

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

THE DISTRICT OF COLUMBIA,
a municipal corporation
441 4th Street NW
Washington, D.C. 20001

-and-

THE STATE OF MARYLAND
200 St. Paul Place
Baltimore, Maryland 21202

Plaintiffs,

Case No. _____

v.

ENGAGE ARMAMENT LLC
701 East Gude Drive, Suite 101
Rockville, Maryland 20850

JURY TRIAL DEMANDED

Serve: Carlos Rabanales
Resident Agent
701 East Gude Drive, Suite 101
Rockville, Maryland 20850

-and-

ACEJ HOLDINGS, LLC
d/b/a UNITED GUN SHOP
5465 Randolph Road, Suite A
Rockville, Maryland 20852

Serve: Law Offices of Matthew S. Johnston
Resident Agent
122 East Patrick Street, #103
Frederick, Maryland 21703

-and-

ATLANTIC GUNS, INC.
15813 Frederick Road
Rockville, Maryland 20855

Serve: George N. Schneider
Resident Agent
6823 Red Top Road

Takoma Park, Maryland 20912

Defendants.

* * * * *

COMPLAINT

Plaintiffs, the District of Columbia (“District”), by and through Brian Schwalb, Attorney General for the District, and the State of Maryland (“State”), by and through Anthony G. Brown, Attorney General of the State, file this complaint against the above-named Defendants and in support thereof allege as follows:

INTRODUCTION

1. Gun violence is an unacceptable daily reality in the Washington, D.C. metropolitan area. The epidemic of gun violence has worsened in recent years, despite the efforts of the District and the State to enact and enforce strong gun laws and to arrest and hold accountable individuals who have committed gun-related offenses, among many other gun-violence-reduction measures. The unfortunate reality is that the individuals using and possessing guns are not the only ones responsible for this problem: gun dealers who flout their legal responsibilities and fail to adhere to responsible business practices are also to blame for putting firearms in the wrong hands, providing easy access to guns and fueling gun violence in the region. The effects of this irresponsible and unlawful conduct are felt across the Washington, D.C. metropolitan area, as guns move throughout the area once they enter the criminal market. Given the interjurisdictional nature of the problem, the Attorneys General of the District and the State are joining forces to tackle the issue by bringing this case. In doing so, they aim to expose the role that the Defendants have played in supplying the local crime-gun market and seek to hold them accountable for their own irresponsible and unlawful actions.

2. Defendants Engage Armament LLC; ACEJ Holdings, LLC, d/b/a United Gun Shop; and Atlantic Guns, Inc. own federally licensed gun stores that knowingly facilitated the illegal sale of at least thirty-four handguns to an obvious straw purchaser, Demetrius Minor, who in turn transferred most of those weapons to his relative, Donald Willis, a District resident with a record of violent felonies. Unsurprisingly, at least nine of those illegally sold weapons have since been recovered at crime scenes in the District and its Maryland suburbs. Many more are likely in the hands of other individuals legally barred from possessing firearms and will be used in future crimes. As further outlined below, two of the Defendants have recently been identified by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) as top sources of crime guns—firearms recovered by law enforcement in connection with criminal activity—and a report commissioned by the Maryland Office of the Attorney General identified all three Defendants as the top three in-state retailers of traced crime guns recovered in the State between August 2020 and July 2021. Accordingly, it is likely that the Defendants made additional illegal sales.
3. In or around spring 2021, Mr. Minor, a resident of Montgomery County, walked into Engage Armament, a gun store in Rockville, Maryland. He picked out a 9mm handgun and began the purchase process.
4. Mr. Minor returned to Engage Armament the following week to pick up his new firearm and then ordered a second 9mm handgun that same week. And he purchased a third 9mm handgun from Engage Armament just two days after buying the second one.
5. Just weeks later, Mr. Minor purchased two more 9mm handguns from Engage Armament. He was in and out of the store frequently over the next few months, placing orders and picking up handguns, until he had purchased a total of twenty-five handguns from Engage Armament alone over only a five-month period.

6. Meanwhile, United Gun Shop, a nearby dealer, sold Mr. Minor three handguns over the course of nine days and then two more handguns on the very same day.
7. Atlantic Guns, for its part, sold Mr. Minor four 9mm handguns over the course of one month.
8. It is illegal for unlicensed individuals to purchase firearms for resale or transfer to others, or to be engaged in the business of selling firearms, as the Defendants know well. The Defendants' sales to Mr. Minor bore hallmarks of such illegality, as demonstrated by factors such as the sheer number of firearms sold to Mr. Minor, multiple instances of duplicate or near-duplicate purchases of commonplace handguns, and the pattern and rapid pace of the sales. In short, there was no plausible lawful explanation for Mr. Minor's excessive handgun purchases over such a short period. He was obviously engaged in illegal straw purchasing—but the Defendants did not care. They kept taking his money and selling him more guns, putting the Washington, D.C. metropolitan area at risk.
9. Mr. Minor did traffic nearly all the handguns that the Defendants sold him to other individuals in the area, including transferring many of them to a known violent felon, Mr. Willis—a District resident who went on to transfer many of the firearms given to him by Mr. Minor to other dangerous individuals.
10. These illegal and improper handgun sales to Mr. Minor had repercussions throughout the Washington, D.C. metropolitan area and have resulted in harm throughout the region. One handgun was used by Mr. Willis to terrorize partygoers at his ex-wife's house in the District, including by pointing the gun at people's heads. Another was found in Prince George's County in the possession of a suspect in a stabbing. A third was recovered in the District from a fugitive with an active warrant for assault in Prince George's County. Many more are still on the street.

11. These handgun sales violated state and federal law, and the Defendants should not have made them. As the ATF emphasizes, firearms dealers are the first line of defense against gun crime.¹ Federal and state gun laws exist to keep firearms out of the hands of those who may not legally possess them, including convicted felons and minors, and those legal frameworks require everyone—including gun dealers like the Defendants—to fulfill their obligations, including by declining suspicious transactions. It is therefore both legally mandated and vital for public safety that firearms dealers be vigilant and make all reasonable efforts to prevent the products they sell from getting into the hands of dangerous and irresponsible people.
12. Ultimately, Mr. Minor was rightfully prosecuted, convicted, and punished for his role in illegal straw purchasing and providing handguns to individuals, such as Mr. Willis, who were legally prohibited from possessing them. Mr. Willis, too, has rightfully been held accountable by the criminal justice system. But the gun dealers who chose profits over safety—ignoring clear red flags as they sold handgun after handgun after handgun to an obvious straw purchaser—have, to date, faced no consequences for *their* critical role in fueling gun violence in the Washington, D.C. region.
13. The disparity in accountability was not lost on U.S. District Judge Amit P. Mehta, who presided over the federal criminal cases against Mr. Minor and Mr. Willis. As Judge Mehta asked at Mr. Minor’s sentencing hearing: “What sense does it make that a gun shop can sell 25-plus weapons to someone without incurring any consequence?”²

¹ See, e.g., *Don’t Lie for the Other Guy*, ATF, <https://www.atf.gov/firearms/dont-lie-other-guy> (last updated July 31, 2024).

² Transcript of Sentencing Proceedings at 37:12-14, *United States v. Minor*, No. 22-CR-401 (D.D.C. July 21, 2023).

14. Straw gun sales fuel gun violence that spreads throughout the region without regard to state boundaries. In recognition of that reality, the Attorneys General of the District of Columbia and the State of Maryland are working together to address this regional problem. Through this lawsuit, they seek to hold the Defendants accountable for their role in facilitating the proliferation of illegal guns in the Washington, D.C. metropolitan area and for their part in fueling its gun-violence crisis.

PARTIES

15. Plaintiff District of Columbia, a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The District brings this action directly in its own right and in its *parens patriae* capacity.
16. Plaintiff the State of Maryland brings this action by and through Attorney General Anthony G. Brown, who is the chief legal officer for the State. The Attorney General has general charge, supervision, and direction of the State's legal business, and acts as legal advisor and representative of all major agencies, boards, commissions, and official institutions of state government. The Attorney General's powers and duties include acting on behalf of the State and the people of Maryland in the State and federal courts on matters of public concern. Under the Constitution of Maryland, and as directed by the Governor, the Attorney General has the authority to file this suit for violations of State laws that threaten the public interest and welfare of Maryland residents. Md. Const. art. V, § 3(a)(2).

17. Defendant Engage Armament LLC is a federally licensed firearm dealer that transacts business through its retail store in Rockville, Maryland. Its principal place of business is in Rockville, Maryland. Engage Armament is a Maryland limited liability company whose members are Andrew S. Raymond and Carlos Rabanales.
18. Defendant ACEJ Holdings, LLC, d/b/a United Gun Shop is a federally licensed firearm dealer that transacts business through its retail store in Rockville, Maryland. Its principal place of business is in Rockville, Maryland. ACEJ Holdings is a Maryland limited liability company. On information and belief, United Gun Shop is owned by Jonathan Bennett.
19. Defendant Atlantic Guns, Inc. is a federally licensed firearm dealer that transacts business through its retail store in Rockville, Maryland. Its principal place of business is in Maryland. Atlantic Guns is a Delaware corporation. On information and belief, Atlantic Guns is owned by Stephen Schneider.

JURISDICTION AND VENUE

20. This Court has subject-matter jurisdiction over this action, which seeks equitable relief. *See* Md. Code Ann., Cts. & Jud. Proc. §§ 1-501, 4-402(a).
21. This Court has personal jurisdiction over each Defendant because each Defendant maintains its principal place of business in the State of Maryland. *See id.* § 6-102(a). Additionally, each Defendant transacts business in the State and uses or possesses real property in the State. *See id.* § 6-103(b)(1), (5).
22. Venue is proper in this Court because each Defendant carries on a regular business in Montgomery County. *See id.* § 6-201(a).

FACTS

A. Straw sales undermine the Plaintiffs' gun laws and endanger public safety.

23. Commercial sales of firearms are tightly regulated by federal and state law. Federal law requires firearm dealers to be licensed before “engag[ing] in the business of importing, manufacturing, or dealing in firearms.” 18 U.S.C. §§ 922(a)(1), 923(a). Dealers in Maryland must also obtain a license from the State before “engag[ing] in the business of selling, renting, or transferring” handguns. Md. Code Ann., Pub. Safety §§ 5-101(r)(1), 5-106(a); *accord* COMAR 29.03.01.42(A).
24. A central purpose of federal and state gun laws is to prevent crime by keeping guns away from persons with a heightened risk of misusing them, such as individuals with felony convictions, domestic abusers, and minors. For this reason, federal law mandates that before transferring a firearm to any person (other than another federal licensee), a licensed dealer must check the transferee’s identification and submit their personal information for a background check. *See* 18 U.S.C. § 922(t)(1); 27 C.F.R. § 478.102. Maryland law goes even further: it prohibits an unlicensed seller from transferring a handgun unless and until a background check has been performed by the Maryland State Police. *See* Md. Code Ann., Pub. Safety §§ 5-118(b), 5-121(a), 5-124(a). If the background check identifies the purchaser as prohibited from possessing a handgun, the transaction must not be completed. *See* 18 U.S.C. § 922(t)(1); 27 C.F.R. § 478.102; Md. Code Ann., Pub. Safety § 5-125(b).
25. Additionally, District law requires anyone who wishes to purchase or otherwise take possession of a firearm to first obtain a registration certificate from the District. *See* D.C. Code § 7-2502.01(a). Such certificates may be granted only to individuals who may legally possess a firearm. *See id.* § 7-2502.03(a).
26. Similarly, Maryland law requires anyone who wishes to purchase a handgun to obtain a handgun qualification license from the State. *See* Md. Code Ann., Pub. Safety § 5-117.1(b), (c)(1)(i). Such a

license may be provided only to those who are not legally barred from purchasing or possessing handguns. *Id.* § 5-117.1(d)(4).

27. Despite these laws, many individuals in the Washington, D.C. metropolitan area who are legally barred from possessing guns nevertheless manage to obtain them. In the District, only 5.2% of the 7,698 crime guns recovered and traced by the ATF between 2017 and 2021 were possessed by the person who had purchased the gun from a licensed dealer.³ While some prohibited possessors obtain firearms through theft, a substantial number of guns are obtained via trafficking and illegal “straw sales.”⁴
28. A straw sale is a retail gun sale in which the ostensible buyer (the straw purchaser) purchases the firearm for a third party rather than for the buyer’s own use. By using a straw purchaser, the third party—the ultimate recipient—can obtain firearms from a licensed dealer without presenting identification or undergoing a background check. Firearms sold to straw purchasers typically end up in the hands of convicted felons or other dangerous individuals who are legally prohibited from owning or buying firearms.⁵ Firearm dealers that willingly participate in obvious straw sales can thus profit from transactions that would otherwise be barred.

³ ATF, *National Firearms Commerce and Trafficking Assessment: Crime Guns – Volume Two, Part III*, at 50 (2024), <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us/download>.

⁴ See ATF, *National Firearms Commerce and Trafficking Assessment: Firearms Trafficking Investigations – Volume Three, Part III*, at 2 (2024), <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iii/download> (indicating that between 2017 and 2021, the ATF identified 3,305 cases of firearms being trafficked by straw purchasers compared to 2,170 cases of stolen firearms being trafficked); see also *id.* at 3 (indicating that straw purchasing is a growing problem).

⁵ See ATF, *National Firearms Commerce and Trafficking Assessment: Firearms Trafficking Investigations – Volume Three, Part IV*, at 13 (2024), <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-vi/download> (indicating that 59.6% of end users of trafficked firearms are convicted felons, 29.1% are known gang members or associates, and 22.1% are drug traffickers).

29. Straw sales severely undermine the Plaintiffs’ regulations on the sale and possession of handguns and foreseeably and substantially contribute to gun violence and gun-related crimes in the Washington, D.C. metropolitan area by putting guns into the hands of violent and irresponsible people whom the law precludes from accessing them. Gun dealers that engage in these straw sales facilitate trafficking and threaten public safety.

B. Unlawful gun possession and use cause considerable harm in the Washington, D.C. metropolitan area.

30. Unlawful gun possession adversely affects the Washington, D.C. metropolitan area. In 2023, the District recorded the largest annual number of homicides since 1997, with more than 90% of the victims being killed with firearms.⁶ The total number of violent crimes carried out with firearms in the District increased by 55% from 2022 to 2023.⁷ The number of firearms recovered by the District’s Metropolitan Police Department (“MPD”) has sharply increased as well, with more than 3,100 firearms recovered in each of the last two calendar years compared to the previous high of 2,371.⁸

31. Gun violence in the District overwhelmingly affects young Black people. In 2022, 94.7% of homicide victims and 92.8% of nonfatal shooting victims in the District were Black.⁹ And most

⁶ Emily Davies et al., *2023 Was District’s Deadliest Year in More Than Two Decades*, Wash. Post (Jan. 1, 2024, 12:00 PM), <https://www.washingtonpost.com/dc-md-va/interactive/2024/dc-crime-homicide-victims-shooting-violence>.

⁷ David Marimon, Crim. Just. Coordinating Council, *2008–2023 Violent Crime Trends* 2, <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/2008-2023%20Violent%20Crime%20Trends.pdf> (last visited Aug. 26, 2024). This was the largest one-year increase in at least fifteen years, capping off a 116% increase in violent gun crime from 2017 to 2023. *See id.*

⁸ *District Crime Data at a Glance*, MPD, <https://mpdc.dc.gov/page/district-crime-data-glance> (last updated Aug. 23, 2024).

⁹ Nat’l Inst. for Crim. Just. Reform, *Washington, D.C. Gun Violence Problem Analysis* 3 (2023), <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/NICJR%20GVPA%20Summary%20Report%20%28January%202024%29.pdf>.

of the District’s shooting victims were younger than thirty-five years old, with children comprising 6.7% of homicide victims and 12.7% of nonfatal shooting victims.¹⁰

32. Gun violence is also associated with diminished educational opportunities and outcomes, compounding the harms to District residents.¹¹ Wards 7 and 8, which experience the highest levels of gun violence and homicide, have the lowest percentage of students meeting expectations in English language arts and math.¹² And most of the students in these wards do not go on to obtain a postsecondary education.¹³
33. The financial costs associated with gun violence are also immense. On average, a firearm homicide in the District is estimated to cost \$1.53 million per suspect, in the form of police work, hospital care, incarceration, victim support, and lost revenue.¹⁴ And nonfatal shootings are estimated to cost \$783,000 per suspect.¹⁵
34. This problem is largely a product of gun sales that occur outside the District. Indeed, the vast majority (approximately 95%) of firearms recovered in the District were originally purchased elsewhere—most often in Virginia or Maryland. In the years 2020, 2021, and 2022, Maryland was the source of between 10% and 13% of crime guns recovered in the District and successfully traced to their state of origin.¹⁶

¹⁰ *Id.*

¹¹ See Arielle Jackson et al., Urb. Inst., *Educational Costs of Gun Violence* 1-4 (2022), <https://www.urban.org/sites/default/files/2022-07/Educational%20Costs%20of%20Gun%20Violence.pdf>.

¹² *Id.* at 6-8.

¹³ *Id.* at 9.

¹⁴ Nat’l Inst. for Crim. Just. Reform, *Washington, DC: The Cost of Gun Violence* 3, https://costofviolence.org/wp-content/uploads/2022/04/DCReport_042822.pdf (last visited Aug. 23, 2024).

¹⁵ *Id.*

¹⁶ See *Firearms Trace Data: District of Columbia – 2022*, ATF, <https://www.atf.gov/resource-center/firearms-trace-data-district-columbia-2022> (last updated Sept. 27, 2023); *Firearms Trace Data: District of Columbia – 2021*,

35. And, of course, unlawful gun sales also affect Maryland. Data from law enforcement in Prince George’s and Montgomery counties, which border the District, show that they are the counties with the largest number of firearm recoveries in Maryland in connection with reported incidents.¹⁷ And rates of violent crime—including gun-related crime—have increased in those counties while crime rates have fallen throughout the rest of the State.¹⁸
36. Crime has increased in Prince George’s County since the beginning of the coronavirus pandemic, disrupting the county’s previous trend of decreasing violence.¹⁹ In 2021, Prince George’s County police investigated over 100 homicides for the first year since 2008—a figure that has remained above 100, despite subsiding slightly, in each of the two years since.²⁰ Firearms play an enormous role in these increasing homicide figures. On just one day in June 2023, three people were killed, and seven injured, in five different shootings across Prince George’s County.²¹ In the words of the county’s police chief, the “quick reaction to handle conflict resolution with weaponry has

ATF, <https://www.atf.gov/resource-center/firearms-trace-data-district-columbia-2021> (last updated Sept. 15, 2022); *Firearms Trace Data: District of Columbia – 2020*, ATF, <https://www.atf.gov/resource-center/firearms-trace-data-district-columbia-2020> (last updated Nov. 22, 2021).

¹⁷ Amber Martinez et al., Univ. Wyo., *Maryland Firearm Crime, Injuries, Fatalities, and Crime Firearms Study 21*, https://www.marylandattorneygeneral.gov/Reports/122023_Firearms_Report.pdf (for the period Aug. 1, 2020, through July 31, 2021).

¹⁸ Dan Morse et al., *Crime Becomes Top Voter Concern in D.C.’s Closest Maryland Suburbs, Poll Finds*, Wash. Post (Mar. 25, 2024, 5:00 AM), <https://www.washingtonpost.com/dc-md-va/2024/03/25/poll-crime-maryland-voters-worried/>.

¹⁹ Katie Mettler & Jasmine Hilton, *Q&A: Prince George’s Police Chief on Kids, Community Trust and Crime*, Wash. Post (Jan. 20, 2024, 6:00 AM), <https://www.washingtonpost.com/dc-md-va/2024/01/20/crime-year-end-police-chief-prince-georges/>.

²⁰ See Lindsay Watts, *Prince George’s County Sees over 100 Homicides for First Time in a Decade*, FOX 5 DC (Oct. 25, 2021, 8:00 AM), <https://www.fox5dc.com/news/prince-georges-county-sees-over-100-homicides-for-first-time-in-a-decade>; Mettler & Hilton, *supra* note 19.

²¹ Shomari Stone, *7 Shot, 3 Killed as Gun Violence Erupts Across Prince George’s County*, FOX 5 DC (June 22, 2023, 10:26 PM), <https://www.fox5dc.com/news/7-shot-3-killed-as-gun-violence-erupts-across-prince-georges-county>.

shown to have dire consequences, not just in Prince George’s County, but in this region and across the United States.”²² Unlawful firearm sales fuel this dynamic.

37. Likewise, in Montgomery County, the number of homicides and of firearm-related crimes have trended upward in recent years, with a 93.3% increase in the number of homicides from 2019 to 2023.²³
38. Residents of Prince George’s and Montgomery counties now rate crime as the most pressing issue in the State, whereas it had previously been a distant concern for them.²⁴ And a majority of Prince George’s County residents now say that gun violence is a “major problem” in their community.²⁵
39. Straw sales supply the firearms used to commit much of this gun violence. Straw purchasers obtain guns from dealers who “facilitate straw purchasing ... by turning a blind eye to obvious instances of straw purchasing.”²⁶ Studies and reports have indicated that the vast majority of guns used in crimes are sold by a relatively small number of dealers.²⁷ As the ATF has observed, “[i]n any jurisdiction, a small number of Federally licensed gun dealers are associated with a large

²² Mettler & Hilton, *supra* note 19.

²³ Memorandum from Susan J. Farag, Legis. Analyst, to Pub. Safety Comm., Montgomery Cnty. Council 4 (Feb. 5, 2024), https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16031&meta_id=171079.

²⁴ See Morse et al., *supra* note 18.

²⁵ *Id.*

²⁶ Christopher S. Koper, *Crime Gun Risk Factors: Buyer, Seller, Firearm, and Transaction Characteristics Associated with Gun Trafficking and Criminal Gun Use* 10 (2007), <https://www.ojp.gov/pdffiles1/nij/grants/221074.pdf>.

²⁷ E.g., Nick Penzenstadler, *Gun Shops That Sell the Most Guns Used in Crime Revealed in New List*, USA Today (Feb. 15, 2024, 3:15 PM), <https://www.usatoday.com/story/news/investigations/2024/02/15/shops-selling-most-crime-guns-revealed-atf/72581120007/>; ATF, *Commerce in Firearms in the United States* 2 (2000), <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/PB2000102002.xhtml> (“Just 1.2 percent of dealers ... accounted for over 57 percent of the crime guns traced to current dealers in 1998.”).

number of crime gun traces from that jurisdiction.”²⁸ And in Maryland in particular, one study found that 14% of dealers in the state were responsible for selling nearly all—92%—of guns used in crimes.²⁹

C. Straw sales violate federal, Maryland, and District law.

40. Federal law requires that all firearm transfers by federal licensees to unlicensed individuals be recorded on ATF Form 4473. *See* 27 C.F.R. § 478.124(a). Form 4473, which must be completed by both the buyer and the seller, states that its “Purpose” is to allow a licensed dealer to “determine if he/she may lawfully sell or deliver a firearm” to the prospective buyer.³⁰
41. Among other things, the form asks buyers whether they are “the actual transferee/buyer” of the firearms being purchased. The form further states: **“Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”** The form thus puts both buyers and sellers on notice that firearms may be transferred only to actual transferees and that transactions involving straw purchasers are prohibited.
42. Both buyers and dealers must certify the information recorded on Form 4473. Buyers must certify that all their answers are **“true, correct, and complete.”** And dealers must certify that it is their **“belief that it is not unlawful for [them] to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form”** to the buyer.
43. The form also states that it is the dealer’s responsibility to ensure that transactions are lawful—and that merely conducting a background check does not fulfill the dealer’s legal obligations:

²⁸ ATF, *Crime Gun Trace Reports (2000): Albuquerque NM 5* (2002), <https://www.atf.gov/file/56656/download>.

²⁹ Koper, *supra* note 26, at 5.

³⁰ The language of Form 4473 was updated in August 2023 but remains substantively the same in all relevant respects. This complaint quotes the language of Form 4473 as it appeared at the time of the straw sales at issue in this case.

“Warning: Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, 18 U.S.C. 922(d), even if the transferor/seller has complied with the Federal background check requirements.” The form explains that “[t]he transferor/seller of a firearm must determine the lawfulness of the transaction” and “must stop the transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm.”

44. It is a violation of federal law for a straw purchaser to knowingly make a false statement in connection with the purchase of a firearm, such as by stating that they are the actual buyer of the firearm when they are not, and it is similarly a violation for a dealer to knowingly accept a false statement by a straw purchaser, such as by entering into the dealer’s written records that the straw purchaser is the actual buyer of the firearm. *See* 18 U.S.C. § 922(a)(6), (m). Likewise, it is a violation of District law to provide false information or a false identity when purchasing a firearm or applying for a registration certificate. D.C. Code § 7-2507.04(a). And it is a violation of Maryland law to “knowingly give false information or make a material misstatement” on an application to purchase a handgun. Md. Code Ann., Pub. Safety § 5-139(a).
45. It is also illegal under federal law for a firearm dealer (or anyone else) to aid and abet or conspire to advance the unlicensed dealing of firearms by another person, such as a straw purchaser. *See* 18 U.S.C. §§ 2, 371, 922(a)(1)(A).
46. Handguns that are bought in bulk—commonly referred to as “multiple purchases” or “multiple sales”—are strongly associated with firearm trafficking.³¹ Because of this, federal law requires

³¹ *See* Koper, *supra* note 26, at 6 (“Guns sold in multiple sales were up to 64% more likely to be used in crime and accounted for roughly a quarter of recovered guns. Risks associated with multiple sales were greatest when examining the flow of guns from Maryland into D.C.”)

- licensed dealers to report all instances in which a single unlicensed buyer purchases two or more handguns within five days. *See* 18 U.S.C. § 923(g)(3)(A); 27 C.F.R. § 478.126a.
47. Licensed dealers must also keep a record of *all* transactions with unlicensed buyers in an acquisition-and-disposition book. *See* 27 C.F.R. § 478.125(e). Federal law prohibits knowingly making a false entry or failing to make a required entry in any such records. *See* 18 U.S.C. § 922(m). District and Maryland law similarly require licensed dealers to keep records of all sales and other disposition of firearms. *See* D.C. Code § 7-2504.04(a)(3); Md. Code Ann., Pub. Safety § 5-145(a); COMAR 29.03.01.43(A).
48. Maryland law explicitly prohibits straw sales and expressly forbids selling a handgun to anyone the seller knows or has reasonable cause to believe is “a participant in a straw purchase.” Md. Code Ann., Pub. Safety § 5-134(b)(13); *see also* COMAR 29.03.01.08(E).
49. Maryland law also imposes a waiting period, which requires a seller to wait seven days after the buyer’s application has been submitted to the state police before transferring a handgun. *See* Md. Code Ann., Pub. Safety §§ 5-123(a), 5-124(a)(1).
50. Accordingly, every regulated purchase of a firearm in Maryland must involve at least two interactions between the buyer and the seller: First, the buyer selects the firearm the buyer wishes to purchase from the seller and the buyer submits a Maryland State Police Application and Affidavit to Purchase a Regulated Firearm (MSP 77R) to the Maryland State Police. Second, after the background check has been run and the buyer receives an email indicating that his application was “Not Disapproved,” at least a week later, the buyer takes possession of the handgun from the seller.
51. Finally, federal law requires dealers to ensure that all their transactions comply with applicable state laws. 18 U.S.C. § 922(b)(2).

D. The Defendants collectively transferred dozens of handguns to an obvious straw purchaser.

52. The Defendants, like all federal firearms licensees (“FFLs”), have a responsibility to prevent firearms from falling into dangerous hands. As the ATF emphasizes, FFLs are the “first line of defense in preventing firearms from getting into the hands of criminals.”³²
53. To help dealers recognize behavior commonly associated with straw sales, the ATF and the industry trade group National Shooting Sports Foundation (“NSSF”) train FFLs on frequent indicators of straw purchases and gun trafficking.³³ These frequent indicators include, but are not limited to, bulk purchases, repetitive buying of the same or similar firearms within a short time period (especially commonplace or non-collectible firearms), taking photographs or videos within the store, and customers’ inability to answer simple questions about why they are purchasing firearms. This training is provided and reinforced in a multitude of ways, including through NSSF seminars, ATF compliance inspections, and publications by the ATF, NSSF, and other industry actors. In fact, at the end of ATF inspections of FFL gun dealers, the ATF’s common practice is to require the dealer to sign an Acknowledgment of Federal Firearms Regulations, acknowledging that the dealer is responsible for understanding and complying with laws and regulations applicable to the sale of firearms. Each of the Defendants has signed such an acknowledgment.
54. Each of the Defendants was aware of the signs of straw purchasing, including the above-referenced and other red flags, and was obligated to train its employees on those signs.

³² *Best Practices*, FFL Newsletter (ATF, Washington, D.C.), Sept. 2013, at 2, <https://www.atf.gov/firearms/docs/newsletter/federal-firearms-licensees-newsletter-september-2013-volume-1/download>.

³³ For example, the ATF’s website describes the “Don’t Lie for the Other Guy” program, which it developed with the NSSF, to educate gun dealers regarding straw sales. *See* ATF, *supra* note 1. And the NSSF offers gun dealers detailed training about such unlawful transfers. *See, e.g.*, NSSF, *Let’s Take a Look at Your Straw Purchase Avoidance Program*, 2023, <https://perma.cc/W2QF-DNKR>; NSSF, *Straw Purchases: Tactics to Help Avoid Them and What to Do If You Think You Made One*, <https://perma.cc/PW8Y-QHRX>.

55. Despite the clear prohibitions on transfers to straw purchasers, each Defendant knowingly facilitated such transfers. Between April 6 and October 5, 2021, the Defendants collectively sold 34 handguns to a single straw purchaser, Mr. Minor, whom the Defendants allowed to purchase handgun after handgun after handgun despite their awareness, willful blindness, or reasonable cause to believe that Mr. Minor lacked a legitimate reason for obtaining multiple, substantially similar commonplace semiautomatic pistols over such a short timeframe. Indeed, an ATF official described Mr. Minor’s actions as being “consistent with a firearm trafficker” for a variety of reasons, including that he “purchased a large number of firearms in a short period of time” and “purchased multiple firearms in a single transaction.”³⁴
56. On information and belief, Mr. Minor was easily recognizable to the Defendants and their employees during his frequent and repeated purchases, in part due to his distinct physical appearance. When an employee at Engage Armament was asked by the ATF in November 2021 about a gun purchased by Mr. Minor in July of that year, the employee had no trouble remembering Mr. Minor.³⁵
57. By repeatedly selling handguns to Mr. Minor, each Defendant knowingly violated numerous federal and state laws and regulations. *See* 18 U.S.C. §§ 4, 922(b)(2), (d), (m), (t)(1), 924(a)(1)(A), (3); 27 C.F.R. §§ 478.102, .124, .125(e), .128(c); Md. Code Ann., Pub. Safety § 5-134(b)(13); COMAR 29.03.01.08(E). Additionally, each Defendant further violated federal and state law by knowingly conspiring with and/or aiding and abetting Mr. Minor’s unlicensed dealing in firearms and straw purchases. *See* 18 U.S.C. §§ 2, 371, 922(a)(1)(A), (6), (t)(1), 923(a), 924(a)(1)(A); 27 C.F.R. § 478.128(b); Md. Code Ann., Pub. Safety §§ 5-106(a), 5-124(a); COMAR 29.03.01.42(A).

³⁴ Affidavit in Support of a Criminal Complaint & Arrest Warrant ¶ 79, *Minor*, No. 22-CR-401 (D.D.C. July 29, 2022) [hereinafter *Minor* Affidavit].

³⁵ *See id.* ¶ 9.

As set forth in further detail herein, these knowing violations of law proximately harmed the Plaintiffs.

58. Records from Mr. Minor’s federal prosecution reveal a striking pattern of obviously illegal activity that the Defendants facilitated. Mr. Minor’s high-volume purchases over short periods of time, including repeated purchases of substantially similar commonplace handguns, are telltale hallmarks of illegal straw purchasing and gun trafficking. According to information the ATF compiled from reviewing Engage Armament’s records, Mr. Minor spent “*in excess of* \$31,000” at the store over just five months.³⁶
59. The paragraphs that follow feature only the transactions between the Defendants and Mr. Minor, a single straw purchaser who happened to be apprehended by law enforcement and whose purchases were therefore enumerated in publicly available criminal filings. On information and belief, beginning in or around early 2021 or before, and continuing to the present, the Defendants knowingly sold substantially more firearms in illegal straw sales than the transactions identified in this pleading.
60. In his criminal proceedings, Mr. Minor’s counsel confirmed that Mr. Minor transferred “the vast majority” of the guns that the Defendants sold him to his relative, Mr. Willis, a District resident who had prior convictions for serious violent crimes, including felony convictions for armed robbery, accessory after the fact to first-degree murder while armed, and two instances of assault with a dangerous weapon.³⁷ Only two of the thirty-four handguns purchased from the Defendants

³⁶ *Id.* ¶ 79. Upon information and belief, Mr. Minor used cash for some or all of these purchases, which is a common method of payment by straw purchasers. *See, e.g., id.* ¶ 18.

³⁷ Transcript of Sentencing Proceedings, *supra* note 2, at 17:10-14; *see* Government’s Memorandum in Aid of Sentencing 13, *United States v. Willis*, No. 22-CR-401 (D.D.C. Sept. 15, 2023) [hereinafter *Willis* Sentencing Memo].

were found in Mr. Minor's possession,³⁸ and the rest are presumed to have been trafficked—i.e., illegally transferred by Mr. Minor to Mr. Willis and other prohibited possessors. So far, at least seven of the handguns that the Defendants sold Mr. Minor have been recovered by MPD, and at least two more have been recovered by law enforcement in Maryland.

Engage Armament

61. Between April 6 and September 15, 2021, Engage Armament sold Mr. Minor at least twenty-five handguns.³⁹ During this period, Engage Armament, on three different occasions, sold Mr. Minor at least three handguns on the very same day. And on six different occasions, Engage Armament sold Mr. Minor multiple guns within a five-day period.
62. Specifically, Engage Armament sold the following handguns to Mr. Minor on the following dates:

Transaction Date	Make/Model	Caliber
4/6/2021	Taurus PT111 G2a	9mm
4/14/2021	Glock 19X	9mm
4/16/2021	Glock 17 Gen 5	9mm
5/11/2021	Glock 26	9mm
	Glock 43	9mm
6/5/2021	Glock 26	9mm
	Glock 27 Gen 3	.40 S&W
	Glock 43	9mm
6/9/2021	Taurus G3c	9mm
	Pioneer Arms Hellpup	7.62x39mm
	Taurus G3	9mm
6/19/2021	Glock 17 Gen 5	9mm
7/16/2021	Springfield Armory XD	9mm
7/24/2021	Taurus G3	9mm
7/28/2021	Ruger 57	5.7x28mm
	Glock 20SF	10mm
7/31/2021	Glock 17 Gen 5 MOS	9mm

³⁸ *Willis* Sentencing Memo, *supra* note 37, at 7.

³⁹ *Minor* Affidavit, *supra* note 34, ¶ 10.

8/6/2021	Ruger 57 Glock 31 Gen 3 Glock 29 Gen 4 Springfield Armory Hellcat	5.7x28mm .357 Sig 10mm 9mm
8/26/2021	Taurus PT111 G2a Taurus G2s	9mm 9mm
8/28/2021	Glock 48	9mm
9/15/2021	Glock 43X	9mm

A graphical representation of these sales is attached as Exhibit 1.

63. The high volume and quick pace of Mr. Minor's acquisitions were clear indicators of illegal straw sales. Mr. Minor's purchases were also suspicious in that nearly all the guns that Engage Armament sold him were substantially similar and commonplace. Of the twenty-five handguns, eighteen were striker-fired 9mm handguns, including three identical Glock 17 Gen 5 pistols, two identical Glock 26 pistols, two identical Glock 43 pistols (and a very similar Glock 43X), two identical Taurus G3 pistols (and a very similar Taurus G3c), and two identical Taurus PT111 G2A pistols. In addition to those eighteen handguns, two more of the handguns sold to Mr. Minor were striker-fired pistols chambered in very similar calibers. And Engage Armament also sold Mr. Minor two identical Ruger 57 pistols. Numerous of the handguns sold were concealed carry weapons. Additionally, Engage Armament sold Mr. Minor an AK-style pistol (the Pioneer Arms Hellpup), which it knew or should have known is impractical for target shooting, home defense, and hunting. AK-style pistols such as the Hellpup are especially appealing to people with criminal intentions. Any reasonable firearms dealer would have inferred from this pattern of sales that Mr. Minor was buying handguns for other people—which he was—and not for himself. Despite these obvious red flags, Engage Armament continued to sell handguns to Mr. Minor.
64. At least six of the handguns sold to Mr. Minor by Engage Armament have already been recovered by law enforcement. One was recovered by MPD, on November 21, 2022, from the D.C. hotel room of a Prince George's County man who was arrested after ramming a vehicle through the

hotel security gate and was found to be in possession of two illegal large-capacity magazines. Another was recovered by the Hyattsville Police Department, on May 27, 2022, from the residence of a person suspected of committing a stabbing near the Hyattsville Crossing Metro station.⁴⁰ And a third was recovered by the Montgomery County Police Department, on July 13, 2022, from the Adelphi residence of a criminal defendant.⁴¹

65. On information and belief, the above-described sales by Engage Armament to Mr. Minor constitute only a fraction of the guns that the store sold illegally, including additional unidentified straw sales. Engage Armament's ranking as one of the top three in-state sources of crime guns identified by the Maryland Office of the Attorney General underscores this conclusion.⁴²

United Gun Shop

66. Between August 13 and October 5, 2021, United Gun Shop sold Mr. Minor five handguns, including two Glock 23 pistols and two Century Arms Draco AK-style pistols.⁴³ United Gun Shop first sold Mr. Minor three pistols in the span of nine days and then later sold Mr. Minor two pistols on the same day.
67. Specifically, United Gun Shop sold the following handguns to Mr. Minor on the following dates:

Transaction Date	Make/Model	Caliber
8/13/2021	Springfield Armory XD-S	.45
8/17/2021	Glock 23	9mm
8/21/2021	Century Arms Draco	7.62x39mm
10/5/2021	Glock 23 Century Arms Draco	.40 S&W 7.62x39mm

A graphical representation of these sales is attached as Exhibit 2.

⁴⁰ *Id.* ¶ 76 n.5.

⁴¹ *Id.*

⁴² Martinez et al., *supra* note 17, at 26.

⁴³ *Minor* Affidavit, *supra* note 34, ¶ 13.

68. The volume, pattern, and type of Mr. Minor's purchases in such a short period of time was an obvious sign that Mr. Minor was purchasing handguns to transfer to others and not for himself. Similarly, Mr. Minor's repeated duplicate purchases, including the purchase of two identical AK-style pistols, signaled to United Gun Shop that Mr. Minor was, in all likelihood, intending to divert the handguns into the criminal market. Moreover, United Gun Shop knew or should have known that the Century Arms Draco is impractical for target shooting, home defense, and hunting. AK-style pistols such as the Draco are especially appealing to people with criminal intentions.⁴⁴
69. At least one of the handguns that United Gun Shop sold to Mr. Minor has already been used in a violent crime. On or around November 27, 2021, Mr. Willis assaulted people with a handgun at a party at his ex-wife's house in the District, left the scene, and returned with a rifle, demanding the return of his handgun. When MPD officers arrived, Mr. Willis fled, leaving one of the handguns that United Gun Shop sold to Mr. Minor in his wake.⁴⁵ After crashing his car, Mr. Willis was arrested and found to be in the possession of heroin and other opioids. With a felony record, Mr. Willis could not legally purchase firearms himself.

⁴⁴ See, e.g., Sherry Slater, *Draco AK Is Semi-automatic Pistol Preferred by Rappers, Gang Members*, J. Gazette (June 28, 2024), https://www.journalgazette.net/local/police-fire/draco-ak-is-semi-automatic-pistol-preferred-by-rappers-gang-members/article_dbd8c8de-3429-11ef-a5df-07d6eca535b2.html.

⁴⁵ *Willis Sentencing Memo*, *supra* note 37, at 2-3.

70. In 2023, the ATF identified United Gun Shop as being among the top sellers of crime guns in the country.⁴⁶ And the Maryland Office of the Attorney General identified it as being the second-highest seller of traced in-state crime guns for the August 2020 to July 2021 period.⁴⁷
71. On information and belief, based on the above-described facts, the sales by United Gun Shop to Mr. Minor constitute only a fraction of the guns that the store sold illegally, including additional unidentified straw sales.

Atlantic Guns

72. In just over a one-month period, between August 4 and September 4, 2021, Atlantic Guns sold Mr. Minor four 9mm handguns, including two handguns within a two-day span.⁴⁸
73. Specifically, Atlantic Guns sold the following handguns to Mr. Minor on the following dates:

Transaction Date	Make/Model	Caliber
8/4/2021	Taurus G2c	9mm
8/13/2021	Taurus G3	9mm
8/14/2021	Glock 19X	9mm
9/4/2021	Taurus PT 24/7	9mm

A graphical representation of these sales is attached as Exhibit 3.

74. The volume, type, and pattern of Mr. Minor's purchases in such a short period of time was an obvious warning sign that he was purchasing these handguns to transfer to others and not for himself. The firearms that Atlantic Guns sold Mr. Minor were all very similar, commonplace, concealed-carry striker-fired 9mm pistols. This was a further indication that Mr. Minor was not buying the pistols for his own use.

⁴⁶ Penzenstadler, *supra* note 27. United Gun Shop earned this distinction by having at least twenty-five of the guns it sold traced to a crime within the previous year and within three years of their original sale. The ATF tracks this information because a short period of time between the original sale of a firearm and its recovery at a crime scene is a key indicator of illegal gun trafficking. *See id.*

⁴⁷ Martinez et al., *supra* note 17, at 26.

⁴⁸ *Minor* Affidavit, *supra* note 34, ¶ 15.

75. Of the four handguns that Atlantic Guns sold to Mr. Minor over the course of a month, at least two have been recovered in the District by MPD. Of these, one was recovered on April 8, 2022, along with drugs and an illegal large-capacity magazine, and the other was recovered on June 28, 2022, from a District resident with an active warrant for second-degree assault.
76. Atlantic Guns' sales to Mr. Minor are even more egregious in light of violations noted during recent ATF compliance inspections. In October 2017, the ATF conducted inspections at each of Atlantic Guns' two retail locations then in existence. During the inspections, the ATF identified ten categories of violations, including Atlantic Guns' failure to report the sale of two or more handguns to the same unlicensed buyer within five business days.
77. On or around November 16, 2017, an ATF investigator reviewed the violations identified at Atlantic Guns' Rockville location with two managers of that store, Bill and Bob Schneider. On or around December 22, 2017, an ATF investigator reviewed the violations identified at Atlantic Guns' Silver Spring location with Atlantic Guns' president and owner, Stephen Schneider.
78. On February 21, 2018, ATF agents hand-delivered two warning letters to Stephen Schneider, reminding him that Atlantic Guns' compliance with federal laws and regulations was "critical ... to protect the public and ensure that criminals do not gain access to firearms." Further, the ATF agents discussed Atlantic Guns' violations with Stephen and Bob Schneider and the then-manager of the Silver Spring store. Atlantic Guns and its agents and employees were thus explicitly on notice regarding their responsibility and obligation to prevent the diversion of firearms to the underground market.

79. Despite these warnings, the ATF in 2023 identified Atlantic Guns as being among the top sellers of crime guns in the country.⁴⁹ And the Maryland Office of the Attorney General identified it as being the top seller of traced in-state crime guns for the August 2020 to July 2021 period.⁵⁰
80. On information and belief, based on the above-described facts, the sales by Atlantic Guns to Mr. Minor constitute only a fraction of the guns that the store sold illegally, including additional unidentified straw sales.

CAUSES OF ACTION

COUNT I: PUBLIC NUISANCE (by both Plaintiffs against all Defendants)

81. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as if fully set forth herein.
82. At the time the Defendants sold handguns to Mr. Minor and others, the Defendants knew, had reasonable cause to believe, or deliberately avoided knowing that Mr. Minor and, on information and belief, others were engaged in straw purchasing or dealing in firearms without a license, both of which are violations of federal and Maryland law.
83. Each Defendant also failed to properly verify the identity of and request a background check on the handguns' actual buyer(s), made numerous false statements on the ATF Forms 4473 that were completed for each transaction (as well as other documentation and records the Defendants are required to accurately maintain), and failed to make appropriate entries in required documentation and records. For example, on numerous straw sales, each Defendant falsely

⁴⁹ Penzenstadler, *supra* note 27. At least twenty-five of the guns it sold were traced to a crime within the previous year and within three years of their original sale. Again, this is a key indicator of illegal gun trafficking. *See id.*

⁵⁰ Martinez et al., *supra* note 17, at 26.

certified for each sale that it was their “belief that it [was] not unlawful for [them] to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on” the Form 4473.

84. Each Defendant is vicariously liable for the actions or inactions of its agents and employees while acting within the scope of their agency or employment.
85. Each Defendant’s conduct in completing these transactions was in knowing violation of numerous federal and Maryland laws and regulations. *See* 18 U.S.C. §§ 4, 922(b)(2), (d), (m), (t)(1), 924(a)(1)(A), (3); 27 C.F.R. §§ 478.102, .124, .125(e), .128(c); Md. Code Ann., Pub. Safety § 5-134(b)(13); COMAR 29.03.01.08(E).
86. In addition, each Defendant violated federal and Maryland law by knowingly conspiring with, and aiding and abetting, Mr. Minor’s unlicensed dealing in firearms and straw purchases. *See* 18 U.S.C. §§ 2, 371, 922(a)(1)(A), (6), (t)(1), 923(a), 924(a)(1)(A); 27 C.F.R. § 478.128(b); Md. Code Ann., Pub. Safety §§ 5-106(a), 5-124(a); COMAR 29.03.01.42(A). These knowing violations of law proximately harmed the Plaintiffs.
87. Collectively, the Defendants’ pattern of unlawful handgun sales has created, contributed to, and maintained a public nuisance in the District, Prince George’s County, and Montgomery County. Furthermore, the Defendants’ conduct foreseeably resulted in the unlawful transfer of firearms to prohibited persons in the illegal secondary market in the Washington, D.C. metropolitan area. Many of the firearms unlawfully sold by the Defendants have already been recovered in the area in connection with crimes that harm the Plaintiffs and their residents.
88. The Defendants’ conduct in selling handguns in violation of federal and Maryland law has created, contributed to, and maintained a public nuisance in the District, Prince George’s County, and Montgomery County that unreasonably and unjustifiably endangers, renders insecure, interferes with, and obstructs rights common to the general public. Such public nuisance harms the rights of the area’s residents to life, health, the use and enjoyment of property, the right to travel within

the region, the right to attend school, and the ability to effectuate all of these rights without fear of being shot or suffering an injury from a gun. The Defendants' conduct deprives the area and its residents and visitors of the peaceful use of public streets, sidewalks, parks, and other places; interferes with commerce, travel, and the quality of daily life; and endangers the health, welfare, peace, safety, well-being, convenience, and property of considerable numbers of residents of, and visitors to, Washington, D.C., and Maryland.

89. The threat of gun violence proximately caused by the Defendants' illegal conduct affects how the area's residents and visitors choose to commute to work or to school, whether and how they participate in community activities, and the degree to which they visit and patronize local businesses. It also affects whether they leave or continue to reside in the region, linking the region's economic future to its ability to solve this crisis.
90. These harms suffered by the Plaintiffs cannot be adequately compensated in monetary damages alone.
91. On information and belief, the nuisance created by the Defendants' illegal conduct continues to this day and, absent abatement or other relief, will continue indefinitely. Firearms sold illegally by the Defendants to Mr. Minor and, on information and belief, other straw purchasers have been used in the commission of crimes in the region. In addition, unrecovered firearms sold by each Defendant to Mr. Minor and, on information and belief, other straw purchasers remain in circulation among prohibited possessors in the area and thereby endanger its residents and the Plaintiffs' employees and necessitate the expenditure of the Plaintiffs' funds and resources to investigate, interdict, and mitigate their use in crimes within the area.
92. The nuisance created by each Defendant's illegal conduct has proximately caused harm to the Plaintiffs. This includes, but is not limited to, harm and damages to the District caused by: (1) a Glock 26 sold by Defendant Engage Armament that was recovered by MPD on November 21,

2022, and on information and belief was used in the facilitation of drug distribution within the District; (2) a Springfield Armory XD-S sold by Defendant United Gun Shop that was recovered by MPD on November 27, 2021, and was used to commit an aggravated assault within the District that required a significant emergency response, involving a pursuit and shooting by MPD officers; and (3) a Glock 19X sold by Defendant Atlantic Guns that was recovered by MPD on April 8, 2022, and on information and belief was used in the facilitation of drug distribution within the District. It also includes harm and damages to Maryland caused by: (1) a Taurus G3c sold by Defendant Engage Armament that was recovered by the Hyattsville Police Department on May 27, 2022, in the possession of a stabbing suspect and (2) a Taurus G2c sold by Defendant Atlantic Guns that was recovered on June 28, 2022, in the possession of a fugitive with an active warrant for assault from Prince George's County.

93. Each Defendant was aware of common indicators of straw sales and took on the obligation to prevent such straw sales and gun trafficking as part of their legal responsibilities as an FFL. Furthermore, each Defendant knew that the foreseeable and entirely predictable result of illegal sales and gun trafficking is gun violence and other criminal activities that endanger the public. Yet with a reckless disregard for the rights and safety of others, each of the Defendants continued to engage in such sales for the sake of profit. Such conduct was wanton and outrageous.
94. The Plaintiffs have incurred significant costs to date in their efforts to abate the public nuisance created, perpetuated, and maintained—in whole or in part—by the Defendants. The Plaintiffs have and will incur significant costs going forward to ameliorate the harm caused by the Defendants.
95. As the direct and proximate result of the public nuisance created and maintained by the Defendants' misconduct, the Plaintiffs have suffered (and continue to suffer) injury by spending substantial money in an effort to address the societal harms caused by the Defendants' nuisance-

creating activity. These costs include, but are not limited to, the costs of healthcare, emergency medical services, social services, law enforcement, incarceration, lost tax revenues, and lost communal benefits of the Plaintiffs' limited and diverted resources. For example, the State recently passed legislation, signed into law by Governor Wes Moore, and which will go into effect on October 1, 2024, that established the Center for Firearm Violence Prevention and Intervention in the Maryland Department of Health to reduce firearm violence, harm from firearm violence, and misuse of firearms in the State.⁵¹ And in 2022, the District created the Office of Gun Violence Prevention, which is tasked with coordinating a District-wide public health strategy for gun violence prevention.

96. The Defendants could avoid contributing to the public nuisance by, among other things, adopting strong policies to identify and prevent straw sales, training their employees on such policies, and conducting heightened screening in connection with multiple purchases, frequent purchases, and sales under other suspicious circumstances.

COUNT II: NEGLIGENCE
(by both Plaintiffs against all Defendants)

97. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as if fully set forth herein.
98. At all relevant times, the Defendants were subject to the general duty imposed on all persons and entities not to expose others to reasonably foreseeable risks of injury. Each Defendant had (and has) a duty to exercise reasonable care in distributing and selling firearms and to refrain from engaging in activity that creates reasonably foreseeable risks of injury to others. Each Defendant breached this duty by knowingly engaging in straw sales of firearms that it knew or should have

⁵¹ See 2024 Md. Laws ch. 706 (S.B. 475) (to be codified at Md. Code Ann., Health-Gen. §§ 13-5201 to -5205).

known were being directly unloaded into illegal streams of commerce and into the hands of people ineligible to possess them.

99. Each Defendant's conduct in completing these transactions with Mr. Minor and, on information and belief, others was in knowing violation of numerous federal and Maryland laws and regulations. *See* 18 U.S.C. §§ 4, 922(b)(2), (d), (m), (t)(1), 924(a)(1)(A), (3); 27 C.F.R. §§ 478.102, .124, .125(e), .128(c); Md. Code Ann., Pub. Safety § 5-134(b)(13); COMAR 29.03.01.08(E). In addition, each Defendant violated federal and Maryland law by knowingly conspiring with, and aiding and abetting, Mr. Minor's unlicensed dealing in firearms and straw purchases. *See* 18 U.S.C. §§ 2, 371, 922(a)(1)(A), (6), (t)(1), 923(a), 924(a)(1)(A); 27 C.F.R. § 478.128(b); Md. Code Ann., Pub. Safety §§ 5-106(a), 5-124(a); COMAR 29.03.01.42(A). These knowing violations of law proximately harmed the Plaintiffs.
100. Each Defendant transacted business with Mr. Minor and others, even though they knew, consciously avoided knowing, or had reasonable cause to believe that Mr. Minor and, on information and belief, others were engaged in straw purchasing, unlicensed dealing, and/or firearms trafficking. Each Defendant also failed to properly verify the identity of or request a background check on the handguns' actual buyer(s), made numerous false statements on the ATF Forms 4473 that were completed for each transaction (as well as other documentation and records the Defendants are required to accurately maintain), and failed to make appropriate entries in required documentation and records. For example, each Defendant falsely certified for multiple straw sales that it was their "belief that it [was] not unlawful for [them] to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on" the Form 4473.
101. Each Defendant is vicariously liable for the actions or inactions of its agents and employees while acting within the scope of their agency or employment.

102. Each Defendant's negligence has proximately caused harm to the Plaintiffs. This includes, but is not limited to, harm and damages to the District caused by: (1) a Glock 26 sold by Defendant Engage Armament that was recovered by MPD on November 21, 2022, and on information and belief was used in the facilitation of drug distribution within the District; (2) a Springfield Armory XD-S sold by Defendant United Gun Shop that was recovered by MPD on November 27, 2021, and was used to commit an aggravated assault within the District that required a significant emergency response, involving a pursuit and shooting by MPD officers; and (3) a Glock 19X sold by Defendant Atlantic Guns that was recovered by MPD on April 8, 2022, and on information and belief was used in the facilitation of drug distribution within the District. It also includes harm and damages to Maryland caused by: (1) a Taurus G3c sold by Defendant Engage Armament that was recovered by the Hyattsville Police Department on May 27, 2022, in the possession of a stabbing suspect and (2) a Taurus G2c sold by Defendant Atlantic Guns that was recovered on June 28, 2022, in the possession of a fugitive with an active warrant for assault from Prince George's County.

103. Each Defendant was aware of common indicators of straw sales and took on the obligation to prevent such straw sales and gun trafficking as part of its legal responsibilities as an FFL. Furthermore, each of the Defendants knew that the foreseeable and entirely predictable result of such illegal gun sales and trafficking is gun violence and other criminal activities that endanger the public. Yet with a reckless disregard for the rights and safety of others, each of the Defendants continued to engage in such sales for the sake of profit. Such conduct was wanton and outrageous.

104. The Plaintiffs have incurred substantial costs as the direct and proximate result of the Defendants' knowing violations of law. Each firearm recovered by law enforcement involves, at the very least, the cost of the response of law enforcement and other emergency services. In fact, the Plaintiffs spend millions of dollars annually to respond to and investigate incidents of gun violence, to

prosecute and incarcerate those who commit gun crimes, and to provide medical and social services to victims of gun violence. In 2020 alone, such costs to the District amounted to \$892 million.⁵² Gun violence also threatens District and Maryland employees, including law enforcement, first responders, and other public servants, and makes their work more dangerous.

105. The Plaintiffs also spend millions of dollars annually to prevent gun violence and to mitigate the long-term damage to communities in which it is endemic. Recently, the State established the Center for Firearm Violence Prevention and Intervention, and the District created the Office of Gun Violence Prevention to help address this problem.

106. The Defendants' negligence also causes economic harm to the Plaintiffs. This includes the lost value of activities chilled by the proliferation of gun violence and other gun-related crimes, the lost communal benefits of the Plaintiffs' limited and diverted resources, and the depressed value of certain property held by the District. It also leads to lost wages and depresses private property values, harming the Plaintiffs' ability to raise revenue through taxation.

107. The Plaintiffs have suffered harm and incurred substantial costs as the direct and proximate result of each Defendant's negligence. They are entitled to damages incurred as a result of the Defendants' negligence as well as injunctive relief.

COUNT III: NEGLIGENCE PER SE
(by Plaintiff District of Columbia against all Defendants)

108. The District incorporates by reference all preceding paragraphs of this complaint as if fully set forth herein.

109. At all relevant times, the Defendants were subject to a variety of legal obligations under federal and state law concerning the operation of their retail firearms businesses. These duties are

⁵² Nat'l Inst. for Crim. Just. Reform, *supra* note 14, at 1.

imposed by a range of statutes. *See* 18 U.S.C. §§ 922(a)(1)(A), (6), (b)(2), (d), (m), (t)(1), 923(a), 924(a)(1)(A), (3) and Md. Code Ann., Pub. Safety §§ 5-106(a), 5-124(a), 5-134(b)(13).

110. The above laws are intended to curb firearms crime, to prevent access to firearms by persons prohibited from possessing them, and to protect public safety. These laws were designed to prevent illegal dealing in firearms by directing firearms commerce through businesses licensed by governmental entities. These laws impose obligations on licensed dealers to further the laws' purposes.

111. The District and its residents are within the class of persons meant to be protected by these laws, and the injury to the District and its residents is of the nature and type that these laws were designed to prevent. In addition to District residents, law enforcement and other frontline District agencies and employees who respond to and address gun violence are among the class of persons directly exposed to the risk of gun violence and are among the intended beneficiaries of these laws.

112. Each Defendant sold or transferred handguns to Mr. Minor, and, on information and belief, others, whom it knew, deliberately avoided knowing, or had reasonable cause to believe at the time of each transaction were engaged in straw purchasing or dealing in firearms without a license, both of which are violations of federal and state law. In doing so, each Defendant violated its own legal obligation not to engage in such transactions, in violation of one or more of the aforementioned statutes. Each Defendant further breached its legal duties under these statutes by failing to properly verify the identity of the actual buyer of a firearm, failing to request and obtain a completed background check on the actual buyer of a firearm, making false statements in required documentation and records, and failing to make appropriate entries in required documentation and records. Each Defendant's breach of these duties constituted negligence per se.

113. Each Defendant's negligence per se has proximately caused harm to the District. This includes, but is not limited to, harm and damages caused to the District by: (1) a Glock 26 sold by Defendant Engage Armament that was recovered by MPD on November 21, 2022, and on information and belief was used in the facilitation of drug distribution within the District; (2) a Springfield Armory XD-S sold by Defendant United Gun Shop that was recovered by MPD on November 27, 2021, and was used to commit an aggravated assault within the District that required a significant emergency response, involving a pursuit and shooting by MPD officers; and (3) a Glock 19X sold by Defendant Atlantic Guns that was recovered by MPD on April 8, 2022, and on information and belief was used in the facilitation of drug distribution within the District.

114. Each Defendant was aware of common indicators of straw sales and took on the obligation to prevent such straw sales and gun trafficking as part of its legal responsibilities as an FFL. Furthermore, each of the Defendants knew that the foreseeable and entirely predictable result of such illegal gun sales and trafficking is gun violence and other criminal activities that endanger the public. Yet with a reckless disregard for the rights and safety of others, each of the Defendants continued to engage in such sales for the sake of profit. Such conduct was wanton and outrageous.

115. The District has suffered harm and incurred substantial costs as the direct and proximate result of each Defendant's breach of these duties. It is entitled to damages incurred as a result of the Defendants' negligence as well as injunctive relief.

COUNT IV: NEGLIGENCE (STATUTE OR ORDINANCE RULE)
(by Plaintiff State of Maryland against all Defendants)

116. The State incorporates by reference all preceding paragraphs of this complaint as if fully set forth herein.

117. At all relevant times, the Defendants were subject to a variety of legal obligations under federal and Maryland law concerning the operation of their retail firearms businesses. These duties are

imposed by a range of statutes. *See* 18 U.S.C. §§ 922(a)(1)(A), (6), (b)(2), (d), (m), (t)(1), 923(a), 924(a)(1)(A), (3) and Md. Code Ann., Pub. Safety §§ 5-106(a), 5-124(a), 5-134(b)(13).

118. The above statutes are intended to curb firearms crime, to prevent access to firearms by persons prohibited from possessing them, and to protect public safety. These statutes were designed to prevent illegal dealing in firearms by directing firearms commerce through businesses licensed by the government. These statutes impose obligations on licensed dealers to further the statutes' purposes.

119. Maryland and its residents are within the class of persons meant to be protected by these statutes, and the injury to Maryland is of the kind that these statutes were designed to prevent. Additionally, law enforcement and other frontline State agencies and employees who work to respond to and address gun violence are among the class of persons directly exposed to the risk of gun violence and are among the intended beneficiaries of these laws.

120. Each Defendant sold or transferred handguns to Mr. Minor and, on information and belief, others, whom it knew, deliberately avoided knowing, or had reasonable cause to believe at the time of each transaction were engaged in straw purchasing or dealing in firearms without a license, both of which are violations of federal and state law. In doing so, each Defendant violated its own legal obligation not to engage in such transactions, in violation of one or more of the aforementioned statutes. Each Defendant further breached its legal duties under these statutes by failing to properly verify the identity of the actual buyer of a firearm, failing to request and obtain a completed background check on the actual buyer of a firearm, making false statements in required documentation and records, and failing to make appropriate entries in required documentation and records. Each Defendant's breach of these duties constituted negligence.

121. Each Defendant's negligence has proximately caused harm to the State. This includes, but is not limited to, harm and damages caused by: (1) a Taurus G3c sold by Defendant Engage Armament

that was recovered by the Hyattsville Police Department on May 27, 2022, in the possession of a stabbing suspect, (2) a Springfield Armory Hellcat sold by Defendant Engage Armament that was recovered by the Montgomery County Police Department on July 13, 2022, in the possession of a criminal defendant, and (3) a Taurus G2c sold by Defendant Atlantic Guns that was recovered on June 28, 2022, in the possession of a fugitive with an active warrant for assault from Prince George's County.

122. Each Defendant was aware of common indicators of straw sales and took on the obligation to prevent such straw sales and gun trafficking as part of its legal responsibilities as an FFL. Furthermore, each Defendant knew that the foreseeable and entirely predictable result of such illegal gun sales and trafficking is gun violence and other criminal activities that endanger the public. Yet with a reckless disregard for the rights and safety of others, each Defendant continued to engage in such sales for the sake of profit. Such conduct was wanton and outrageous.

123. The State has suffered harm and incurred substantial costs as the direct and proximate result of each Defendant's breach of these duties. It is entitled to damages incurred as a result of the Defendants' negligence as well as injunctive relief.

COUNT V: NEGLIGENT ENTRUSTMENT
(by both Plaintiffs against all Defendants)

124. The Plaintiffs incorporate by reference all preceding paragraphs of this complaint as if fully set forth herein.

125. Each Defendant sold or transferred firearms to Mr. Minor and, on information and belief, others, whom it knew, had reason to know, or reasonably should have known at the time of the transactions were engaged in straw purchasing or dealing in firearms without a license, both of which are violations of federal and Maryland law.

126. Each Defendant knew or reasonably should have known that this straw purchasing or unlicensed dealing in firearms created an unreasonable risk of physical harm to third parties because a

foreseeable and likely consequence of those activities is gun violence resulting in serious injury or death, as well as other criminal activity.

127. Each Defendant had possession and control of the firearms that it transferred or caused to be transferred to Mr. Minor and others.

128. Each Defendant knew, had reason to know, or reasonably should have known that its employees and agents, who effectuated these firearm transfers to Mr. Minor and others, were obliged to refuse to transfer firearms to a transferee whom the employees or agents knew, had reason to know, reasonably should have known, or deliberately avoided knowing were involved in straw purchasing and/or unlicensed dealing in firearms.

129. Each Defendant, by its employees and agents, knew, had reason to know, or reasonably should have known that firearms transferred to Mr. Minor and others involved in straw purchasing or unlicensed dealing of firearms would likely and foreseeably be used in a manner involving an unreasonable risk of physical harm to others.

130. Many of the firearms that the Defendants negligently entrusted to Mr. Minor have foreseeably been recovered in the possession of persons prohibited from possessing firearms in the Washington, D.C. metropolitan area, while many others are still unaccounted for and presumably trafficked.

131. Each Defendant's negligent entrustment of firearms to Mr. Minor and, on information and belief, others has proximately caused harm to the Plaintiffs. This includes, but is not limited to, harm and damages to the District caused by: (1) a Glock 26 sold by Defendant Engage Armament that was recovered by MPD on November 21, 2022, and on information and belief was used in the facilitation of drug distribution within the District; (2) a Springfield Armory XD-S sold by Defendant United Gun Shop that was recovered by MPD on November 27, 2021, and was used to commit an aggravated assault within the District that required a significant emergency

response, involving a pursuit and shooting by MPD officers; and (3) a Glock 19X sold by Defendant Atlantic Guns that was recovered by MPD on April 8, 2022, and on information and belief was used in the facilitation of drug distribution within the District. It also includes harm and damages to Maryland caused by: (1) a Taurus G3c sold by Defendant Engage Armament that was recovered by the Hyattsville Police Department on May 27, 2022, in the possession of a stabbing suspect and (2) a Taurus G2c sold by Defendant Atlantic Guns that was recovered on June 28, 2022, in the possession of a fugitive with an active warrant for assault from Prince George's County.

132. Each Defendant was aware of common indicators of straw sales and took on the obligation to prevent such straw sales and gun trafficking as part of its legal responsibilities as an FFL. Furthermore, each Defendant knew that the foreseeable and entirely predictable result of such illegal gun sales and trafficking is gun violence and other criminal activities that endanger the public. Yet with a reckless disregard for the rights and safety of others, each Defendant continued to engage in such sales for the sake of profit. Such conduct was wanton and outrageous.

133. The Plaintiffs are entitled to recover damages as a result of the Defendants' negligent entrustment, as well as injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court:

- A. Enjoin each Defendant from continuing to contribute to and maintain a public nuisance, by selling firearms to individuals whom the Defendant knows or has reasonable cause to believe are straw purchasers or firearms traffickers, as alleged in Count I above, and require each to abate such nuisance;
- B. Award the Plaintiffs the costs they have incurred and will incur abating the public nuisance set forth in this complaint;

- C. Award the Plaintiffs a reasonable sum of money that will fairly compensate them for the damages they have suffered;
- D. Award the Plaintiffs pre- and post-judgment interest, to the extent allowable;
- E. Award the Plaintiffs punitive and exemplary damages;
- F. Award the Plaintiffs' costs and reasonable attorney's fees incurred in this action; and
- G. Grant such other relief as the Court may deem just, equitable, or proper.

JURY DEMAND

The Plaintiffs elect a trial by jury of all issues so triable.

Dated: September 3, 2024

Respectfully Submitted,

THE STATE OF MARYLAND

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