

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
YANELY M. HENRIQUEZ, Individually and as Administrator of
the Estate of ANGELLYH M. YAMBO a/k/a ANGELLYH M.
YAMBO HENRIQUEZ,

Index No.:

SUMMONS

Plaintiff,

Plaintiff designates Bronx
County as the place of trial.

-against-

POLYMER80, INC., and JEREMIAH RYAN,

Plaintiff's basis for venue is:
Plaintiff's residence within
Bronx County.

Defendants.
-----X

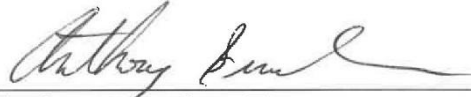
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint of the Plaintiff in this action, which is served herewith upon you, and to Answer upon the undersigned attorneys for the Plaintiff, within twenty (20) days after the service of the Summons and Complaint, exclusive of the day of service, or within thirty (30) days if such service is made by any method other than personal delivery upon you and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
March 26, 2024

Yours,.

LEAV & STEINBERG, LLP



Anthony Beneduce, Esq.

Attorneys for Plaintiff

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TO: POLYMER80, INC.
134 Lakes Boulevard
Dayton, NV 89403

JEREMIAH RYAN

To be served pursuant to New York Correction Law §620 and CPLR §308

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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YANELY M. HENRIQUEZ, Individually and as Administrator of
the Estate of ANGELLYH M. YAMBO a/k/a ANGELLYH M.
YAMBO HENRIQUEZ,

Plaintiff,

-against-

POLYMER80, INC., and JEREMIAH RYAN,

Defendants.
-----X

Index No.:

**JURY TRIAL
DEMANDED**

VERIFIED COMPLAINT

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INTRODUCTION

"I am preparing for one of the hardest days of my life tomorrow," Yanelly Henriquez said. "We need a change. You know, we should not be burying our kids. Mothers should not be going through this."¹

1. At 1:45 p.m. on April 8, 2022, 16-year-old Angellyh Marie Yambo left her high school and stopped at a local Bronx bodega for a snack. Tragically, as she returned to the sidewalk, a bullet from then 17-year-old Defendant JEREMIAH RYAN's ("RYAN") ghost gun ended her life. This innocent teenager, full of dreams and potential, was suddenly gone.

2. The wrongful death of Angellyh M. Yambo on April 8, 2022, did not occur in isolation. It was the result of a series of unlawful and irresponsible actions of a bad actor within the *gun industry*. Driven by greed, Defendant POLYMER80, INC. ("POLYMER80"), recklessly and knowingly violated Federal and State laws, and equipped the Shooter with a ghost gun – a firearm he could not have otherwise accessed – to commit the shooting.

3. This lawsuit is one Bronx family's cry out for justice and for a future where the Bronx streets are safe for all, especially the innocent and the young. This is not just a story of loss; it is a call to action to protect innocent lives from a *gun industry member* that knowingly and recklessly breaks the law and endangers the safety of New Yorkers for profit.

4. Just as the Defendant RYAN has been held to account criminally for his actions², Defendant POLYMER80 must answer for the critical role it played in facilitating the wrongful death of a 16-year-old Bronxite Angellyh's Marie Yambo.

¹ 17-year-old to be charged as adult in killing of teenage girl in Bronx, ABC 7 NY News (April 11, 2022), available at <https://abc7ny.com/bronx-teen-shot-angellyh-yambo-jeremiah-ryan-shooting-suspect-identified/11736276/>, (captured March 13, 2024).

² Bronx District Attorney's Office Press Release (September 15, 2023), available at <https://www.bronxda.nyc.gov/downloads/pdf/pr/2023/59-2023-jermiah-ryan-sentenced-yambo-shooting.pdf>, (captured March 13, 2024).

PARTIES

A. Plaintiff, Yanely M. Henriquez, Individually and as Administrator of the Estate of Angellyh Marie Yambo a/k/a Angellyh Marie Yambo Henriquez

5. Plaintiff Yanely M. Henriquez (“Plaintiff” or “Ms. Henriquez”), is the mother and natural guardian of Angellyh Marie Yambo a/k/a Angellyh Marie Yambo Henriquez, deceased, and Administrator of the Estate of Angellyh Marie Yambo a/k/a Angellyh Marie Yambo Henriquez.³ Ms. Henriquez is a resident of Bronx County, New York, as was Angellyh prior to her death.

6. Shortly before her death, Angellyh had celebrated her Sweet Sixteen. Her dreams of one day attending medical school and becoming a doctor were cut short due to the Defendants’ unlawful acts.



³ See annexed hereto as Exhibit A, Letters of Administration Appointing Yanely M. Henriquez as Administrator of the Estate Angellyh Marie Yambo a/k/a Angellyh Marie Yambo Henriquez issued by the Hon. Elizabeth A. Taylor, JSC, Acting Surrogate of Bronx County Surrogates Court.

7. On the afternoon of the shooting, while leaving a bodega at East 156th Street and St. Ann's Avenue in the Bronx, New York, heading home from school, Angellyh was struck by bullets discharged from RYAN's POLYMER80 ghost gun. She later died from her bullet wounds.

8. Ms. Henriquez waited anxiously for her daughter to arrive home from school that day, only to learn that Angellyh had been killed.

9. Two other innocent teenagers were shot and seriously injured by the Defendant RYAN's POLYMER80 ghost gun.

B. Defendant POLYMER80, Inc.

10. Upon information and belief, Defendant POLYMER80, a Nevada corporation based in Dayton, Nevada, both shipped directly to consumers in and coordinated with third-party dealers to do business in the City and State of New York. Additionally, at all relevant times, Defendant POLYMER80 was a federally licensed firearm manufacturer and dealer.

11. Upon information and belief, Defendant POLYMER80, equipped Defendant RYAN with the subject ghost gun he used to shoot and kill Angellyh.

12. POLYMER80 offers build yourself at home pistol kits and pistol frame and/or component kits through its website and dealer network for assembling untraceable firearms, including Glock-style handguns, known as "ghost guns" for their lack of serial numbers, making them nearly impossible for law enforcement to trace.

13. POLYMER80 intentionally structured their business to circumvent firearm laws by designing, manufacturing, and selling ghost gun kits that can readily be assembled into functional firearms, without background checks.

14. POLYMER80, at all times relevant, falsely marketed and advertised its ghost gun

kits as devices that make firearms comply with New York law. This misleading promotion enabled Defendant RYAN to obtain an unmarked, unserialized, untraceable ghost gun, a firearm otherwise inaccessible to him because of his age, which he then used to shoot three teenagers, fatally injuring one. Despite claims of compliance with New York law, POLYMER80 knowingly created the mere illusion of compliance and offered New Yorkers a way to circumvent the law. Revealing its true intentions, the company publicly acknowledged that its POLYMER80 ghost gun kits was a workaround developed in response to the “trampling” of the rights of U.S. citizens to bear arms in “non-free states” that have restrictive gun laws, such as New York.

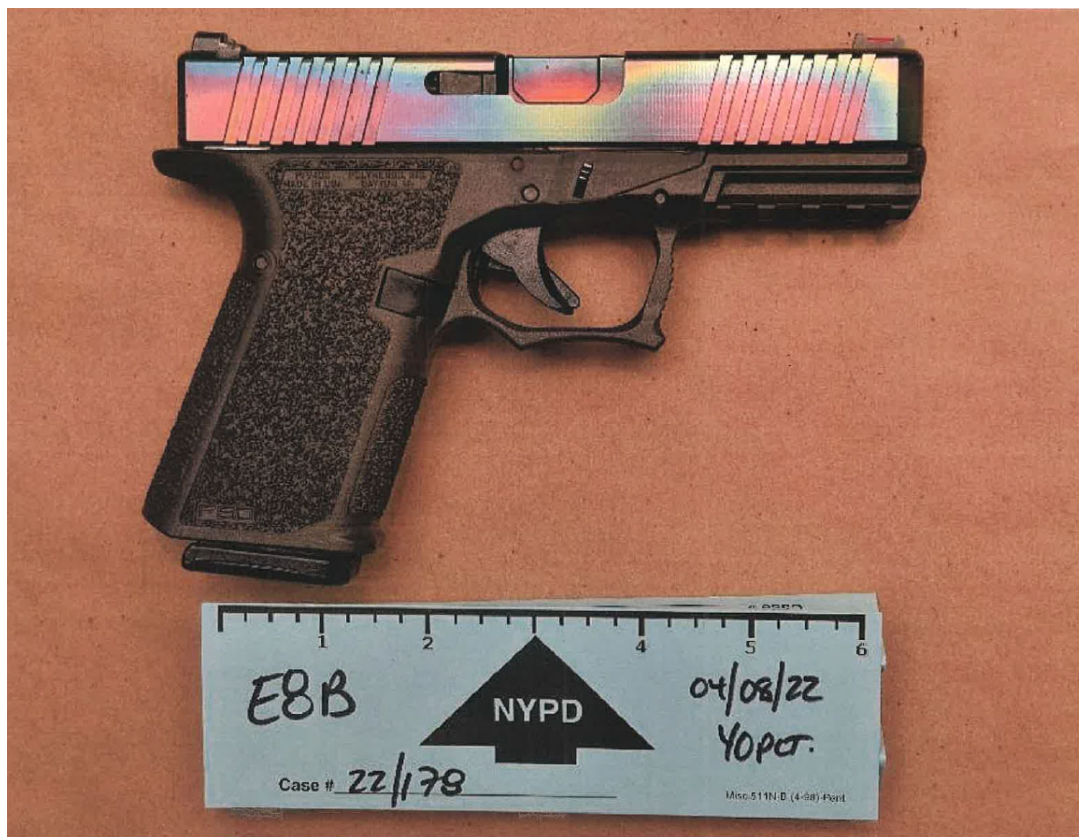
15. POLYMER80, at all relevant times targeted New York customers, including minors, such as Defendant RYAN, with its products claiming they could circumvent state firearm laws. POLYMER80 marketed and sold its products, including PF940C 80% pistol frame kits, to customers in New York, through its website and third-party sellers. Its marketing materials were aimed at New York customers, including minors, like Defendant RYAN, in this case, among others.

16. Upon information and belief, POLYMER80, through its website and third-party sellers, regularly shipped ghost gun kits to purchasers in New York.

17. POLYMER80 purposefully availed itself of New York law by manufacturing, marketing, and selling products, including the ghost gun kits, that are (or were at all relevant times) sold in the City and State of New York.

18. Upon information and belief, the New York City Police Department seized a 9mm black/brown pistol made up of a PF940C Polymer80, Inc. frame from Defendant RYAN as

he attempted to discard the subject ghost gun during his arrest.⁴



19. Plaintiff's injuries arise out of Defendant POLYMER80's purposeful availment of New York law and its targeting of customers located in New York.

C. Defendant JEREMIAH RYAN

20. At all relevant times, Defendant RYAN was a resident of Bronx County, New York.

21. Defendant RYAN admitted guilt to second-degree murder of Angellyh Marie Yambo on August 4, 2023, and was sentenced by Bronx Supreme Court Justice Jeffrey Rosenblueth to 15 years to life in prison on September 15, 2023.⁵

⁴ Response to Plaintiff's Subpoena Duces Tecum to the Office of the Bronx District Attorney's Office for file of indictment number 71595/2022.

⁵ Bronx District Attorney's Office Press Release (September 15, 2023), available at <https://www.bronxda.nyc.gov/downloads/pdf/pr/2023/59-2023-jermiah-ryan-sentenced-yambo-shooting.pdf>, (captured March 13, 2024)

JURISDICTION AND VENUE

22. Jurisdiction is proper under CPLR §§ 301 and 302. Defendant POLYMER80 conducts business in the State of New York and/or has purposefully availed itself of the jurisdiction of this Court by transacting business in this State.

23. Upon information and belief POLYMER80, conducted business in New York, and/or profited from their activities directed toward the State of New York.

24. Upon information and belief, the events giving rise to this Complaint, including Defendant POLYMER80's marketing and sale of the firearm through Defendant POLYMER80's online website, and/or Defendant POLYMER's third-party seller, and/or a third-party purchase and transfer of possession of the firearm to Defendant RYAN, and the shooting on April 8, 2022, occurred in the Bronx, City and State of New York. The combination of events and actions by Defendant POLYMER80 and Defendant RYAN give rise to Plaintiff's claims.

25. The non-domiciliary Defendant POLYMER80 transacted business within the state, committed tortious acts within the state, and/or committed tortious acts outside of the state that foreseeably resulted in injury to Angellyh Marie Yambo and Plaintiff Henriquez. This Defendant persistently targeted the New York consumer market with knowledge that their products would likely be misused in New York and/or engaged in another persistent course of conduct directed at New York. This Defendant should reasonably have expected their conduct to have consequences in New York.

26. Venue is proper in Bronx County pursuant to CPLR § 503(a) and (b) because it is the county where a substantial part of the events—specifically the shooting—occurred. It is also the county where Plaintiff Henriquez resides, as did Angellyh, and Defendant RYAN.

GENERAL ALLEGATIONS

A. Ghost guns have created a public safety emergency.

27. Pursuant to federal law, a firearm made by a federally licensed manufacturer must be engraved with identifying information, including the applicable make and model as well as a unique serial number.⁶ A “ghost gun,” as the term is used throughout this complaint, is a term commonly used by law enforcement and others to refer to a firearm that (a) started off as an unfinished lower receiver or frame purchased in a kit or separately along with other necessary parts, and (b) was assembled by the purchaser into a completed and functional firearm that has no serial number. Because these ghost guns are manufactured and assembled into operable form only upon receipt, their components are acquired without a background check, and once assembled, these weapons lack the identifying information critical to law enforcement.⁷

28. Ghost guns are deliberately sold without the federally-mandated serial number that enables law enforcement to trace to purchasers the firearms recovered at crime scenes. That feature alone makes the guns attractive to the criminal market bent on evading detection. Worse yet, ghost guns are sold online without the background checks legally mandated for all gun sales in New York, making them still more attractive to an illicit market of felons, domestic abusers, children – anyone barred by law from acquiring guns.

29. Typically, when a law enforcement agent recovers a firearm, the agent uses the serial number and other required markings to initiate a trace request through the ATF. The ability to trace a firearm to its point of original sale is essential to an investigation; by doing so,

⁶ 18 U.S.C. § 923(i); 27 CFR 478.92.

⁷ The term “ghost gun” is also sometimes used to describe commercially-available firearms that have had their serial numbers removed. The allegations in this complaint target only those unserialized and thus untraceable firearms constructed by the purchaser from component parts, or sold by a Federal Firearms License dealer without a serial number in the first place.

law enforcement agents can generate leads and identify straw purchasers and firearms traffickers, as well as establish whether the weapon traveled in interstate commerce—an element of most federal gun laws.⁸

30. The emergence of untraceable firearms, sold for manufacture by consumers as component parts and kits in an effort to circumvent federal and state regulation, undermines nearly 60 years of lawmakers' efforts to prevent dangerous persons from possessing firearms and to assist law enforcement in combating the use of firearms in criminal activity.

31. Amid spiking rates of violent crime and following several high-profile assassinations—including that of President Kennedy by mail-ordered rifle—Congress passed landmark legislation in 1968 to assert federal control over the manufacture, distribution, purchase, and sale of firearms. **One of the principal aims of the Gun Control Act of 1968 was to stop minors, those with prior criminal convictions, and others with dangerous histories from obtaining mail-order firearms without federal oversight or regulation. (emphasis added).** To achieve this aim, the Act mandates that firearms dealers be federally licensed and that every firearm sold by a federally licensed dealer be stamped with a serial number to enable law enforcement to trace the origin of the weapon. The Act was later amended to require background checks on all firearm purchases from licensed sellers.

32. Ghost guns directly undermine the Gun Control Act's purpose. They are exceedingly difficult to trace. A finished product comes with no records. Precisely for this reason, unserialized firearm kits and component parts are highly attractive to those involved in criminal activity. As one court has observed, “there would appear to be no compelling reason why a law-abiding citizen would prefer an unmarked firearm. These weapons would then have

⁸ See, e.g., 18 U.S.C. § 922.

value primarily for persons seeking to use them for illicit purposes.”⁹ Given that manufacturers and sellers like Defendant POLYMER80 do not conduct background checks, the unserialized firearm kits and component parts are often purchased by or otherwise end up in the hands of persons prohibited by the Gun Control Act - Defendant RYAN in this case.

33. Ghost gun sellers operate on the pretense that their products are not firearms because they are “unfinished” and hence when sold require neither serial numbers nor background checks. Defendant POLYMER80’s business model is to sell “unfinished” frames to persons who, following Defendant’s simple instructions, will “finish” them – by adding the remaining components to assemble fully operational firearms. Defendant POLYMER80 provides step by step instruction manuals, easily accessible on the internet, to explain to customers the steps to complete the frame or receiver and assemble an operable firearm using simple tools.¹⁰

34. Ghost guns and their central component, so-called “unfinished” or “80%” frames or lower receivers, are illegal to sell or possess under New York City and New York State law, and constitute a statutory and common law public nuisance, which defendant POLYMER80 causes and to which it contributes. Defendant POLYMER80 hawks ghost gun components over the internet to New York City residents, thwarting federal, state and local firearms laws.

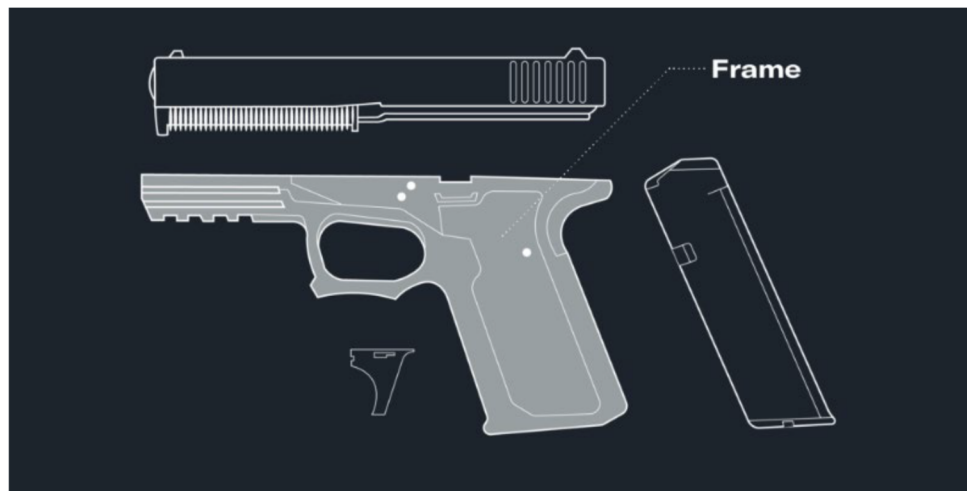
35. New York City is experiencing the entirely predictable result of Defendants lawless behavior: exponentially-increasing numbers of untraceable ghost guns used in crimes in the City, including multiple murders and other crimes of violence, often committed by persons who could never legally acquire a conventional firearm in the first place. Felons and other prohibited or unlicensed possessors of guns also amass large caches of untraceable weapons; a

⁹ United States v. Marzzarella, 614 F.3d 85, 95 (3d Cir. 2010).

¹⁰ *See, e.g., Polymer80 Website*, “How to,” <https://polymer80.com/how-to-manuals/> (captured March 13, 2024).

ghost gun has even been brought to school by a high school student.¹¹

36. The image below shows the parts of a simulated Glock ghost gun—the most commonly-recovered type of ghost gun in New York City—with the frame shown in light gray, and the parts required to finish the gun shown in black.¹²



37. Incidents involving ghost guns reflect a dangerously escalating trend, from 17 ghost guns recovered in arrests in 2018, to 48 in 2019, 150 in 2020 and 263 in 2021. The recovery by NYPD of 263 ghost guns in 2021 arrests represents a fifteen-fold increase over the 17 ghost guns recovered in 2018. NYPD's 2022 ghost gun recoveries are on pace to exceed the 2021 total, with 175 ghost guns recovered via arrests through June 14, 2022, approximately 9% of the guns recovered by the NYPD during arrests.¹³

¹¹ Reuven Fenton, Joe Marino and Jorge Fitz-Gibbon, 'Ghost gun'-obsessed Taco Bell staffer returned to work after fatal shooting: DA, N.Y. Post (May 4, 2022), available at <https://perma.cc/Q8SX-AFWF> (captured May, 17, 2022); Larry Celona, Tina Moore, Kevin Sheehan and Jorge Fitz-Gibbon, This is the 'ghost gun' tied to the shooting of a Bronx teenager, N.Y. Post (April 10, 2022), available at <https://perma.cc/2XCX-U3X3> (captured May 6, 2022); NYPD: 5 Shot, Including Suspect, After Fight Breaks Out As Bars Close In Upper Manhattan, CBS News New York (Sept. 27, 2021), available at <https://perma.cc/3TE3-EEET> (captured May 17, 2022); 3 Men Shot As Groups Clash Outside Manhattan Recording Studio, CBS News New York (November 17, 2021), available at <https://perma.cc/SDS5-84LZ> (captured May 17, 2022)).

¹² Everytownresearch.org, Untraceable: The Rising Specter of Ghost Guns, (May 14, 2020), <https://everytownresearch.org/report/the-rising-specter-of-ghost-guns/>.

¹³ NYC Ghost Gun Complaint, available at <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/ghost-gun-complaint.pdf> (captured March 14, 2024).

38. Nationally, the federal government estimates that between 2016 and 2021, law enforcement recovered more than 45,000 ghost guns from crime scenes, including 692 murder or attempted murder scenes. The annual totals recovered increased ten-fold during the course of the six-year period considered by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”)¹⁴, bearing in mind that these numbers are limited to recovered ghost guns; countless more remain on the streets or in homes—unlicensed, untraceable, and invisible to law enforcement.

39. Defendant POLYMER80’s illegal conduct thus results in a proliferation of unserialized, untraceable, unlawful ghost guns in the City’s streets and homes, making New York City more dangerous for both the public and for law enforcement, causing a quintessential public nuisance.

40. Federal law prohibits licensed dealers from selling firearms without conducting background checks and from selling handguns to individuals under 21 years old. Contrary to these regulations, upon information and belief, Defendant RYAN, a minor at the time, or his acquaintance was able to purchase and/or obtain a frame, receiver, and/or PF940C 80% frame kit online from Defendant POLYMER80 and/or its network of dealers without a background check or age verification.

41. The kit manufactured and sold by Defendant POLYMER80, contained necessary parts to build a firearm, requiring minimal effort to assemble a fully functioning firearm. Thus, Defendant POLYMER80 effectively provided a 17-year-old with a ghost gun, lacking a background check and serial number. The deadly outcome of POLYMER80's reckless business practices was both tragic and foreseeable.

¹⁴ ATF, Final Rule, “Definition of ‘Frame or Receiver’ and Identification of Firearms,” Fed. Reg. Vol. 87. No. 80, 24652, 24656 (April 26, 2022).

42. The online sale of ghost gun kits posed a significant risk to the foreseeable Plaintiff. The absence of face-to-face interactions and attempts to verify a buyer's age allows individuals who are too young or legally prohibited from owning firearms to easily obtain them.

43. Indeed, prior to April 8, 2022, Defendant POLYMER80, via its network and dealer affiliates, sold Defendant RYAN, or his criminal acquaintances, a gun-building kit online, along with necessary parts and instructions to quickly assemble a handgun, and shipped it directly to him. Defendant POLYMER80 did not conduct a background check or verify the Defendant RYAN or his acquaintance's age or legal eligibility to purchase a firearm.

44. On April 8, 2022, Defendant RYAN fired multiple shots from a 9mm pistol, made from a Defendant POLYMER80 PF940C frame, at the intersection of East 156th Street and St. Ann's Avenue in the Bronx, hitting Angellyh Marie Yambo and two other teenagers. Angellyh succumbed to her bullet wounds.

45. This shooting would not have occurred, and Angellyh would still be alive today, were it not for the negligent, reckless, and unlawful business practices of Defendant POLYMER80.

B. Defendant POLYMER80 is largely responsible for the proliferation of ghost guns.

46. Law enforcement statistics show that a large percentage of the ghost guns recovered at crime scenes were assembled from POLYMER80's products. Of approximately 1,475 ghost guns seized in 2019 and entered into the ATF's database of ballistic images, over 86% (1,278) of these weapons were assembled from POLYMER80 components.

47. POLYMER80's shipping records show that Defendant shipped approximately 51,800 items across the United States between January 2019 and October 13, 2020.¹⁵ And

¹⁵ Affidavit of ATF Special Agent Tolliver Hart, *In the Matter of the Search of the business and Federal Firearms Licensee known as POLYMER80, which is located at 134 Lakes Blvd., Dayton, NV 89403*, 3:20-mj-123-WGC, ¶79

between July 2019 and October 10, 2020, Polymer80 shipped at least 1,490 Buy Build Shoot Kits to consumers in 46 states, plus the District of Columbia and Puerto Rico.¹⁶

48. At all relevant times, POLYMER80 sold untraceable firearm kits and components without first conducting background checks—foreseeably resulting in sales to persons who cannot legally purchase a serialized, traceable weapon from a licensed dealer. Moreover, POLYMER80 misleadingly suggested on its website that ATF has concluded that its kits are not firearms, and then illegally ships those kits, which can be readily assembled into fully operational firearms, to consumers in New York.

49. At all relevant times, on POLYMER80'S website, consumers could purchase unfinished lower receivers for rifles or unfinished handgun frames, along with other materials necessary to complete the assembly of a fully functional firearm, including seven or more types of handguns.¹⁷

50. At all relevant times, Defendant POLYMER80 manufactured, marketed and sold frame kits for handguns.¹⁸ As of March 25, 2024, POLYMER80 was still advertising the sale of these frame kits and lower receiver kits through its website.¹⁹ POLYMER80's pistol frame kits are sold with a "complete finishing jig and drill bits."²⁰ Figure 1, below, is a screenshot of the Defendant POLYMER80's webpage from the wayback machine²¹ taken on January 18, 2022,

(D. Nev. Dec. 9, 2020).

¹⁶ *Id.* at ¶ 80.

¹⁷ "Unfinished" frames and receivers, as that term is used in this Complaint, are the core components of firearms that are solid in certain specified areas—i.e., without drilling or machining in those areas—even though they are designed to be and are readily converted into operable weapons. "Unfinished" frames and receivers are colloquially referred to as "80%," meaning 80% complete—although that description is not formally recognized by the ATF and misdescribes their completeness).

¹⁸ "PF940C 80% Compact Pistol Frame Kit" Polymer80, available at https://polymer80.com/pf940c-80-compact-pistol-frame-kit-gray_2/ (last visited March 25, 2024).

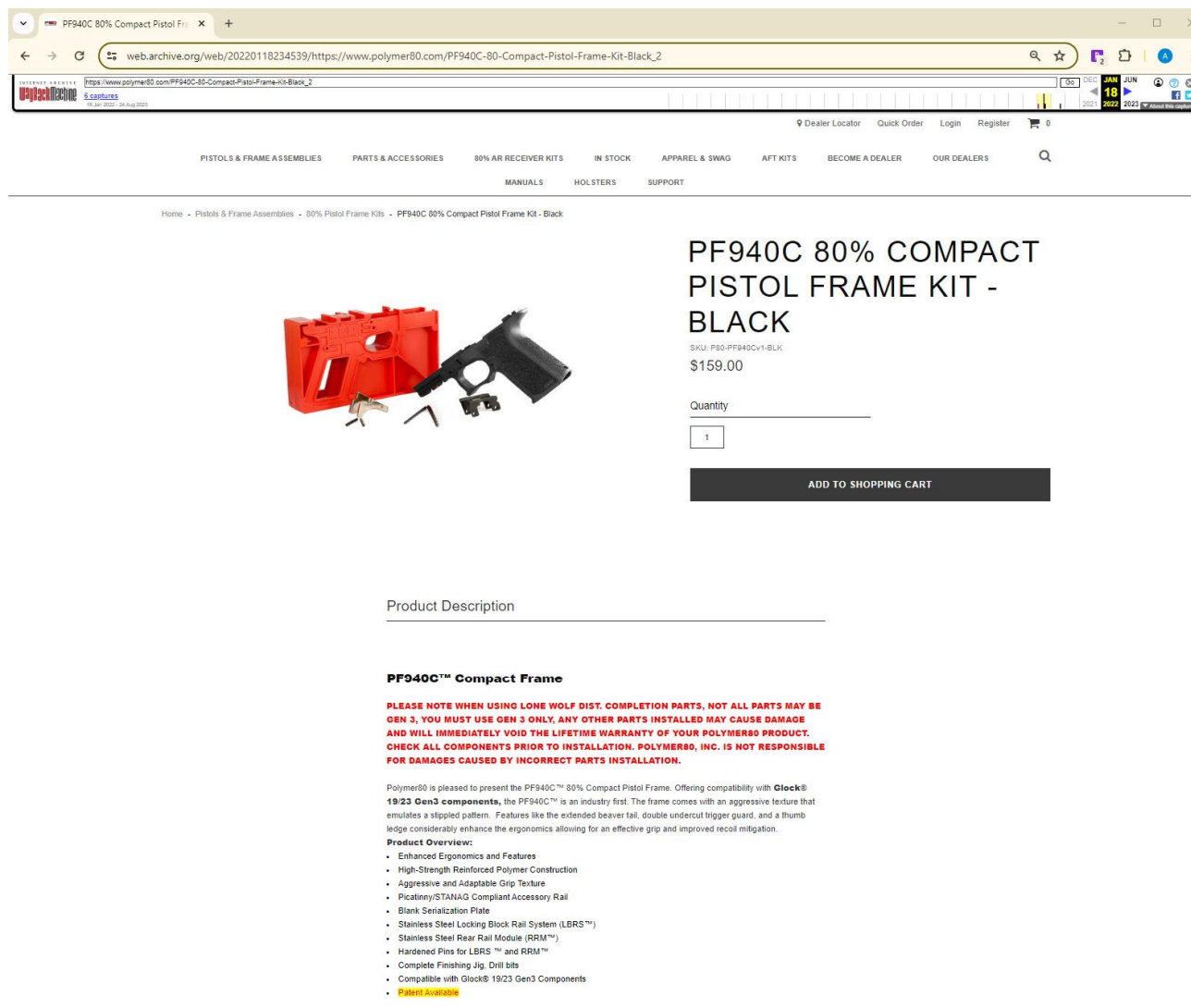
¹⁹ *Id.*

²⁰ *Id.*

²¹ The Wayback Machine is a digital archive of the World Wide Web that allows the user to go "back in time" to see how websites looked in the past. See

<https://web.archive.org/web/20220118234539/https://www.polymer80.com/PF940C-80-Compact-Pistol-Frame-Kit->

showing a Polymer80 PF940C 80% frame kit for sale - the same pistol frame used by Defendant RYAN to commit the shooting and killing of Angellyh.



Home - Pistols & Frame Assemblies - 80% Pistol Frame Kits - PF940C 80% Compact Pistol Frame Kit - Black

PF940C 80% COMPACT PISTOL FRAME KIT - BLACK

SKU: P80-PF940CV1-BLK
\$159.00

Quantity:

ADD TO SHOPPING CART

Product Description

PF940C™ Compact Frame

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

Polymer80 is pleased to present the PF940C™ 80% Compact Pistol Frame. Offering compatibility with **Glock® 19/23 Gen3 components**, the PF940C™ is an industry first. The frame comes with an aggressive texture that emulates a stippled pattern. Features like the extended beaver tail, double undercut trigger guard, and a thumb ledge considerably enhance the ergonomics allowing for an effective grip and improved recoil mitigation.

Product Overview:

- Enhanced Ergonomics and Features
- High-Strength Reinforced Polymer Construction
- Aggressive and Adaptable Grip Texture
- Picatinny/STANAG Compliant Accessory Rail
- Blank Serialization Plate
- Stainless Steel Locking Block Rail System (LBRSTM™)
- Stainless Steel Rear Rail Module (RRM™)
- Hardened Pins for LBRSTM™ and RRM™
- Complete Finishing Jig, Drill bits
- Compatible with Glock® 19/23 Gen3 Components
- Patent Available**

51. Finally, POLYMER80 sells other components to enable a customer to assemble a complete handgun, including pistol barrels, slides, and trigger assemblies.

52. Beyond selling these products, POLYMER80 takes it a step further by offering written step-by-step assembly instructions online, accompanied by supplemental videos, to facilitate the manufacture of both pistols and semi-automatic rifles in a matter of a few hours or

[Black 2](#) (captured 3/25/2024).

less. POLYMER80 even touts its superior customer service that is on standby to assist its customers in manufacturing firearms from its kits and components. “We want to give the customers all the tools they need, as much as we can anyway, to complete this product.”²²

53. Defendant POLYMER80, by selling all the component parts together with the means to readily convert the parts into firearms, effectively puts firearms into the hands of customers and subverts regulations that apply to the sale of firearms.

54. Under federal law, a frame or lower receiver is regulated in the same way as a complete firearm. Indeed, federal law defines “firearm” to include a complete (or near complete) gun and the “frame or receiver” of a firearm. Specifically, the Gun Control Act defines “firearm,” in relevant part, as:

- (A) any weapon ... which will or is designed to *or may readily be converted to expel a projectile by the action of an explosive*; [or]
- (B) *the frame or receiver of any such weapon.*

55. 18 U.S.C. § 921(a)(3) (emphasis added). A frame or receiver is accordingly subject to the same serialization and federal background check requirements as a complete firearm.

56. Defendant POLYMER80’s business model is to sell so-called “unfinished” frames or receivers to persons who will assemble them into fully operational firearms, using parts or kits purchased from Defendant POLYMER80, its network of online dealers, or other ghost gun dealers. Defendant POLYMER80 sells frames or receivers that they claim are partly “unfinished,” or “80%” complete, and thereby purport to skirt the statutory definition of a firearm and avoid the application of federal law and regulation altogether. In fact, as sold by Defendant POLYMER80, frames and receivers are “firearms” because they are “designed to or

²² Shooters Nation, 020 Dan McCalmon of Polymer 80, YOUTUBE (Aug. 10, 2018), available at <https://www.youtube.com/watch?v=nybZ3iNfUuU>.

may readily be converted to expel a projectile by the action of an explosive” or are “the frame or receiver of any such weapon.”

57. Independently, “unfinished” frames and receivers and “80% frames” are illegal under local and state law. Legislatures responded to the ghost gun ruse by expressly so specifying. Sales and delivery of “unfinished” frames or receivers into New York City has been illegal under N.Y.C. Admin. Code § 10-314 since February 2020, and under N.Y. Penal Law §§ 265.60-.64 since April 26, 2022.

58. By purporting to sell “unfinished” frames and receivers to consumers without background checks, without serial numbers, and without complying with any other federal, state, and local laws governing firearms, Defendant POLYMER80’s assist and facilitate the evasion of federal, state and local laws banning the sale or possession of “unfinished” frames and receivers.

59. Indeed, evasion of regulation is the core of Defendants’ business model. The appeal of ghost guns is rooted largely, if not entirely, in their purported status as outside the reach of the firearms laws. Defendant Polymer80, the dominant ghost gun manufacturer in the United States, has admitted in court that if its “80%” frames and receivers were deemed firearms under federal law, sales of its products would decline precipitously: “annual revenue would be diminished by more than fifty (50) percent, and perhaps by as much as seventy-five (75) percent.”²³

60. It is child’s play to turn an “unfinished” frame or receiver into a “finished” frame or receiver, and then assemble a fully functional gun. Defendants make “finishing” still simpler and quicker by selling the “unfinished” frame or receiver in a kit that includes a template (known

²³ See Declaration of David L. Borges in Support of Motion of Polymer80 Inc. to Intervene in this Action, dated Dec. 30, 2020, City of Syracuse, NY v. Bureau of Alcohol, Tobacco, Firearms and Explosives, 20-cv-6885 (S.D.N.Y.) (ECF # 80).

as a “jig”), drill bits, and other hardware. The jig is a molded case into which the “unfinished” frame or receiver fits, with holes labeled for insertion of drill bits, and with directions about the removal of certain polymer tabs.

61. Persons seeking to mass-produce ghost guns can purchase the “Ghost Gunner,” a machine that finishes the frame or receiver still faster and with less work than hand assembly—an especially attractive option for those seeking to traffic ghost guns.²⁴

C. Defendant POLYMER80 violates, circumvents, and assists its customers in violating and evading local, state, and federal gun laws designed to protect public safety.

62. The purpose and the result of the ghost gun business model is the easy acquisition of untraceable, operable firearms without compliance with federal, state, and local laws regulating firearms. Defendants intentionally assist their customers in violating those laws, and themselves violate the state and local laws prohibiting the sale of “unfinished” frames and receivers into New York City and State.

The Federal Gun Control Act

63. As previously stated, the 1968 federal Gun Control Act regulates the manufacture, sale, and possession of firearms, including frames and receivers. 18 U.S.C. § 921(a)(3). The Gun Control Act requires all commerce in firearms to proceed through federally licensed manufacturers, importers, and dealers, known as federal firearms licensees (“FFLs”), 18 U.S.C. §§ 922(a)(1)(A); 923(a), who in turn must operate in strict conformity with federal, state, and local laws pertaining to firearms.

64. To ensure that all firearms may be traced to the first purchaser, federal law requires licensed manufacturers and importers to inscribe a serial number on the frame or

²⁴ See <https://ghostgunner.net/>, also available at <https://perma.cc/55AU-AEUA>; See also <https://ny1.com/nyc/all-boroughs/news/2023/09/28/teen-charged-ghost-gun-bust-east-harlem-day-care>.

receiver of each firearm they manufacture or import.²⁵

65. The holder of a federal firearm license must conduct a background check on any customer who wishes to purchase a firearm, to prevent the acquisition of firearms by people deemed unfit to possess them.²⁶ Indeed, licensed dealers may not sell or transfer a firearm to specified prohibited persons, as determined through a mandatory background check.²⁷

66. To curb gun trafficking or transfers of guns to prohibited persons, federal law prohibits FFLs from shipping firearms to purchasers, and requires all firearm sales be conducted in person except in very limited circumstances requiring, among other things, notice to law enforcement.²⁸ FFLs may not sell or deliver a firearm to any person where the purchase or possession violates any applicable state or local law²⁹, or to persons that do not reside in the state of the dealer's place of business, except for in-person sales of rifles or shotguns that fully comply with both states' laws.³⁰

67. Licensed manufacturers and dealers must keep records of all firearm sales, noting the make, model, and serial number of the firearm, as well as the "name, age, and place of residence" of the purchaser.³¹ FFLs may not sell a firearm without providing the recipient with a secure gun storage or safety device.³²

68. On April 26, 2022, ATF published a final rule, effective August 24, 2022, stating that the "unfinished" frame and receiver kits Defendants sell are firearms under the Gun Control Act.³³ The Final Rule explains that "a frame or receiver parts kit containing a partially complete

²⁵ 18 U.S.C. § 923(i).

²⁶ §922(t)(1).

²⁷ 18 U.S.C. § 922(d), (t).

²⁸ 18 U.S.C. §§ 922(a)(2), (c).

²⁹ 18 U.S.C. § 922(b)(2)

³⁰ 18 U.S.C. § 922(b)(3).

³¹ 18 U.S.C. §§ 922(b)(5), 923(g)(1)(A).

³² 18 U.S.C. § 922(z).

³³ See ATF, Final Rule, "Definition of 'Frame or Receiver' and Identification of Firearms," Fed. Reg. Vol. 87. No.

... blank of a frame or receiver that is sold, distributed, or possessed with a compatible jig or template is a frame or receiver, as a person with online instructions and common hand tools may readily complete or assemble the frame or receiver parts to function as a frame or receiver.”³⁴

69. The Final Rule nullifies prior informal ATF guidance, set forth in determination letters to a ghost gun manufacturer, finding that certain examples of “unfinished” “80%” frames or receivers, when considered in isolation, did not constitute firearms under federal law. ATF’s Final Rule is consistent with, and correctly interprets, the federal Gun Control Act.³⁵

New York State Law

70. Since April 26, 2022, New York State law has expressly prohibited the possession, sale, or offering for sale of ghost guns and “unfinished” or unserialized frames or receivers by or to persons in New York State.³⁶

New York City Law

71. Since February 2020, New York City law has prohibited the possession, sale, transfer, or offering for sale of an “unfinished frame or receiver” by or to a person in New York City.³⁷ An “unfinished frame or receiver” is defined as a “piece of material that does not

80, 24652, 24673 (April 26, 2022)(“Final Rule”)

³⁴ *Id.* at 24739; see also *id.* (“The terms ‘frame’ and ‘receiver’ shall include a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, that is designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver.”)

³⁵ In addition, in a May 9, 2022 letter to a ghost gun components retailer, ATF explained that, “notwithstanding the recently announced regulations and definitions” in the final rule, it has “always been” ATF’s position that the sale and transfer to a single customer of “all the components necessary to produce a fully functional firearm,” whether sold in “one or multiple transactions,” constitutes the sale of a “firearm” under the Gun Control Act and is unlawful unless made according to the requirements of the Gun Control Act, including serialization and a background check. See May 9, 2022 letter from Matthew Varisco, Special Agent in Charge, ATF Philadelphia Field Division to JSD Supply, available at <https://perma.cc/YU47-TGPL> (captured May 13, 2022).

³⁶ See N.Y. Penal Law §§ 265.00(6) (defining “dispose of”), (8-a) (defining “serialized”), (32) (defining “unfinished frame or receiver” and “ghost gun”), 265.01(9) (prohibiting possession of ghost guns), (10) (prohibiting possession of unserialized or “unfinished” frame or receiver), 265.07 (registration and serialization of firearms, rifles, shotguns, finished frames or receivers, and “unfinished” frames or receivers), 265.60 (criminal sale of a ghost gun in the second degree), 265.61 (criminal sale of a ghost gun in the first degree), 265.63 (criminal sale of a frame or receiver in the first degree)

³⁷ N.Y.C. Admin. Code § 10-314; see *id.* § 10-301(8).

constitute the frame or receiver of a firearm, rifle, shotgun, or assault weapon, but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle, shotgun, or assault weapon with modification by the user and that is not engraved with a serial number . . .”³⁸

D. Ghost Guns Endanger the Public and Undermine Law Enforcement

72. Despite—and in a direct affront to—New York City’s adoption of a ghost gun ban, ghost guns are flooding the City, and their prevalence is increasing at an alarming rate. The NYPD seized 17 ghost guns in connection with arrests in 2018, 48 in 2019, 150 in 2020, 263 in 2021 and through June 14, 2022, 175—a pace that will exceed by far the 2021 total. Approximately 9% of all guns recovered in 2022 by the NYPD incident to arrests have been ghost guns.

73. These numbers are limited to ghost guns recovered by NYPD. The actual number of ghost guns on New York City’s streets and in homes is undoubtedly far higher, but impossible to know—ghost gun sellers do not report sales.

74. Ghost guns make New York City’s streets, schools, public spaces, and homes—and NYPD patrol officers’ jobs—significantly more dangerous. In 2021, for example, the NYPD recovered ghost guns from arrestees while responding to the full spectrum of life-threatening events: shootings, robberies, domestic violence incidents, executing search warrants, conducting street and car stops, accidental shootings and an incident of road rage. In one instance, a 17-year-old was caught attempting to enter his Brooklyn high school with a ghost gun and \$30,000 in his backpack.³⁹

³⁸ N.Y.C. Admin. Code § 10-301(22).

³⁹ Student arrested with gun, \$30K cash in backpack at Brooklyn high school, ABC7 NY Eyewitness News (Dec. 2, 2021), available at <https://perma.cc/8RSL-GNRS>.

75. Ghost gun arsenals and assembly lines are springing up around the city, creating what the Queens County District Attorney has called a “Polymer pipeline,” named for the polymer plastic used in most ghost gun frames.⁴⁰ Between August and December 2021, five separate ghost gun arsenals were seized by law enforcement in Queens, NY, including an arsenal belonging to a 20-year old man—too young to lawfully possess handguns—that included 25 ghost guns (19 semi-automatic handguns, five assault weapons, and one semi-automatic shotgun) along with 31 large-capacity magazines, 670 rounds of ammunition, and parts and equipment to assemble several additional ghost guns.⁴¹ The five Queens seizures netted a total of 51 completed ghost guns, including 31 handguns, 17 assault weapons, two machine guns, and one semi-automatic shotgun, along with 91 “unfinished” frames or receivers, 222 high-capacity magazines, four rapid-fire modification devices, and over 30,000 rounds of ammunition.⁴²

76. Another ghost gun arsenal—consisting of enough parts to make 14 ghost guns, and a “Ghost Gunner” device to speed up the assembly process, along with multiple high-capacity magazines, 850 rounds of ammunition, and other weapons—was found strewn about the toddler-occupied Brooklyn home of a convicted felon barred from purchasing or possessing firearms following a conviction for manslaughter.⁴³

77. On May 25, 2022, the New York County District Attorney announced the seizure of yet another significant ghost gun arsenal, divided between locations in Manhattan and Brooklyn. A search warrant executed for a Manhattan storage unit netted 29 lower receivers, and

⁴⁰ Press Release, “Queens Man Charged With Possessing Arsenal of Illegal “Ghost” Guns,” Queens County District Attorney (Dec. 9, 2021), available at <https://perma.cc/7C9D-XJ4L>.

⁴¹ Press Release, “Queens Man Charged With Possessing Arsenal of Illegal “Ghost” Guns,” Queens County District Attorney (Dec. 9, 2021), available at <https://perma.cc/7C9D-XJ4L>.

⁴² *See id.*

⁴³ Ben Feuerherd, NYC man allegedly kept ‘arsenal’ of ‘ghost guns’ and ammo in Brooklyn home, N. Y. Post (Oct. 4, 2021), available at <https://perma.cc/X6KF-3DP9>; see also *United States v. Gary Brown*, Criminal Docket No. 20-352 (E.D.N.Y.) (ECF No. 26, Sentencing Memorandum, filed Oct. 14, 2021).

over 293 high capacity magazines, capable of holding over 8600 bullets. The joint District Attorney-NYPD investigation that culminated in the seizure revealed that between March 2020 and March 2022, the defendant purchased over \$20,000 in ghost gun parts and kits, high-capacity magazines, and related gear from eleven online retailers, including Defendant Arm or Ally.⁴⁴

78. Ghost guns have also been used to perpetrate violent crimes on city streets, including multiple murders and non-fatal shootings. For example, in May 2022, a ghost-gun obsessed man, Edison Cruz, allegedly used a ghost gun to kill a man on a Bronx street, and injure two bystanders, after a confrontation in a fast-food restaurant.⁴⁵ Cruz had a lengthy criminal history, including multiple prior arrests for possessing ghost guns that he ordered online. These arrests included one while he was subject to an order of protection obtained by his parents which prohibited him from possessing any firearms, and another after he was found walking through the Bronx with a bulletproof vest and a grenade launcher. A search of his Bronx home revealed two “unfinished” handgun frames, and tools and parts to assemble them.⁴⁶ There is evidence that Cruz made at least two online purchases from Defendant 80P Builders in 2021.

79. Just a month earlier, the shooting in this case occurred when Defendant RYAN shot and killed the decedent and seriously injured two other teens, using a ghost gun. The victims were all bystanders walking home from school when Defendant RYAN opened fire.⁴⁷

⁴⁴ *People of the State of New York v. Rene Loyola*, Indictment No. 71721-22 (NYSC, Part 42) (Statement of Facts, filed May 25, 2022).

⁴⁵ Reuven Fenton, Joe Marino and Jorge Fitz-Gibbon, ‘Ghost gun’-obsessed Taco Bell staffer returned to work after fatal shooting: DA, N.Y. Post (May 4, 2022), available at <https://perma.cc/Q8SX-AWFW> (captured May, 17, 2022).

⁴⁶ Joe Marino, Tina Moore, Mark Lungariello and Amanda Woods, Fast-food worker obsessed with ‘ghost guns’ killed one, injured two others in Bronx shooting: cops, N.Y. Post (May 3, 2022), available at <https://perma.cc/WTB6-Z75C>.

⁴⁷ <https://nypost.com/2022/04/10/ghost-gun-recovered-after-nyc-shooting/>, also available at <https://perma.cc/2XCXU3X3> (captured May 6, 2022); <https://www.fox5ny.com/news/nypd-shooter-used-ghost-gun-in-bronx-killing>, also available at <https://perma.cc/4AMW-VMB3> (captured May 10, 2022)

80. In November 2021, a ghost gun was recovered at the scene of a shootout between rival groups on a Midtown Manhattan street that injured three people, including a 19-year-old.⁴⁸ And in September 2021, a man was arrested for attempted murder after allegedly opening fire with a ghost gun outside a Manhattan bar, wounding four people, following a dispute that spilled onto the street.⁴⁹ The man himself was shot and wounded by law enforcement. *Id.*

81. As these arrests, arsenals, and shootings vividly and tragically illustrate, there is a thriving illicit market for the sale and delivery of illegal ghost guns into New York City that arms underage persons and individuals with violent criminal histories, who would not be able to obtain a firearm through lawful means.

82. The City has taken steps to combat the growing ghost gun scourge, incurring significant costs. In addition to enacting N.Y.C. Admin. Code § 10-314, discussed above, prohibiting the possession or sale of “unfinished” frames or receivers, in February 2020 the City established an NYPD team dedicated exclusively, through long- and short-term investigations, to stopping the flow of ghost guns to New York City before they reach city streets, and to recover ghost guns illegally possessed in the City. The Major Case Field Intelligence Team, operating under the Commanding Officer of the NYPD’s Field Intelligence Program, is comprised of two full-time NYPD Field Intelligence Sergeants and five full-time detectives serving as Field Intelligence Officers, and supported by three civilian criminal analysts. The Team works with federal, state, and local law enforcement and prosecutors on in-depth ghost gun investigations, search warrant executions and arrests, and conducts ghost gun-related trainings for police officers and prosecutors.

⁴⁸ 3 Men Shot As Groups Clash Outside Manhattan Recording Studio, CBS News New York (November 17, 2021), available at <https://perma.cc/SDS5-84LZ> (captured May 17, 2022).

⁴⁹ NYPD: 5 Shot, Including Suspect, After Fight Breaks Out As Bars Close In Upper Manhattan, CBS News New York (Sept. 27, 2021), available at <https://perma.cc/3TE3-EEET> (captured May 17, 2022).

83. As ghost guns have increasingly become a major component of gun crime in the City, they have imposed significant costs and burdens on many other city institutions, including the public hospitals, which must care for New Yorkers suffering serious injuries after violent incidents involving ghost guns; district attorneys' offices, which must build and prosecute criminal ghost gun cases; and courts, which must adjudicate the cases.

84. New York City's experience reflects a national trend. According to the ATF, 45,240 ghost guns were recovered by law enforcement across the country from 2016 through 2021, including 692 in connection with homicides or attempted homicides.⁵⁰ Ghost gun recoveries increase each year, from 1,758 in 2016 to 19,344 in 2021.⁵¹ Cities nationwide have seen similar dramatic increases in ghost gun recoveries. The 1,921 ghost guns recovered by the Los Angeles Police Department in 2021 were more than double the amount it recovered in 2020.⁵² San Francisco has reportedly experienced a 27-fold increase in ghost gun recoveries by police over the past five years, with more than 200 ghost guns recovered in 2021.⁵³ Other municipalities have seen comparable rises, including Philadelphia (17 in 2018, 95 in 2019, 250 in 2020), Washington, D.C. (25 in 2018, 116 in 2019, 306 in 2020), San Diego (53 in 2018, 77 in 2019, 210 in 2020), Prince George's County, Maryland (17 in 2018, 50 in 2019, 176 in 2020), and Chicago (21 in 2018, 72 in 2019, 139 in 2020).⁵⁴

85. Tragically, ghost guns are increasingly being put to violent or deadly use across

⁵⁰ ATF, Final Rule, "Definition of 'Frame or Receiver' and Identification of Firearms," Fed. Reg. Vol. 87. No. 80, 24652, 24656 (April 26, 2022).

⁵¹ Id. at 27723.

⁵² See <https://www.cnn.com/2022/02/09/us/ghost-guns-credit-cards-la-county/index.html>, available at <https://perma.cc/LMN5-TPP2> (captured May 10, 2022).

⁵³ See Complaint, The People of the State of California v. Blackhawk Mfg. Grp., Inc., et al., CGC-21-594577, at ¶¶ 77-78 (Aug. 18, 2021); see also <https://www.cnn.com/2022/02/09/us/ghost-guns-credit-cards-la-county/index.html>, available at <https://perma.cc/LMN5-TPP2> (captured May 10, 2022).

⁵⁴ National Police Foundation, The Proliferation of Ghost Guns: Regulation Gaps and Challenges for Law Enforcement, at 15 (2021), https://www.policefoundation.org/wp-content/uploads/2021/08/NPF_The-Proliferation-of-Ghost-Guns_Final_2021.pdf, available at <https://perma.cc/6NSJ-NHVG>.

the country. In Los Angeles, ghost guns were linked to 24 murders, eight attempted murders, 20 robberies and 60 assaults with a deadly weapon as of November 2021.⁵⁵ And ghost guns accounted for nearly half of the guns recovered in homicides in San Francisco in 2020.⁵⁶

86. Often, violent crimes using ghost guns are committed by people who would not have been able lawfully to acquire firearms and presumptively would have failed background checks because, for example, of their criminal history or age. In 2013, a man who failed a background check at a licensed gun dealer used an AR-15 ghost gun to kill five people in Santa Monica, California.⁵⁷ In 2017, a man with a criminal record prohibiting his possession of a firearm used an AR-15 ghost gun in a California mass shooting that killed five people and injured 18.⁵⁸ In 2019, a 16-year-old brought a ghost gun to school in Santa Clarita, California, and shot five students, killing two, before killing himself⁵⁹; and a convicted felon in Syracuse, New York, used a ghost gun to shoot his own nephew, a young child, in the back.⁶⁰ In 2020, a convicted felon used a ghost gun to shoot and injure two Los Angeles sheriff's deputies.⁶¹ And in April 2021, a man with a criminal record for unlawfully carrying a concealed weapon used a ghost gun to shoot five people, killing one, in a nighttime shooting spree in San Diego.⁶²

⁵⁵ See <https://www.cnn.com/2022/02/09/us/ghost-guns-credit-cards-la-county/index.html>, available at <https://perma.cc/LMN5-TPP2> (captured May 10, 2022).

⁵⁶ See <https://www.cnn.com/2022/02/09/us/ghost-guns-credit-cards-la-county/index.html>, available at <https://perma.cc/LMN5-TPP2> (captured May 10, 2022).

⁵⁷ Alain Stephens, Ghost Guns are Everywhere in California, The Trace (May 17, 2019), <https://www.thetrace.org/2019/05/ghost-gun-california-crime/>.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Douglass Dowty, "DA: Syracuse Man Shot 6-Year-Old Nephew with Untraceable 'Ghost Gun,'" Syracuse.Com, January 6, 2020, <https://bit.ly/2wdXnV8>.

⁶¹ 35 NBC Los Angeles, 'Ghost Gun' Kit Maker Sued Over Ambush Shooting of Two Deputies at Compton Transit Station, (Aug. 10, 2021), <https://www.nbclosangeles.com/news/local/la-countydeputies-ghost-gun-kit-maker-lawsuit-compton-metro-rail-station/2668483/>; First Amended Complaint for Damages, *Apolinar v. Polymer80, Inc.*, Case No. 21STCV29196 (Sup. Ct. Los Angeles Cty.) (filed Aug. 2021), at ¶ 9.

⁶² 36 CBS8, Untraceable 'Ghost Gun' Allegedly Used in Fatal Gaslamp Shooting Spree, (Apr. 23, 2021), available at <https://bit.ly/3G2Yyqp>.

E. Defendant POLYMER80's online marketing and sale of ghost guns.

87. At all relevant times, Defendant POLYMER80 marketed and sold ghost gun components, including unserialized “unfinished” frames or receivers, to New York City residents over the internet. Defendant POLYMER80 sold parts and accessories through their online website, and a network of online dealers, that are easily convertible into and compatible with conventional, serialized firearms and ghost guns.

88. At all relevant times, with the click of a mouse, and with no background check, New Yorkers can and have purchased from Defendants unserialized, “unfinished” frames or receivers from which to construct operable ghost guns. Defendants shipped ghost gun components straight to their New York City customers.

a. POLYMER80

- i. POLYMER80 is a Federal Firearms License holder that operates an interactive website (<https://polymer80.com/>) through which consumers can purchase unserialized, “unfinished” frames and receivers and ghost gun components, as well as serialized frames, among other products.
- ii. POLYMER80 manufactures, sells, has sold and will continue to manufacture and sell unserialized, “unfinished” frames directly to individual customers in New York City.

89. Defendants' illegal conduct thus results in a proliferation of unserialized, untraceable, unlawful ghost guns in the City's streets and homes, making New York City more dangerous for both the public and for law enforcement, causing a quintessential public nuisance. The Court should order Defendants to cease immediately their sales and deliveries into New York City and abate the nuisance by providing New York City with the information needed for

law enforcement to recover these unlawful, dangerous, and untraceable weapons. It can prevent another innocent teenager's death.

90. Prior to, and including on April 8, 2022, as a result of Defendant POLYMER80's unlawful business practices in the intentional manufacture and sale of untraceable firearms over the internet to anyone who could make a purchase with a credit card, Defendant RYAN obtained a 9mm pistol and used it to negligently shoot and kill decedent.

CAUSES OF ACTION

COUNT I - NEGLIGENCE

(Against Defendant Polymer80, Inc.)

91. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

92. At all relevant times, Defendant POLYMER80 was subject to the general duty imposed on all persons and entities to act reasonably and to refrain from engaging in activities creating foreseeable risks of injury to others. A breach of such duty constitutes negligence.

93. In fact, as sellers of unserialized frames, receivers, and gun building kits for a lethal firearm, Defendant POLYMER80 is subject to the highest duty of care because of the danger that its products pose in conjunction with a firearm.

94. Defendant POLYMER80 knowingly, intentionally, falsely, and deceptively claimed that it sold unserialized frames, receivers, and gun building kits that comply with Federal and New York State laws. It falsely and deceptively represented that use of the POLYMER80 rendered a firearm compliant with New York law—while simultaneously instructing users how to easily construct a full firearm with a simple purchase of parts from their website or network of dealers. Defendant POLYMER80 acted knowingly and duplicitously in disseminating false and misleading information regarding its product.

95. That individuals in New York, such as Defendant RYAN, his acquaintances, and

similarly situated individuals, would construct untraceable firearms with POLYMER80 unserialized frames, receivers, and gun building kits in order to possess functioning illegal weapons and use them in a shooting was a foreseeable consequence of POLYMER80's marketing and distribution model.

96. Federal and New York gun laws were intended to prevent and minimize tragedies like the shooting of Angellyh M. Yambo by keeping firearms out of the hands of minors.

97. POLYMER80 acted negligently and unlawfully by acting unreasonably and creating a foreseeable risk of harm to others. POLYMER80 knowingly violated Federal gun laws, New York's General Business Law, Penal Law, and consumer protection laws, and POLYMER80 facilitated and aided and abetted violations of those laws as well.

98. Defendant POLYMER80 negligence was a direct and proximate cause of the shooting and resulting death of Angellyh M. Yambo. Due to the acts and omissions of Defendant POLYMER80, Defendant RYAN was able to obtain a 9mm pistol made up of POLYMER80 PF940C unserialized frame, receiver, and gun building kit, which was easily modified into a fully functioning illegal firearm.

99. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to damages recoverable for the shooting and death of Ms. Yambo, including the conscious pain and suffering Ms. Yambo experienced from her initial injury until Ms. Yambo's death. She is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Angellyh M. Yambo.

100. Plaintiff Henriquez also brings this claim for the wrongful death of Angellyh M. Yambo and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms.

Yambo; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

101. Accordingly, Plaintiff is entitled to recovery against Defendant POLYMER80 in an amount to be determined at trial, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

COUNT II – NEGLIGENCE
(Against Defendant Ryan)

102. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

103. At all relevant times, Defendant RYAN was subject to the general duty imposed on all persons to act reasonably and refrain from engaging in activities creating foreseeable risk of injury to others. A breach of such duty constitutes negligence.

104. At all relevant times, Defendant RYAN, negligently discharged a firearm.

105. Defendant RYAN's negligence was a direct and proximate cause of the death of Angellyh M. Yambo.

106. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to damages recoverable for the shooting and death of Ms. Yambo, including the conscious pain and suffering Ms. Yambo experienced from her initial injury until Ms. Yambo's death. She is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Angellyh M. Yambo.

107. Plaintiff Henriquez also brings this claim for the wrongful death of Angellyh M. Yambo and is entitled to damages including: lost future income, lost earning capacity, and past

and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Yambo; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

108. Accordingly, Plaintiff is entitled to recovery against Defendant POLYMER80 in an amount to be determined at trial, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

COUNT III – NEGLIGENCE PER SE
(Against Defendant Polymer80, Inc.)

109. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

110. Defendant POLYMER80 committed violations of sections 349(a) and 350 of the New York General Business Law in marketing the POLYMER80 frames, receivers, and build kits to New York consumers in a deceptive manner that materially misled consumers to believe that POLYMER80 frames, receivers, and build kits rendered a firearm, including the Polymer80 pistols, compliant with New York's General Business Law, Penal Law and consumer protection laws prohibiting anyone under the age of 21 from purchasing or possessing firearms.

111. Section 349(a) of the New York General Business Law declares unlawful any “[d]eceptive acts or practices in the conduct of any business, trade or commerce...” Section 350 of the New York General Business Law declares that false advertising in the conduct of any business, trade, or commerce in New York is unlawful.

112. Sections 349(a) and 350 of the New York General Business Law impose a duty on POLYMER80 not to engage in any act or practice that is materially misleading to New York

consumers, including firearm purchasers and owners.

113. Defendant POLYMER80 violated sections 349(a) and 350 of the New York General Business Law by misleadingly marketing the POLYMER80 frames receivers and build kits to New York consumers in a manner that, at all relevant times, led them to believe that possession and sale of these products brought them into compliance with the New York State General Business Law, Penal Law, and consumer protection laws. POLYMER80's misleading marketing also encouraged New York retailers to be complicit in the company's unlawful conduct and facilitate violations of New York's General Business Law, Penal Law, and consumer protection laws.

114. Plaintiff's injuries were proximately and substantially caused by POLYMER80's violations of sections 349(a) and 350 of the New York General Business Law. Had POLYMER80 been truthful in its marketing of the POLYMER80 frames receivers and build kits, the Shooter would not have been able to access the weapon he used to carry out his attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Angellyh M. Yambo would not have been killed.

115. Due to the acts and omissions of Defendant POLYMER80, Defendant RYAN was able to obtain a 9mm pistol made up of POLYMER80 PF940C unserialized frame, receiver, and gun building kit, which was easily modified into a fully functioning illegal firearm.

116. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to damages recoverable for the shooting and death of Ms. Yambo, including the conscious pain and suffering she experienced from her initial injury until her death. She is also

entitled to damages for funeral expenses of the decedent paid by the Estate of Angellyh M. Yambo.

117. Plaintiff Henriquez also brings this claim for the wrongful death of Angellyh M. Yambo and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Yambo; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

118. Accordingly, Plaintiff is entitled to recovery against Defendant POLYMER80, INC. in an amount to be determined at trial, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

COUNT IV – NEGLIGENCE PER SE
(Against Defendant Polymer80, Inc.)

119. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

120. At all times relevant, Defendant POLYMER80, was and still is a federal firearms licensee whose business of design, manufacture, and sale of POLYMER80 frames, receivers, and build kits was and still is subject to the federal Gun control Act of 1968.

121. Upon information and belief, at all relevant times, Defendant POLYMER80 committed violations of 18 U.S.C. §§ 922(a)(2), 922(c), 922(b)(1), 922(b)(2), 922(b)(3), 922(b)(5), 922(d), 922(m), 922(q), 922(t)(1), 922(t)(1), 922(x)(1)(a), 922(z), 923(g)(1)(A), and 923(i), in the sale, marketing and/or distribution of unserialized and untraceable POLYMER80 gun frames, receivers, and build kits over the internet to New York consumers without a

background check; without maintaining a record of all firearm sales as well as the name, age, and place of residence of the purchaser; without providing the recipient with a secure gun storage or safety device; without notifying law enforcement of an internet sale; and in violation of New York State and City laws.

122. Plaintiff's injuries were proximately and substantially caused by POLYMER80's violations of 18 U.S.C. §§ 922(a)(2), 922(c), 922(b)(1), 922(b)(2), 922(b)(3), 922(b)(5), 922(d), 922(m), 922(q), 922(t)(1), 922(t)(1), 922(x)(1)(a), 922(z), 923(g)(1)(A), and 923(i). Had POLYMER80 serialized its gun frames, receivers, and build kits, sold them in person, ran a background check for purchasers and maintained a record of the purchasers name, age, and place of residence, and notified law enforcement of the internet sale of its gun frames, receivers, and build kits, the Shooter, Defendant RYAN, would not have been able to access the weapon he used to carry out his killing of decedent. In addition, (a) Defendant RYAN would not have been able to acquire and use a weapon, (b) Defendant RYAN would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if Defendant RYAN had nevertheless undertaken the attack, Defendant RYAN attack would have been shorter and less deadly and Angellyh M. Yambo would not have been killed.

123. Due to the acts and omissions of Defendant POLYMER80, Defendant RYAN was able to obtain a 9mm pistol made up of POLYMER80 PF940C unserialized frame, receiver, and gun building kit, which was easily modified into a fully functioning illegal firearm.

124. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to damages recoverable for the shooting and death of Ms. Yambo, including the conscious pain and suffering she experienced from her initial injury until her death. She is also entitled to damages for funeral expenses of the decedent paid by the Estate of Angellyh M.

Yambo.

125. Plaintiff Henriquez also brings this claim for the wrongful death of Angellyh M. Yambo and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Yambo; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

126. Accordingly, Plaintiff is entitled to recovery against Defendant POLYMER80, INC. in an amount to be determined at trial, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

COUNT V – STRICT LIABILITY
(Against Defendant Polymer80, Inc.)

127. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

128. Prior to April 8, 2022, and at all relevant times, the subject unserialized frames, receivers, and gun building kit, specifically, a PF940C Polymer80, Inc. frame kit was defectively designed, manufactured, distributed, marketed, and sold by Defendant POLYMER80 without adequate warnings, both verbally and in writing.

129. At all relevant times, POLYMER80 offered build yourself at home pistol kits and pistol frame and/or component kits through its website and dealer network for assembling untraceable firearms, including Glock-style handguns, for their lack of serial numbers, making them nearly impossible for law enforcement to trace.

130. POLYMER80 intentionally structured their business to circumvent firearm laws

by designing, manufacturing, and selling ghost gun kits that can readily be assembled into functional firearms, without background checks.

131. POLYMER80, at all relevant times targeted New York customers, including those engaged in criminal activity and minors, such as Defendant RYAN, with its products claiming they could circumvent state firearm laws. POLYMER80 marketed and sold its products, including PF940C 80% pistol frame kits, to customers in New York, through its website and third-party sellers. Its marketing materials were aimed at New York customers, including minors, like Defendant RYAN, in this case, among others.

132. That individuals in New York, such as Defendant RYAN in this case, would obtain firearms in the chain of POLYMER80's distribution and sale of the unserialized frames, receivers, and gun building kits in order to possess functioning illegal weapons and use them in a shooting was a foreseeable consequence of POLYMER80's defective design, manufacture, distribution, marketing, and sale of unserialized frames, receivers, and gun building kits.

133. Federal and New York gun laws were intended to prevent and minimize tragedies like the shooting of Angellyh M. Yambo by keeping firearms out of the hands of criminals.

134. POLYMER80 acted negligently, and unlawfully by acting unreasonably and with deliberate indifference to creating a foreseeable risk of harm to others like the decedent and Plaintiff. POLYMER80 knowingly facilitated and aided and abetted the illegal purchase of firearms by Defendant RYAN, his acquaintances, and those individuals who were similarly situated.

135. Defendant POLYMER80 negligent, reckless, and knowing violations were a direct and proximate cause of the shooting and resulting death of Angellyh M. Yambo. Due to the acts and omissions of Defendant POLYMER80, Defendant RYAN was able to obtain a 9mm

pistol made up of POLYMER80 PF940C unserialized frame, receiver, and gun building kit, which was easily modified into a fully functioning illegal firearm.

136. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to damages recoverable for the shooting and death of Ms. Yambo, including the conscious pain and suffering Ms. Yambo experienced from her initial injury until Ms. Yambo's death. She is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Angellyh M. Yambo.

137. Plaintiff Henriquez also brings this claim for the wrongful death of Angellyh M. Yambo and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Yambo; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

138. Accordingly, Plaintiff is entitled to recovery against Defendant POLYMER80 in an amount to be determined at trial, which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

COUNT VI – PUBLIC NUISANCE
(Against Defendant Polymer80, Inc.)

139. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

140. Defendant POLYMER80 created a public nuisance by knowingly or recklessly creating, maintaining, or contributing to a condition in New York State and City that endangers the safety and health of the public through the sale, manufacturing, importing, and/or marketing

of the POLYMER80 frames, receivers, and build kits.

141. Defendant POLYMER80 created a public nuisance by marketing and distributing the POLYMER80 frames, receivers, and build kits in New York, even though it knew or should have known that purchase of the POLYMER80 frames, receivers, and build kits creates the superficial appearance of compliance with New York law while the parts remain non-compliant. This conduct allowed for the transfer and possession of unmarked, unserialized, and untraceable firearms into and within New York.

142. Upon information and belief, POLYMER80 has distributed or caused to be distributed a significant number of POLYMER80 frames, receivers, and build kits in New York that were converted into complete unmarked, unserialized, and untraceable ghost guns currently in New York. Without the POLYMER80 frames, receivers, and build kits, those firearms would not have been obtained or transferred within New York.

143. Through its duplicitous, false, and misleading marketing of the POLYMER80 frames, receivers, and build kits, POLYMER80 violated sections 349(a) and 350 of the New York General Business Law, and those violations allowed for the distribution of the POLYMER80 frames, receivers, and build kits (and non-compliant firearms) into and within New York.

144. The nuisance created by Defendant POLYMER80 proximately caused direct and special injuries to Angellyh M. Yambo, a victim shot and killed by the Shooter who was able to acquire his illegal ghost gun because it was sold in New York. Plaintiff Henriquez brings this claim as administrator of the Estate of Angellyh M. Yambo. These injuries are different in kind from the above-described injuries to the general public.

145. In addition, Plaintiff Henriquez is entitled to wrongful death damages, including

pecuniary harm and punitive damages.

146. As a result of the actions, inactions, and omissions of Defendant POLYMER80, Plaintiff has suffered and will continue to suffer general, compensatory, and consequential damages.

COUNT VII – VIOLATION OF N.Y. GEN. BUS. LAW § 349
(Against Defendant Polymer80, Inc.)

147. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

148. Section 349(a) of the New York General Business Law declares that deceptive acts or practices in the conduct of any business, trade, or commerce in New York are unlawful.

149. Section 349(h) of the New York General Business Law provides a cause of action for injunctive relief and damages to any person who has been injured by reason of any violation of section 349(a) of the New York General Business Law.

150. Defendant POLYMER80 committed violations of Section 349(a) of the New York General Business Law by directing advertising towards New York consumers that was materially misleading regarding the legality of POLYMER80 frames, receivers, and build kits. Plaintiff suffered an injury as a result of those violations.

151. POLYMER80 violations of section 349(a) of the New York General Business Law caused harm to the public interest because its deceptive marketing had the effect of allowing the receipt, sale, and transfer of unserialized, unmarked, and untraceable frames, receivers and build kits that properly are classified as firearms, thereby thwarting effective enforcement of New York law by state and local law enforcement agencies and threatening public safety by allowing for the proliferation of these dangerous and unlawful firearms.

152. The shooting of Angellyh M. Yambo occurred as a proximate result of those violations because, had POLYMER80 been truthful in its marketing of the POLYMER80

frames, receivers, and build kits in New York, the Shooter would not have been able to access the weapon he used to carry out his attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon that accepted detachable magazines, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Angellyh M. Yambo would not have been killed.

153. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is entitled to actual damages for POLYMER80s' violations of Section 349(a) of the New York General Business Law.

154. In addition, because POLYMER80s' violations of Section 349(a) of the New York General Business Law were willful or knowing, Plaintiff is entitled to treble damages and attorney's fees.

COUNT VIII – VIOLATION OF N.Y. GEN. BUS. LAW § 350
(Against Defendant Polymer80, Inc.)

155. Section 350 of the New York General Business Law declares that false advertising in the conduct of any business, trade, or commerce in New York is unlawful.

156. Section 350-e(3) of the New York General Business Law provides a cause of action to any person who has been injured by reason of any violation of section 350 of the New York General Business Law and allows that person to recover the greater of actual damages or five hundred dollars.

157. POLYMER80 committed violations of section 350 of the New York General Business Law by directing advertising towards New York consumers that was materially misleading regarding the legality of POLYMER80 frames, receivers, and build kits in New York creates the superficial appearance of compliance with New York law while the parts remain non-

compliant.

158. POLYMER80s' violations of section 350 of the New York General Business Law caused harm to the public interest because its false advertising had the effect of allowing the receipt, sale, and transfer of illegal ghost guns that are properly classified as firearms, thereby thwarting effective enforcement of New York law by state and local law enforcement agencies and threatening public safety by allowing for the proliferation of these dangerous and unlawful firearms.

159. New York consumers relied on POLYMER80s' false advertising regarding the POLYMER80 frames, receivers, and build kits to decide to purchase and possess firearms, causing those consumers to violate New York law. POLYMER80s' false advertising regarding the POLYMER80 frames, receivers, and build kits also influenced New York retailers, some of which relied on that false advertising when deciding to take into inventory, receive, sell, or transfer firearms, causing those businesses to violate New York law. Other retailers were complicit with POLYMER80s' plan to unlawfully circumvent New York's General Business Law, Penal Law and consumer safety laws by selling non-compliant firearms.

160. The shooting of Angellyh M. Yambo occurred as a proximate result of those violations because, had Defendant POLYMER80 been truthful in its advertising of the POLYMER80 frames, receivers, and build kits, the Shooter would not have been able to access the weapon he used to carry out his attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon that accepted detachable magazines, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Ms. Yambo would not have been killed.

161. As administrator of the Estate of Angellyh M. Yambo, Plaintiff Henriquez is therefore entitled to the greater of actual damages or \$500 for POLYMER80s' violations of section 350 of the New York General Business Law.

162. In addition, because POLYMER80s' violations of section 350 of the New York General Business Law were willful or knowing, Plaintiff is entitled to treble damages and attorney's fees.

COUNT VIII – VIOLATION OF N.Y. BUS. LAW § 898
(Against Defendant Polymer80, Inc.)

163. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

164. Defendant POLYMER80 violated section 898-b of the New York General Business Law, which requires that gun dealers/retailers establish and use reasonable controls and procedures to prevent firearms from being possessed, used, marketed, or sold unlawfully in New York.

165. POLYMER80 is a gun industry member pursuant to section 898-b of the New York General Business Law and it manufactures and sells qualified products within the meaning of the statute.

166. Defendant POLYMER80 knew or was willfully blind to the fact that the sale of the POLYMER80 PF940C unserialized frame, receiver, and gun building kit, which was easily modified into a fully functioning illegal firearm, to anyone who could purchase it with a credit card, including the then 17-year-old Defendant RYAN, or his acquaintances, equipped him with a weapon capable of firing ammunition, which was illegal in New York at all relevant times, and endangered the health, safety, and comfort of members of the public.

167. Defendant POLYMER80 also knowingly violated the requirement that it establish and use reasonable controls and procedures to prevent the sale and possession of firearms that

are unlawful in New York. POLYMER80's duty under the law included, for example, the duty to establish reasonable controls and procedures to ensure that it sold legal, compliant products and refrained from selling handguns to individuals under 21 years old. POLYMER80 knew that POLYMER80 frames, receivers, and build kits are easily convertible into fully usable handguns, and accordingly do not render those weapons compliant under New York law. However, it continued to display and sell illegal weapons without any reasonable controls or procedures. It sold such a weapon to the Shooter without using reasonable controls or procedures in conjunction with that sale and more generally.

168. As a result of its conduct, POLYMER80, individually and acting through its employees and agents, and in concert with each other, acted unlawfully, unreasonably and in a way that resulted in harm to people who reside in New York, and in particular, to Angellyh M. Yambo and Plaintiff Henriquez. The harm suffered by Ms. Yambo and Plaintiff Henriquez is different from that suffered by the general public. POLYMER80 failure to comply with its obligations under section 898-b of the New York General Business Law was a proximate and substantial cause of those injuries.

169. Plaintiff Henriquez brings this claim as administrator of the Estate of Angellyh M. Yambo.

170. In addition, Plaintiff Henriquez is entitled to wrongful death damages, including pecuniary harm and punitive damages.

REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and that the Court award the following relief:

- a. Economic damages according to proof at trial;
- b. Noneconomic damages according to proof at trial;
- c. Joint and several liability on the grounds that one or more exemptions set forth in CPLR § 1602 apply, including:
 - i. § 1602(5) (Plaintiff has alleged a cause of action requiring proof of intent);
 - ii. § 1602(7) (Defendants acted with reckless disregard for the safety of others);
- d. Pre-judgment and post-judgment interest in accordance with New York law;
- e. Punitive and exemplary damages in an amount sufficient to punish and deter Defendants' conduct;
- f. Costs of suit, attorneys' fees, and expert/consultant fees to the fullest extent permitted by law;
- g. Injunctive relief, including, but not limited to, orders:
 - i. prohibiting Defendant POLYMER80 from falsely or deceptively advertising that its POLYMER80 frames, receivers and build kits render firearms compliant with New York law;
 - ii. requiring Defendant POLYMER80 to abate the public nuisances described in this Complaint and to deter and/or prevent the resumption of those public nuisances; and

h. Grant such other relief as the Court may deem just and proper.

DATED: March 26, 2024
New York

Respectfully submitted,



Anthony Beneduce, Esq.

LEAV & STEINBERG, LLP

Attorneys for Plaintiff

YANELY M. HENRIQUEZ,

Individually and as Administrator of the

Estate of ANGELLYH M. YAMBO

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
YANELY M. HENRIQUEZ, Individually and as Administrator of
the Estate of ANGELLYH M. YAMBO a/k/a ANGELLYH M.
YAMBO HENRIQUEZ,

Index No.:

**ATTORNEY'S
VERIFICATION**

Plaintiff,

-against-

POLYMER80, INC., and JEREMIAH RYAN,

Defendants.
-----X

ANTHONY M. BENE DUCE, an attorney duly licensed to practice before the courts of the State of New York, does hereby affirm this 26th day of March 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

I am an attorney with the firm of LEAV & STEINBERG, L.L.P., the attorneys of record for the plaintiff.


I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because she does not reside in the County of New York, which is the County where your affirmant maintains offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affirmant's possession, and other pertinent data relating thereto.

Dated: New York, New York
March 26, 2024

LEAV & STEINBERG, L.L.P.


Anthony Beneduce, Esq.