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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO. _____

GURBIR S. GREWAL, Attorney
General of the State of New
Jersey, and PAUL R. RODRÍGUEZ,
Acting Director of the New Jersey
Division of Consumer Affairs,

Plaintiffs,

v.

JAMES TROMBLEE, JR. d/b/a U.S.
PATRIOT ARMORY, JANE and JOHN
DOES 1-20, individually and as
owners, officers, directors,
shareholders, founders, members,
managers, agents, servants,
employees, representatives and/or
independent contractors of U.S.
PATRIOT ARMORY, and XYZ
CORPORATIONS 1-20,

Defendant.

Civil Action

VERIFIED COMPLAINT

Plaintiffs Gurbir S. Grewal, Attorney General of the State of
New Jersey ("Attorney General"), with offices located at 124 Halsey

Street, Fifth Floor, Newark, New Jersey 07102, and Paul R. Rodríguez, Acting Director of the New Jersey Division of Consumer Affairs ("Director"), with offices located at 124 Halsey Street, Seventh Floor, Newark, New Jersey 07102, by way of this Verified Complaint state:

PRELIMINARY STATEMENT

1. In New Jersey and across the United States, the scourge of gun violence has devastated communities. With the specter of mass shootings looming over schools, places of worship, and other public spaces, the need to promote both public safety and law enforcement safety has never been more urgent. But a group of companies, the makers and sellers of "ghost guns," thought they had found a way around federal and state firearms laws. These companies sell near-complete firearms along with the remaining parts necessary to make fully operational guns, and often even provide instructions to buyers on how to complete them. But because "ghost guns" are incomplete at the moment of sale, these companies did not put buyers through background checks. Without background checks, prohibited persons - like terrorists, felons, and domestic abusers - can buy the kits and build their weapons. Still more, the completed "ghost guns" lack serial numbers, making it harder for law enforcement to trace the guns to their owners

and solve gun-related crimes. "Ghost guns" thus threaten both public safety and law enforcement safety.

2. To protect residents and law enforcement officers from untraceable firearms, on November 8, 2018, New Jersey's Governor signed into law a ban on the purchase of "ghost guns," effective immediately. The law makes it a third-degree crime to purchase firearm parts with the purpose of manufacturing a firearm without a serial number. Despite the new law, defendant James Tromblee, Jr. d/b/a U.S. Patriot Armory ("Tromblee" or "Defendant") has engaged in the online advertisement, offer for sale, and/or sale of "ghost guns" to New Jersey residents, including kits and parts for AR-15 assault rifles, without informing customers that his product is illegal in New Jersey. Defendant failed to inform New Jersey residents of the consequences of possessing "ghost guns," and affirmatively misrepresented that his product is legal. Defendant stated about one of his "ghost gun" products, "Is it legal?: YES!," and stated he could ship another "right to your front door with no [Federal Firearms License] required." Worse still, Defendant has continued to do so despite receiving a letter from the Attorney General demanding that he cease such activity.

3. By advertising, marketing, offering for sale, and/or selling "ghost guns" and "ghost gun" parts to New Jersey residents,

Defendant has committed multiple violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 to -210 ("CFA"), the Rules Concerning Hazardous Products, N.J.A.C. 13:45A-4.1 to -4.3 ("Hazardous Products Regulations"), and the Regulations Governing General Advertising Practices, N.J.A.C. 13:45A-9.1 to -9.8 ("Advertising Regulations"). Accordingly, the Attorney General and Director submit this Verified Complaint in connection with an Order to Show Cause with Temporary Restraints seeking, among other things, to halt Defendant's advertisement, offer for sale, and/or sale of "ghost gun" and "ghost gun" parts to New Jersey residents. Such immediate relief is necessary to preserve New Jersey's firearm safety laws, and to protect State residents from gun violence and potential criminal liability.

JURISDICTION AND PARTIES

4. The Attorney General is charged with enforcing the CFA and all regulations promulgated thereunder, including the Hazardous Products Regulations and the Advertising Regulations. The Director is charged with administering the CFA, the Hazardous Products Regulations, and the Advertising Regulations on behalf of the Attorney General.

5. By this action, the Attorney General and the Director (collectively, "Plaintiffs") seek injunctive and other relief for

violations of the CFA, the Hazardous Products Regulations, and the Advertising Regulations. Plaintiffs bring this action pursuant to their authority under the CFA, specifically N.J.S.A. 56:8-8, 56:8-11, 56:8-13, and 56:8-19, and the New Jersey Rules Governing Civil Practice, specifically R. 4:52. Venue is proper in Essex County, pursuant to R. 4:3-2, because it is a county in which at least one of the parties resides and/or in which the cause of action arose.

6. At all relevant times, Tromblee has maintained a mailing address of 19261 Shoshonee Road, Apple Valley, California 92308.

7. Upon information and belief, Tromblee began operating U.S. Patriot Armory on April 25, 2014. At all relevant times, U.S. Patriot Armory has maintained a business address of 13631 Pawnee Road, Suite #1, Apple Valley, California 92308, and a mailing address of 20258 Highway 18, Suite 430-467, Apple Valley, California 92307.

8. John and Jane Does 1 through 20 are fictitious individuals meant to represent the owners, officers, directors, shareholders, founders, members, managers, agents, servants, employees, representatives, and/or independent contractors of U.S. Patriot Armory who have been involved in the conduct that gives rise to this Verified Complaint, but who are currently unknown to

the Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Verified Complaint to include them.

9. XYZ Corporations 1 through 20 are fictitious corporations meant to represent any corporations that have been involved in the conduct that gives rise to this Verified Complaint, but that are currently unknown to the Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Verified Complaint to include them.

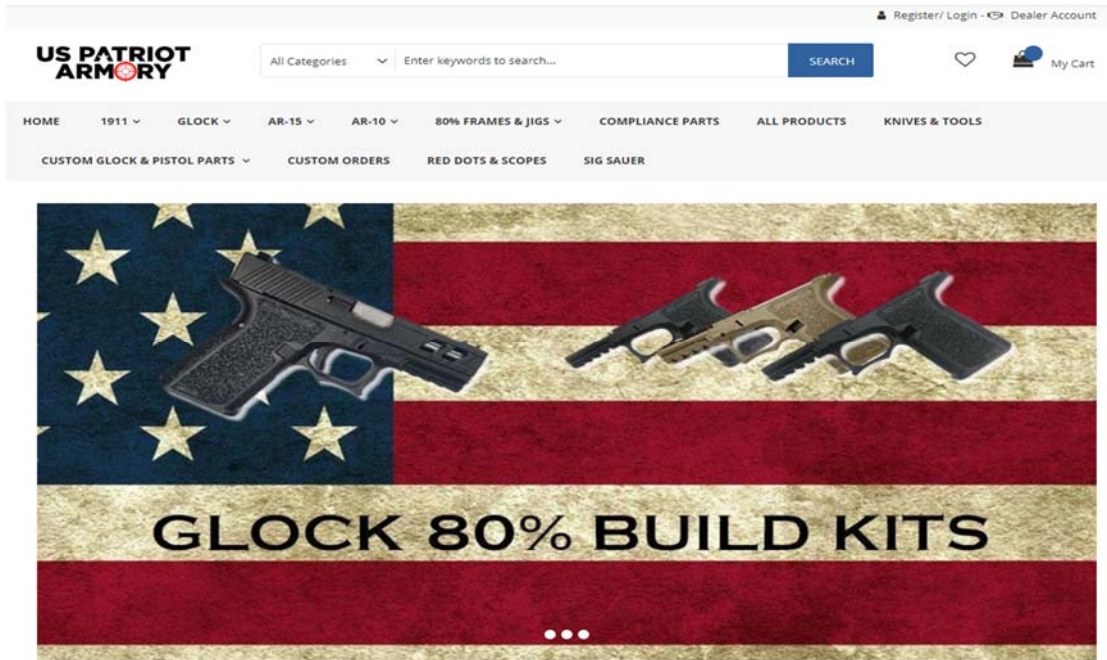
GENERAL ALLEGATIONS COMMON TO ALL COUNTS

A. Defendant's Advertisement, Offer for Sale, and/or Sale of "Ghost Guns" Through Defendant's Website:

10. At all relevant times, Defendant has advertised, offered for sale, and/or sold "ghost guns" and/or "ghost gun" parts to residents of New Jersey and elsewhere through the website located at www.USPatriotArmory.com ("Defendant's Website"). Defendant has also included statements on Defendant's Website indicating such products are legal, without mentioning New Jersey's law.

Defendant's Products:

11. At least as of February 15, 2019, the home page of Defendant's Website ("Defendant's Home Page") contains a rotating banner referencing "Glock 80% Build Kits," "1911 Custom Build Kits," and "AR-9 AR-15 AR-10 .458 SOCOM COMPLETE CUSTOM UPPER BUILDS." The initial portion of the banner appears as follows:



12. Among other things, Defendant's Home Page advertises "complete kits," "upper receivers," "lower parts & kits," and "80% frames & jigs" for "1911," "Glock," "AR-15," and "AR-10" firearm models.

13. The merchandise Defendant's Website advertises and offers for sale includes AR-15 Rifle Kits, such as the: (a) "Patriot Storm AR-15 5.56 12" M-Lock Rifle Kit with Flip Up Sights, BCG & CH"; (b) "A-Salt 5.56 AR-15 Rifle Kit Inc. DPMS LPK"; (c) "Jigsaw Pro. AR-15 5.56 1/8 Twist 15" Quad Rail Rifle Kit, Comes With Flip-Up Sights, BCG & Charging Handle"; (d) "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit"; and (e) "AR-15" A2-Style Prifile [sic] 7.62X39 M4 Rifle Kit (Lower Not Included)."

14. Defendant's Website depicts the "Patriot Storm AR-15 5.56 12" M-Lock Rifle Kit" as follows:

2/15/2019 PATRIOT STORM AR-15 5.56 12" M-LOCK RIFLE KIT WITH FLIP UP SIGHTS, BCG & CH | US Patriot Armory
HOME PATRIOT STORM AR-15 5.56 12" M-LOCK RIFLE KIT WITH FLIP UP SIGHTS, BCG & CH



PATRIOT STORM AR-15 5.56 12" M-LOCK RIFLE KIT WITH FLIP UP SIGHTS, BCG & CH

Be the first to review this product

SKU STORM12



Availability: In stock

\$499.99

Quantity:

ADD TO

[Compare](#) [Wishlist](#) [Email](#)

<https://www.uspatriotarmory.com/patriot-storm-ar-15-5-56-12-m-lock-rifle-kit-with-flip-up-sights-bcg-ch.html>

15. Defendant's Website depicts the "Jigsaw Pro. AR-15 5.56 1/8 Twist 15" Quad Rail Rifle Kit" as follows:

HOME
JIGSAW PRO... AR-15 5.56 1/8 TWIST 15" QUAD RAIL RIFLE KIT, COMES WITH FLIP-UP-SIGHTS, BCG & CHARGING HANDLE....



JIGSAW PRO... AR-15 5.56 1/8 TWIST 15" QUAD RAIL RIFLE KIT, COMES WITH FLIP-UP-SIGHTS, BCG & CHARGING HANDLE....

Be the first to review this product

SKU AR15PRO15



Availability: In stock

\$460.00

Quantity:

ADD TO

[Compare](#) [Wishlist](#) [Email](#)

<https://www.uspatriotarmory.com/ar-15-12-quad-rail-upper-with-5-56-1-8-twist-black-nitride-barrel-no-bog-or-charging-handle.html>


16. As to the "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit," Defendant's Website states that

17. The AR-15 80 percent lower firearm receivers offered for sale on Defendant's Website include the following: (a) "AR-15 Black Anodized Forged 5.56/.223/80% Lower Receiver;" (b) "Polymer80 G-150 80% Lower with Jig System" ("Polymer80 Phoenix2 Lower"); and (c) "Forged 80% AR15 223 Lower Receiver."

18. Defendant's Website depicts the "AR-15 Black Anodized Forged 5.56/.223/80% Lower Receiver" as follows:

2/15/2019 ar-15 80% lower receiver - forged 80% lower, anodized 80% lower, 80 percent lower | US Patriot Armory

HOME AR-15 BLACK ANODIZED FORGED 5.56/.223/ 80% LOWER RECEIVER



AR-15 BLACK ANODIZED FORGED 5.56/.223/ 80% LOWER RECEIVER

Be the first to review this product

SKU LAA1

Availability: In stock

\$55.00

Quantity:

1

ADD TO

Compare Wishlist Email

Details

Premium Black Anodized Forged 5.56/.223 80% Lower Receiver

80% Mil-spec Black Anodized 7075 forging. After the machining process is done, we send it out to get Type III hard coat (Mil-spec anodizing). The rear pocket is cut on this lower.

<https://www.uspatriotarmory.com/ar-15-80-lower-black-anodized-forged-5-56-223-80-lower-receiver.html>

19. Defendant's Website depicts the "Polymer80 Phoenix2 Lower" as follows:

The screenshot shows the US Patriot Armory website interface. At the top, there is a navigation menu with categories like 'HOME', '1911', 'GLOCK', 'AR-15', 'AR-10', '80% FRAMES & JIGS', 'COMPLIANCE PARTS', 'ALL PRODUCTS', and 'KNIVES & TOOLS'. A search bar is located to the right of the navigation menu. Below the navigation menu, there are several product categories listed: 'CUSTOM GLOCK & PISTOL PARTS', 'CUSTOM ORDERS', 'RED DOTS & SCOPES', and 'SIG SAUER'. The main product page is for the 'Polymer80 G150 80% Lower With Jig System - Black'. The product image shows a red jig system and a black lower receiver. The price is \$80.00, and there is an 'ADD TO CART' button. The availability is listed as 'In stock'. There are also social media sharing options and a 'Compare' button.

DETAILS REVIEWS

Polymer80 G150 80% Lower with Jig System - Black

The Phoenix, Gen2 version features Polymer80's proprietary polymer composite, a solid core design, stiffened magwell and beefier MILSPEC buffer tube housing. The pistol grip area features a unique no-thread design specific to Polymer80 lowers.

Description:
 The Polymer80, Phoenix2, AR15 80% Lower and Jig System Includes the Phoenix2 system

This system is designed as a complete kit. There are NO expensive jig kits or parts to purchase - our system is a COMPLETE, all inclusive package in one price!

The Phoenix, Gen2 version features Polymer80's proprietary polymer composite, a solid core design, stiffened magwell and beefier MILSPEC buffer tube housing. The pistol grip area features a unique no-thread design specific to Polymer80 lowers.

The jig is included in the price of this system. Our kit comes with the drill bits and end mill required to complete your AR project the right way.

Parts List: Each Lower and Jig Kit comes with the following:

Part Description	ITEM	Qty per Lower
AR15 Lower Receiver	G150 Gen2	1
Set Screw Bolt Catch Pin	3mm	1
Dowel Pin for Bolt Catch	5/8in	1
Pistol Grip Nut	3/8in	1
Pistol Grip Screw	1.5in	1
Allen Wrench	1/16th	1
Jig Parts List	ITEMy per Jig	
AR15 Jig	j150	1
End Mill with laser-etched depth mark for Fire Control Pocket	7/16" end mill	1
Drill Bit, Trigger Pin Hole	5/16" drill bit	1
Drill Bit, Safety Selector Switch Hole	3/8" drill bit	1

Is it legal? YES! The Polymer80 G150 Phoenix2 unit is well within the defined parameters of a "receiver blank" defined by the ATF and therefore has not yet reached a stage of manufacture that meets the definition of firearm frame or receiver found in the Gun Control Act of 1968 (GCA).

20. Defendant's Website describes the "Polymer80 Phoenix2 Lower" as "a complete kit. There are NO expensive jig kits or parts to purchase - **our system is a COMPLETE, all inclusive package** in one price!" (Emphasis added.) Defendant's Website also states that "[t]he jig is included in the price of this system. **Our kit comes with the drill bits and end mill required to complete your AR project the right way.**" (Emphasis added.)

Defendant's Statements:

21. Defendant's Website provides the parts list for the "Polymer80 Phoenix2 Lower" and goes on to state: "**Is it legal?: YES!** The Polymer80 G150 Phoenix2 unit is well within the defined parameters of a 'receiver blank' defined by the ATF and therefore has not yet reached a stage of manufacture that meets the definition of firearm frame or receiver found in the Gun Control Act of 1968 (GCA)." (Emphasis added.) Defendant's Website includes similar statements with the description of other "ghost gun" components, including the "Polymer80, 308 80% Lower Receiver and Jig System - Flat Dark Earth."

22. Defendant's Website also advertises and offers for sale a "New Frontier Armory 80% C-9 Billet Lower Receiver Build Kit," which it depicts as follows:

HOME 80% FRAMES & JIGS 80% AR-15 FORGED 9MM
NEW FRONTIER ARMORY 80% C-9 BILLET LOWER RECEIVER BUILD KIT



NEW FRONTIER ARMORY 80% C-9 BILLET LOWER RECEIVER BUILD KIT

Be the first to review this product

SKU New Frontier Armory 80% C-9 Billet Lower Receiver Build Kit



Availability: In stock

\$289.99

Quantity:

ADD TO

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23. Defendant's Website includes the specifications of the "New Frontier Armory 80% C-9 Billet Lower Receiver Build Kit" which conclude with the following statement: "Save money by building your own AR-9 rifle from the ground up exactly the way you want it configured and shoot for less!" Defendant's Website includes a similar statement with the description of other "ghost gun"


components, including the "80% C-9 Billet Lower Receiver - Glock Style Mags."


24. Defendant's Website further advertises and offers for sale the "Juggernaut Tactical AR-15 80% Lower Receiver Billet," which it depicts as follows:

2/15/2019 AR-15 80% Lower Receiver Black Anodized | US Patriot Armory | US Patriot Armory

HOME JUGGERNAUT TACTICAL AR-15 80% LOWER RECEIVER BILLET









JUGGERNAUT TACTICAL AR-15 80% LOWER RECEIVER BILLET

Be the first to review this product

SKU AR-15 80% Lower Receiver Black Anodized

 **SHARE**  **Save**

Availability: In stock

\$130.00

Type Of Finish

-- Please Select --

Quantity:

1

ADD TO

[Compare](#) [Wishlist](#) [Email](#)

<https://www.uspatriotarmory.com/ar-15-80-lower-receiver-black-anodized.html>

25. Defendant's Website includes a description of the "Juggernaut Tactical Ar-15 80% Lower Receiver Billet," as follows:

2/15/2019

AR-15 80% Lower Receiver Black Anodized | US Patriot Armory | US Patriot Armory

Details

JUGGERNAUT TACTICAL AR-15 80% Lower Receiver Billet

Description

The JT-15 Lower Receiver in 80% completed form. The JT-15 is precision CNC-machined from solid aerospace billet aluminum. It is not a cheap forging. This is a top-tier AR-15 lower receiver perfect for any high quality AR-15 build.

- JUGGERNAUT TACTICAL applies its own Cerakote: ceramic-based thermoset epoxy finish in 4 color selections, which include Magpul FDE, Sniper Grey, Magpul OD Green, and Burnt Bronze. For added strength, the Cerakote is applied over an anodized Type 3 hard coat.
- The non-Cerakote finish options include Black Anodized and Pink Anodized.
- T6 Heat-Treated 6061 Billet Aluminum
- Completed weight: 8 ounces
- Integral winter trigger-guard for added strength
- Flared magwell to improve mag changes.
- Laser engraved JTAC logo
- Broached magwell
- Threaded bolt catch
- Upper tensioning screw
- Bolt catch assembly screw
- No roll pins need for assembly
- Ambi Bolt Release/hardware
- Lifetime warranty against manufacture defects
- Threaded rear takedown pin
- Semi safe engraved on both sides

If you would like to finish your JT-15 80% Lower at home, we offer a jig-kit here. Because 80% Lowers are not considered firearms by ATF, we can ship them right to your front door with no FFL required... but finished rifles must meet all applicable laws and you must be able to legally own a firearm. Compliance with all laws is YOUR responsibility.

26. As to the "Juggernaut Tactical Ar-15 80% Lower Receiver Billet," Defendant's Website concludes: "If you would like to finish your JT-15 80% Lower at home, we offer a jig kit here. Because 80% Lowers are not considered firearms by [the Bureau of Alcohol, Tobacco, Firearms and Explosives], **we can ship them right to your front door with no [Federal Firearms License] required..** but finished rifles must meet all applicable laws and you must be able to legally own a firearm. Compliance with all laws is YOUR responsibility." (Emphasis added.)

27. Defendant's Website also offers for sale complete glock pistol kits which include the following: (a) "Complete 80% Glock 17 Gen3 Full Build Kit;" (b) "80% Vortex Viper Glock 19 Compact Gen3 Full Build Kit With Trijion Suppressor Night Sights;" and (c) "G26 80% Complete Build Kit."

28. Defendant's Website depicts the "G26 80% Complete Build Kit" as follows:

HOME
G26 80% COMPLETE BUILD KIT COMES WITH FREE CLASSY RAPTOR STAINLESS STEEL AMERICAN FLAG BACK PLATE



G26 80% COMPLETE BUILD KIT COMES WITH FREE CLASSY RAPTOR STAINLESS STEEL AMERICAN FLAG BACK PLATE

Be the first to review this product

SKU G26-KIT



Availability: In stock

\$550.00

Quantity:

ADD TO

29. Defendant's Website contains a description of the "G26 80% Complete Build Kit" that includes the following:

No [Federal Firearms License] is required to purchase this 80% Glock 19 build kit. This 80% Glock 26 build kit is not considered a firearm[.]

1. This is not [a Federal Firearms License] item due [to] the machining required to finish the product. Under [the Bureau of Alcohol, Tobacco, Firearms and Explosives] this is not a firearm. Operations left to be performed are:

- Cutting of the rails
- Cutting of the barrel seat

- Drilling of the 3 pin holes

[Emphasis added.]

30. Defendant's Website does not include any statements restricting and/or prohibiting the sale and/or shipment of "ghost guns" and/or "ghost gun" parts to New Jersey residents.

31. Defendant's Website includes a "Terms & Conditions" page ("Defendant's Terms & Conditions Page") that states, "[y]ou have familiarized yourself with the laws of your state governing the purchase and sale of firearms and firearms accessories. It is your responsibility to be familiar with their own local and state firearm related laws, restrictions and ownership requirements."

32. Defendant's Website does not include any statement that New Jersey law makes it a third-degree crime, punishable by fines of up to \$15,000 and imprisonment of up to five years, to purchase firearm parts with the purpose to manufacture a firearm without a serial number. N.J.S.A. 2C:39-9(k); N.J.S.A. 2C:43-3(b)(1); N.J.S.A. 2C:43-6(a)(3).

33. Defendant's Website does not include any statement that the possession of an unregistered assault firearm is a second-degree crime in New Jersey, punishable by fines of up to \$150,000 and a term of imprisonment from five to ten years. N.J.S.A. 2C:39-5(f); N.J.S.A. 2C:43-3(a)(2); N.J.S.A. 2C:43-6(a)(2).

B. New Jersey's Firearm Safety Laws:

34. N.J.S.A. 2C:39-1 to -20 regulates the possession, sale, manufacture, and transport of firearms in New Jersey.

35. New Jersey amended its firearms laws, effective November 8, 2018, to prohibit the purchase of firearm parts to manufacture a firearm without a serial number, i.e. a "ghost gun." N.J.S.A. 2C:39-9(k). The law specifically provides, in pertinent part:

In addition to any other criminal penalties provided under law, a person who, with the purpose to manufacture or otherwise assemble a firearm and without being registered or licensed do so as provided in chapter 58 of Title 2C of the New Jersey Statutes, purchases or otherwise obtains separately or as part of a kit a firearm frame or firearm receiver which is not imprinted with a serial number registered with a federally licensed manufacturer or any combination of parts from which a firearm without a serial number may be readily manufactured or otherwise assembled, but which does not have the capacity to function as a firearm unless manufactured or otherwise assembled is guilty of a crime of the third degree.

[N.J.S.A. 2C:39-9(k) (emphasis added).]

36. As used in N.J.S.A. 2C:39-9(k), a "firearm frame or firearm receiver" means:

the part of a firearm that provides housing for the firearm's internal components, such as the hammer, bolt or breechblock, action, and firing mechanism, and includes without limitation any object or part which is not a firearm frame or receiver in finished form but is designed or intended to be used for that purpose and which may readily be made into a firearm frame or receiver through milling or other means.

[Ibid.]

37. Under New Jersey law, the purchase of a "ghost gun" or "ghost gun" parts with the purpose to manufacture an unserialized firearm is a third degree crime, punishable by fines of up to \$15,000, and by a term of imprisonment ranging from three to five years. N.J.S.A. 2C:43-3(b)(1); N.J.S.A. 2C:43-6(a)(3).

38. With respect to "assault firearms," New Jersey law defines the term expansively, encompassing not only specific firearm types - such as the "Colt AR-15 and CAR-15 series" - but also "[a]ny firearm manufactured under any designation which is substantially identical to any of the [enumerated] firearms[,] as well as "[a] part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person." N.J.S.A. 2C:39-1(w).

39. And under New Jersey law, the possession of an unregistered assault firearm is a second degree crime, is punishable by fines of up to \$150,000, and by a term of imprisonment ranging from five to ten years. N.J.S.A. 2C:43-3(a)(2); N.J.S.A. 2C:43-6(a)(2).

C. Attorney General's Cease and Desist Letter:

40. By letter dated December 19, 2018, the Attorney General notified Defendant that Defendant's Website "advertises, among other things, complete rifle and hand gun kits and offers unregistered and unserialized builds and component parts for purchase without prohibiting shipments to New Jersey, where the purchase of such firearm parts with the purpose to manufacture a firearm without a serial number is illegal."

41. In particular, the Attorney General explained that such sales into New Jersey violate the CFA, N.J.S.A. 56:8-2, the Hazardous Products Regulations, N.J.A.C. 13:45A-4.1(b), and the Advertising Regulations, N.J.A.C. 13:45A-9.2(a)(9).

42. Further, the Attorney General put Defendant on notice that based upon these legal violations, he may be "subject to civil penalties of up to \$10,000 for the first offense and up to \$20,000 for the second and each subsequent offense. N.J.S.A. 56:8-13."

43. Accordingly, the Attorney General demanded Defendant "stop advertising, offering for sale, and/or selling 'ghost guns' and 'ghost gun' parts to New Jersey residents."

44. Finally, the Attorney General warned Defendant that if he failed to comply with the demand within thirty (30) days from the date of the letter, "my Office will initiate legal action."

45. More than 30 days have passed since the date of the letter, and Defendant has failed to stop advertising, marketing, offering for sale, and/or selling "ghost guns" and "ghost gun" parts to New Jersey residents.

D. Division's Undercover Purchase of a "Ghost Gun" from Defendant:

46. On February 14, 2019, using an undercover identity, an Investigator from the New Jersey Division of Consumer Affairs ("Division") accessed Defendant's Website to make an undercover purchase of the "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit" ("Kit"). The Kit was described as "a complete Rile [sic] kit for a basic functioning AR-15 Rifle."

47. Because the Kit did not include a lower receiver, the Investigator also purchased an "AR-15 Black Anodized Forged 5.56/.223/ 80% Lower Receiver" ("Lower Receiver"). The description of the Lower Receiver on Defendant's Website stated that "[t]his lower is compatible with the 5D Jig & 80% Arms Easy Jig." Therefore, the Investigator located the "5D Tactical 80% Lower Jig Tool Kit" ("5D Jig"), and added it to the purchase.

48. The order totaled \$583.98, which was charged to an undercover credit card. The Kit, Lower Receiver, and 5D Jig were to be shipped to an undercover New Jersey address. Defendant confirmed the order by assigning it order number 000005399. The

confirmation page also stated that Defendant would "email you an order confirmation with details and tracking info."

49. On March 14, 2019, the Investigator met with a Sergeant of the New Jersey Division of Criminal Justice ("DCJ Sergeant") at the undercover address to take possession of the delivered order. The DCJ Sergeant transported the package back to the Division.

50. The shipping box label stated that the package was sent from "USPA, 13631 Pawnee Rd., Suite #1, Apple Valley CA 92308."

51. Once at the Division, the DCJ Sergeant opened the package and the Investigator took photographs of the contents. The package included all of the items ordered, specifically: (1) "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit"; (2) "AR-15 Black Anodized Forged 5.56/.223/80% Lower Receiver"; and (3) "5D Tactical 80% Lower Jig Tool Kit."

52. The package contents appeared as follows:



53. Once the photographs were taken, the DCJ Sergeant repackaged the items and retained possession of the package.

COUNT I

**VIOLATIONS OF THE CFA BY DEFENDANT
(UNCONSCIONABLE COMMERCIAL PRACTICES AND DECEPTION)**

54. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 53 as if more fully set forth herein.

55. The CFA, N.J.S.A. 56:8-2, prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing[] concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise . . . ,

whether or not any person has in fact been misled, deceived or damaged thereby[.]

56. The CFA defines "advertisement" as including "the attempt directly or indirectly by publication, dissemination, solicitation, indorsement or circulation or in any other way to induce directly or indirectly any person to enter or not enter into any obligation or acquire any title or interest in any merchandise or to increase the consumption thereof or to make any loan[.]" N.J.S.A. 56:8-1(a).

57. The CFA defines "sale" as including "any sale, rental or distribution, offer for sale, rental or distribution or attempt directly or indirectly to sell, rent or distribute[.]" N.J.S.A. 56:8-1(e).

58. The CFA defines "merchandise" as including "any objects, wares, goods, commodities, services or anything offered, directly or indirectly to the public for sale." N.J.S.A. 56:8-1(c).

59. At all relevant times, Defendant has been engaged in the advertisement, offering for sale, and sale of merchandise – specifically "ghost guns" and "ghost gun" parts – within the meaning of N.J.S.A. 56:8-1(c).

60. New Jersey law makes it a third-degree crime, punishable by fines and imprisonment, to purchase a "ghost gun" or "ghost gun" parts with the purpose to manufacture a firearm without a

serial number. N.J.S.A. 2C:39-9(k); N.J.S.A. 2C:43-3(b)(1);
N.J.S.A. 2C:43-6(a)(3).

61. New Jersey law makes it a second-degree crime, punishable by fines and imprisonment, to possess an unregistered assault firearm. N.J.S.A. 2C:43-3(a)(2); N.J.S.A. 2C:43-6(a)(2).

62. In advertising, offering for sale, and/or selling unregistered and unserialized "ghost gun" and "ghost gun" parts to New Jersey residents, Defendant has engaged in unconscionable commercial practices, acts of deception, misrepresentations, and/or knowing omissions of material fact.

63. These unconscionable commercial practices and acts of deception include, but are not limited to:

- a. On Defendant's Home Page, advertising, offering for sale, and/or selling unserialized "ghost guns" and "ghost gun" parts including "complete kits," "upper receiver," "lower parts & kits," and "80% frames & jigs" for "1911," "Glock," "AR-15," and "AR-10" models, to New Jersey residents, despite that the purchase of firearm parts with the purpose to manufacture a firearm without a serial number is a third-degree crime, punishable by fines of up to \$15,000, and by a term of imprisonment up to five years;
- b. On Defendant's Home Page, advertising, offering for sale, and/or selling unregistered "ghost guns" and "ghost gun" parts, which include assault firearms and assault firearm parts, including "complete kits," "upper receiver," "lower parts & kits," and "80% frames & jigs" for "AR-15," and "AR-10" models, to New Jersey residents, despite that such merchandise can be used to manufacture an assault

firearm, possession of which is a crime of the second degree, punishable by fines of up to \$150,000, and a term of imprisonment ranging from five to ten years;

- c. Through Defendant's Website, advertising, offering for sale, and/or selling complete rifle kits which include an "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit," an "A-Salt 5.56 AR-15 Rifle Kit," and an "AR-15 16" A2-Style Prifile [sic] 7.62x39 M4 Rifle Kit," to New Jersey residents, when the purchase of such items with the purpose to manufacture an unserialized or unregistered assault firearm constitutes a criminal offense in New Jersey;
- d. Through Defendant's Website, advertising, offering for sale, and/or selling 80 percent lower receivers with jig systems to complete ghost gun builds including the "Polymer80 Phoenix2 Lower," and the "AR-15 Black Anodized Forged 5.556/.223/80% Lower Receiver" to New Jersey residents, when the purchase of a firearm frame or firearm receiver without a serial number with the purpose to manufacture a firearm constitutes a criminal offense in New Jersey;
- e. Including the following statement when advertising, offering for sale, and/or selling the "Polymer80 Phoenix2 Lower": "Is it legal?: YES! The Polymer80 G150 Phoenix2 unit is well within the defined parameters of a 'receiver blank' defined by [the Bureau of Alcohol, Tobacco, Firearms and Explosives] and therefore has not yet reached a stage of manufacture that meets the definition of firearm frame or receiver found in the Gun Control Act of 1968 (GCA)," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- f. Including the following statement when advertising, offering for sale, and/or selling the "Juggernaut Tactical AR-15 80% Lower Receiver Billet": "If you would like to finish your JT-15 80% lower at home,

we offer a jig kit here. Because 80% Lowers are not considered firearms by [the Bureau of Alcohol, Tobacco, Firearms and Explosives], we can ship them right to your front door with no [Federal Firearms License] required... but finished rifles must meet all applicable laws and you must be able to legally own a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;

- g. Including the following statement when advertising, offering for sale, and/or selling the complete glock pistol kits and component parts, specifically the "G26 80% Complete Build Kit": "No [Federal Firearms License] is required to purchase this 80% Glock 19 build kit. This 80% Glock 26 build kit is not considered a firearm... This is not [a Federal Firearms License] item due [to] the machining required to finish the product. Under [the Bureau of Alcohol, Tobacco, Firearms and Explosives] this is not a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- h. Failing to cease and desist from the advertisement, offering for sale, and/or sale of "ghost guns" and "ghost gun" parts to New Jersey residents following receipt of the Attorney General's cease and desist letter; and
- i. Selling and delivering an "AR-15 18" Stainless Steel Barrel 15" Keymod Rail Complete Rifle Build Kit," an "AR-15 Black Anodized Forged 5.56/.223/80% Lower Receiver," and a "5D Tactical 80% Lower Jig Tool Kit" to a New Jersey resident when the possession of such items in New Jersey with the purpose to manufacture an unserialized firearm is a criminal offense.

64. Each unconscionable commercial practice and act of deception constitutes a separate violation under the CFA, N.J.S.A. 56:8-2.

COUNT II

**VIOLATIONS OF THE CFA BY DEFENDANT
(MISREPRESENTATIONS AND KNOWING OMISSIONS OF MATERIAL FACT)**

65. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 64 as if more fully set forth herein.

66. Defendant's conduct in violation of the CFA includes, but is not limited to, the following misrepresentations and knowing omissions of material fact:

- a. Representing on Defendant's Website under the description of the "Polymer80 Phoenix2 Lower" and other "ghost gun" parts: "Is it legal?: YES! The Polymer80 G150 Phoenix2 unit is well within the defined parameters of a 'receiver blank' defined by the [the Bureau of Alcohol, Tobacco, Firearms and Explosives] and therefore has not yet reached a stage of manufacture that meets the definition of firearm frame or receiver found in the Gun Control Act of 1968 (GCA)," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- b. Representing on Defendant's Website under the description of the "Juggernaut Tactical AR-15 80% Lower Receiver Billet": "Because 80% Lowers are not considered firearms by [the Bureau of Alcohol, Tobacco, Firearms and Explosives], we can ship them right to your front door with no [Federal Firearms License] required... but finished rifles must meet all applicable laws and you must be able to legally own a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- c. Representing on Defendant's Website under the description of the "G26 80% Complete Build Kit": "No [Federal Firearms License] is required to purchase this 80% Glock 19 build kit. This 80%

Glock 26 build kit is not considered a firearm.. This is not [a Federal Firearms License] item due [to] the machining required to finish the product. Under [the Bureau of Alcohol, Tobacco, Firearms and Explosives] this is not a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;

- d. Failing to disclose on Defendant's Website that the purchase by a New Jersey resident of a "ghost gun" or "ghost gun" parts with the purpose to manufacture a firearm without a serial number is a third-degree crime, punishable by fines of up to \$15,000 and imprisonment of up to five years;
- e. Failing to disclose on Defendant's Website that the possession of an unregistered assault firearm in New Jersey constitutes a crime of the second degree, punishable by fines of up to \$150,000 and imprisonment from five to ten years; and
- f. Failing to include in Defendant's Terms & Conditions Page a clear and conspicuous prohibition on the sale of "ghost guns" and "ghost gun" parts to New Jersey residents.

67. Each misrepresentation and knowing omission of material fact by Defendant constitutes a separate violation under the CFA, N.J.S.A. 56:8-2.

COUNT III

VIOLATIONS OF THE HAZARDOUS PRODUCTS REGULATIONS BY DEFENDANT

68. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 67 above as if more fully set forth herein.

69. The Hazardous Products Regulations, specifically N.J.A.C. 13:45A-4.1(b), provides:

It shall be an unconscionable practice for any person, including any business entity, to advertise or market to, or otherwise solicit the sale from, a resident of this State, a consumer product that is illegal to possess or use in this State or a consumer product that is illegal to possess or use in this State without a valid permit or license, where the possession or use, or the possession or use without a valid permit or license, would subject the person possessing or using the product to criminal prosecution, without clearly and conspicuously disclosing that the product is illegal to possess or use in this State, or to possess or use in this State without a valid permit or license, as the case may be.

70. At all relevant times, Defendant advertised, marketed, offered for sale, and sold consumer products – specifically “ghost guns” and “ghost gun” parts – to New Jersey residents within the meaning of N.J.A.C. 13:45A-4.2.

71. In advertising, marketing, offering for sale, and/or selling “ghost guns” and “ghost gun” parts to New Jersey residents, Defendant has violated the Hazardous Products Regulations including, but not limited to:

- a. Failing to clearly and conspicuously disclose on Defendant’s Website that in New Jersey it is a third-degree crime, punishable by fines of up to \$15,000 and imprisonment ranging from three to five years, to purchase firearm parts with the purpose to manufacture a firearm without a serial number; and

- b. Failing to clearly and conspicuously disclose on Defendant's Website that in New Jersey the possession of an unregistered assault firearm is a second-degree crime, punishable by fines of up to \$150,000 and imprisonment ranging from five to ten years.

72. Each violation of the Hazardous Products Regulations by Defendant constitutes a per se violation of the CFA, N.J.S.A. 56:8-2.

COUNT IV

VIOLATIONS OF THE ADVERTISING REGULATIONS BY DEFENDANT

73. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 72 above as if more fully set forth herein.

74. The Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq., address general advertising practices.

75. Specifically, the Advertising Regulations provide in pertinent part:

- i. Without limiting the application of N.J.S.A. 56:8-1 et seq., the following practices shall be unlawful with respect to all advertisements:

- 9. The making of false or misleading representations of facts concerning the reasons for, existence or amounts of price reductions, the nature of an offering or the quantity of advertised merchandise available for sale.

[N.J.A.C. 13:45A-9.2(a)(9).]

76. In his advertisement of "ghost guns" and "ghost gun" parts, Defendant has violated the Advertising Regulations by engaging in certain conduct including, but not limited to:

- a. Advertising the "Polymer80 Phoenix2 Lower" and other "ghost gun" parts, while stating: "Is it legal?: YES! The Polymer80 G150 Phoenix2 unit is well within the defined parameters of a 'receiver blank' defined by the [the Bureau of Alcohol, Tobacco, Firearms and Explosives] and therefore has not yet reached a stage of manufacture that meets the definition of firearm frame or receiver found in the Gun Control Act of 1968 (GCA)," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- b. Advertising "ghost gun" parts, specifically the "Juggernaut Tactical AR-15 80% Lower Receiver Billet," while stating: "Because 80% Lowers are not considered firearms by [the Bureau of Alcohol, Tobacco, Firearms and Explosives], we can ship them right to your front door with no [Federal Firearms License] required... but finished rifles must meet all applicable laws and you must be able to legally own a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey;
- c. Advertising "ghost gun" build kits and "ghost gun" parts, specifically the "G26 80% Complete Build Kit" with the statements: "No [Federal Firearms License] is required to purchase this 80% Glock 19 build kit. This 80% Glock 26 build kit is not considered a firearm... This is not an [Federal Firearms License] item due [to] the machining required to finish the product. Under [the Bureau of Alcohol, Tobacco, Firearms and Explosives] this is not a firearm," when possession of such items to manufacture an unserialized firearm constitutes a criminal offense in New Jersey; and

- d. Advertising 80 percent lower receivers with jig systems to complete "ghost gun" builds including the "Polymer80 Phoenix2 Lower," while stating: "Our kit comes with the drill bits and end mill required to complete your AR project the right way," when the purchase of a firearm or firearm receiver with the purpose to manufacture a firearm without a serial number constitutes a criminal offense in New Jersey.

77. Defendant has committed multiple violations of the Advertising Regulations, each of which constitutes a per se violation of the CFA, N.J.S.A. 56:8-2.

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that the Court enter judgment:

- (a) Finding that the acts and omissions of Defendant constitute multiple instances of unlawful practices in violation of the CFA, N.J.S.A. 56:8-1 to -210, Hazardous Products Regulations, N.J.A.C. 13:45A-4.1 to -4.3, and Advertising Regulations, N.J.A.C. 13:45A-9.1 to -9.8;
- (b) Permanently enjoining Defendant and any owners, officers, directors, shareholders, founders, members, managers, agents, servants, employees, representatives, independent contractors and all other persons or entities directly under his control, from engaging in or continuing to engage in any acts in violation of the CFA, N.J.S.A. 56:8-1 to -210, Hazardous Products Regulations, N.J.A.C. 13:45A-4.1 to -4.3, and Advertising Regulations, N.J.A.C. 13:45A-9.1 to -9.8;
- (c) Permanently enjoining Defendant and any owners, officers, directors, shareholders, founders, members, managers, agents, servants, employees, representatives, independent contractors, and all

other persons or entities directly under his control, from engaging in the activity that is the subject of Plaintiffs' request for temporary and preliminary injunctive relief, as set forth in the accompanying Order to Show Cause with Temporary Restraints Pursuant to Rule 4:52;

- (d) Ordering Defendant to block the shipping of any "ghost gun" and/or "ghost gun" parts to any New Jersey address;
- (e) Ordering Defendant to include on the homepage and the checkout page of Defendant's Website a clear and conspicuous statement that, in New Jersey, it is a third-degree crime, punishable by fines and imprisonment, to purchase firearm parts with the purpose to manufacture an unserialized firearm and that, in New Jersey, it is a second-degree crime, punishable by fines and imprisonment, to possess an unregistered assault firearm;
- (f) Ordering Defendant to disgorge all funds and property (real and personal) acquired and/or retained as a result of any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 to -210, Hazardous Products Regulations, N.J.A.C. 13:45A-4.1 to -4.3, and Advertising Regulations, N.J.A.C. 13:45A-9.1 to -9.8, including, but not limited to, the acts and practices alleged in this Verified Complaint;
- (g) Directing Defendant to pay the maximum statutory civil penalties for each and every violation of the CFA, in accordance with N.J.S.A. 56:8-13;
- (h) Directing Defendant to pay costs and fees, including attorneys' fees, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and
- (i) Granting such other relief as the interests of justice may require.