgun's loaded chamber indicator is barely noticeable
2 and, certainly to a child, unintelligible.

3 150. It was feasible to place a specific warning on the handgun itself to identify
4 the loaded chamber indicator's purpose and to identify when the chamber is loaded.

5 151. Placing such a warning on the loaded chamber indicator is feasible, there are
6 no adverse consequences to the product or to the consumer that would result from the
7 safer design that includes such a warning, the safer design can eliminate the unsafe
8 character of the product without impairing its usefulness or making it too expensive to
9 maintain its utility, and it is feasible for the manufacturer to spread the cost through the
10 price of the product or liability insurance.

11 152. Here, the shooter thought the handgun was unloaded because the magazine
12 clip was not in it. Had the loaded chamber indicator provided the requisite warning to the
13 girl that the handgun was loaded, Carlos would not have be shot and injured.

14 153. A reasonable person would conclude that the probability and seriousness of
15 harm caused by the handgun outweigh the burden of cost of taking the safety precautions
16 and warnings addressed herein. Defendants failed to adopt safety precautions and
17 warnings proportionate to the magnitude of the expected risk of the handgun.

18 154. The failure of Defendants to warn or protect against this dangerous use or
19 misuse of the product was a direct, legal, and proximate cause of and substantial factor in
20 causing the shooting of Carlos and his severe and permanent injuries and damages, in an
21 amount to be proven at trial.

1 **FIFTH CAUSE OF ACTION**

2 **(Punitive Damages – Against Glock, Glock GmbH, ABC Gun Dealer, 123 Gun**
3 **Distributor, and DOES 1-50)**

4 155. Plaintiff hereby incorporates all previous paragraphs.

5 156. Defendants knew or should have known that their guns end up in the hands
6 of children.

7 157. Defendants also knew, or should have known, that because of the design and
8 lack of warnings on their guns, children would unintentionally discharge their guns.

9 158. Defendants also knew, or should have known, that people, including
10 children, would be killed or severely injured because of these defects.

11 159. Despite this knowledge, Defendants continued to choose to design,
12 manufacture, market, distribute, and sell firearms without feasible and affordable safety
13 features that could prevent foreseeable deaths and injuries, including the harm incurred by
14 Carlos.
15

16 160. Defendants knew or should have known, but consciously disregarded, a
17 substantial risk that significant harm might occur to Carlos and to others.
18

19 161. Defendants knew or should have known that children and others would
20 foreseeably die, or suffer catastrophic injuries, unless Defendants used reasonable care or
21 included feasible safety features and warnings.
22

23 162. Defendants nonetheless chose to act negligently, recklessly, and wantonly,
24 in order to maximize profits.
25
26

1 163. Defendants' willful and wanton disregard of the interests and well-being of
2 others, including Carlos, was guided by evil motives.

3 164. Defendants pursued a course of conduct to serve their own financial
4 interests despite knowing that it was probably that significant harm could be caused by the
5 use of the firearm by a minor, like the permanent and severe harm incurred by Carlos.
6

7 WHEREFORE, Plaintiff prays for judgment against the Defendants and each of
8 them, as follows:

- 9
- 10 A. For general and compensatory damages in an amount to be proven at trial;
 - 11 B. For special damages due to loss of income and medical expenses in an amount to
12 be proven at the time of trial;
 - 13 C. For damages for the emotional distress, pain and suffering, psychological and
14 mental anguish suffered by Carlos;
 - 15 D. For Plaintiff's loss of consortium;
 - 16 E. For punitive damages against all Defendants;
 - 17 F. For Plaintiff's costs of suit; and
 - 18 G. For such other relief as this Court deems just and proper.
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22 DATED this 12th day of March, 2020.
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