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28 **PAIGE GASPER**

DISTRICT COURT

CLARK COUNTY, NEVADA

PAIGE GASPER, an Individual,

Plaintiff,

vs.

MGM RESORTS INTERNATIONAL, a Delaware Corporation; MANDALAY CORP., a Nevada Corporation; LIVE NATION ENTERTAINMENT, INC., a California Corporation; LIVE NATION GROUP d/b/a ONENATIONGROUP, LLC, a Nevada Domestic Limited-Liability Company;

CASE NO.: A-17-762858-C

DEPT. NO.: Department 28

COMPLAINT

1 ESTATE OF STEPHEN PADDOCK, a Nevada
2 resident; SLIDE FIRE SOLUTIONS LP, a Foreign
3 Corporation; DOE MANUFACTURERS 1 through
4 100; ROE RETAILERS 1 through 100; DOE
5 SECURITY OFFICER 1 through 100; DOE
6 EVENT PLANNER 1 through 100; DOE EVENT
7 MANAGER 1 through 100; ROE EVENT
8 COMPANY 1 through 100; DOES 1 through 100;
9 and ROES 1 through 100, inclusive,

Defendants.

COMPLAINT

COMES NOW Plaintiff PAIGE GASPER (“GASPER”), by and through her undersigned
Counsel, and for her Complaint alleges and avers as follows:

1. At all relevant times, Plaintiff GASPER was an adult, competent resident of the State
of California.

2. At all relevant times, Defendant MGM RESORTS INTERNATIONAL (“MGM”),
was a corporation duly licensed and incorporated under the laws of Delaware, and believed to be the
owner, co-owner, or manager of certain premises commonly referred to as the Mandalay Bay Resort
and Casino Las Vegas (hereinafter “Mandalay Bay”), at 3950 South Las Vegas Blvd, Las Vegas,
NV 89119, as well as “Las Vegas Village”, an open-air concert and event venue across from
Mandalay Bay consisting of 15 acres of seating area, and a capacity of 40,000 guests.

3. At all relevant times, Defendant MANDALAY CORP. was a corporation duly
licensed and incorporated under the laws of Nevada, and as a subsidiary of Defendant MGM, is
believed to be the owner, manager and operator of the premises commonly referred to as the
Mandalay Bay Resort and Casino Las Vegas (hereinafter “Mandalay Bay”), at 3950 South Las
Vegas Blvd, Las Vegas, NV 89119.

4. At all relevant times, Defendant LIVE NATION ENTERTAINMENT, INC. (LIVE
NATION) was a corporation duly licensed and incorporated under the laws of California, and

1 believed to be the concert and event promoter of the Route 91 Music Festival in September and
2 October 2017.

3 5. At all relevant times, Defendant LIVE NATION GROUP d/b/a
4 ONENATIONGROUP, LLC (LIVE NATION) was a Domestic Limited-Liability Company duly
5 licensed and incorporated under the laws of Nevada, and believed to be the concert and event
6 promoter of the Route 91 Music Festival in September and October 2017.

7
8 6. At all relevant times, STEPHEN PADDOCK was a resident of Clark County,
9 Nevada, and the accused perpetrator of a mass shooting which occurred on October 1, 2017, and
10 which took place from a location within PADDOCK's hotel room at Mandalay Bay into a crowd of
11 concert-goers at the Las Vegas Village venue. PADDOCK is now deceased, resulting in the need
12 to sue the ESTATE OF STEPHEN PADDOCK which is as-yet unformed, but whose formation is
13 pending.

14
15 7. At all relevant times, Defendant SLIDE FIRE SOLUTIONS, LP ("SLIDE FIRE") is
16 a foreign limited partnership which does business in Nevada, with its principal place of business
17 located in Moran, Texas.

18
19 8. Defendants DOE MANUFACTURERS 1 through 100 are all manufacturers of bump
20 stock similar devices. DOE MANUFACTURERS 1 through 100 include designers, developers,
21 promoters, and marketers of bump stock or similar bump fire devices.

22 9. Defendants ROE RETAILERS 1 through 100 are all retainers of bump stocks or
23 similar devices. ROE RETAILERS 1 through 100 include sellers, retailers, wholesalers, suppliers,
24 and/or distributors of bump stocks or similar bump fire devices.

25
26 10. That the true names and capacities whether individual, corporate, associate or
27 otherwise, of the Defendants herein designated as DOES and/or ROES are unknown to Plaintiff at
28 this time who therefore sue said Defendants by fictitious names. Plaintiff alleges that each named

1 Defendant herein designated as DOES and/or ROES is negligently, willfully, contractually, or
2 otherwise legally responsible for the events and happenings herein referred to and proximately
3 caused damages to Plaintiff as herein alleged. Plaintiff will seek leave of Court to amend this
4 Complaint to insert the true names and capacities of such Defendants when same have been
5 ascertained and will further seek to leave to join said Defendants in these proceedings.

6
7 11. That Plaintiff is informed and believes and thereon alleges that at all times mentioned
8 herein, Defendant SLIDE FIRE and DOES AND ROES were agents, servants, employees, partners,
9 distributors or joint venturers of each other and that in doing the acts herein alleged, were acting
10 within the course and scope of said agency, employment, partnership, or joint venture. Each and
11 every Defendant aforesaid was acting as a principal and was negligent or grossly negligent in the
12 selection, hiring and training of each and every other Defendant or ratified the conduct of every other
13 Defendant as an agent, servant, employee or joint venture.

14
15 12. That the true names and capacities, whether individual, agency, corporate, associate
16 or otherwise, of Defendants DOE MANUFACTURERS 1 through 100; ROE RETAILERS 1
17 through 100; DOE SECURITY OFFICER 1 through 100; DOE EVENT PLANNER 1 through 100;
18 DOE EVENT MANAGER 1 through 100; ROE EVENT COMPANY 1 through 100; DOES 1
19 through 100; and ROES 1 through 100, inclusive are unknown to Plaintiff. Plaintiff will ask leave
20 of the Court to amend this Complaint to show the true names and capacities of these Defendants,
21 when they become known to Plaintiff. Plaintiff believes each Defendant named as DOE/ROE was
22 responsible for contributing to Plaintiff's damages as set forth herein.

23
24 13. That Plaintiff is informed and believes, and based upon such information and belief,
25 alleges that each of the Defendants herein designated as DOES and/or ROES are in some manner
26 responsible for the occurrences and damages sustained as alleged herein.

27
28 ///

14. Defendants DOES/ROES 1 through 100 consist of the following entities: 1) employees or agents of MGM and MANDALAY CORP. whose negligence contributed to circumstances which enabled PADDOCK to commit a mass shooting unencumbered; 2) co-owners, managers, designers, and concert promoters whose negligence in the design and operation of the concert venue at Las Vegas Village contributed to circumstances which increased the carnage wrought by PADDOCK due to insufficient exits at the venue; and 3) manufacturers, designers, developers, promoters, marketers, wholesalers, suppliers, distributors and retailers of bump stock or similar bump fire devices, including but not limited to Defendant SLIDE FIRE's, whose products contributed to PADDOCK's commission of the mass shooting.

15. That the true names and capacities whether individual, corporate, associate or otherwise, of the Defendants herein designated as DOES/ROES 1 through 100 herein referred to and proximately caused damages to Plaintiff as herein alleged. Plaintiff will seek leave of Court to amend this Complaint to insert the true names and capacities of such Defendants when same have been ascertained and will further seek leave to join said Defendants in these proceedings.

16. That Plaintiff is informed and believes and thereon alleges that at all times mentioned herein, MGM and MANDALAY BAY (hereinafter referred to collectively as the "Hotel Defendants") were agents, servants, employees, partners or joint venturers of each other and that in doing the acts herein alleged, were acting within the course and scope of said agency, employment, partnership, or joint venture. Each and every Defendant aforesaid was acting as a principal and was negligent or grossly negligent in the selection, hiring and training of each and every other Defendant or ratified the conduct of every other Defendant as an agent, servant, employee or joint venture.

17. That Plaintiff is informed and believes and thereon alleges that at all times mentioned herein, Defendant SLIDE FIRE and as-yet unidentified DOES/ROES (hereinafter referred to collectively as the "Product Defendants") were agents, servants, employees, partners, distributors or

1 joint venturers of each other, and that in doing the acts herein alleged, were acting within the course
2 and scope of said agency, employment, partnership, or joint venture. Each and every Defendant
3 aforesaid was acting as a principal and was negligent or grossly negligent in the selection, hiring and
4 training of each and every other Defendant or ratified the conduct of every other Defendant as an
5 agent, servant, employee or joint venture.
6

7 18. That Plaintiff is informed and believes and thereon alleges that at all times mentioned
8 herein, the MGM and as-yet unidentified DOES/ROES [hereinafter referred to collectively as the
9 “Venue Defendants” were agents, servants, employees, partners, or joint venturers of each other and
10 that in doing the acts herein alleged, were acting within the course and scope of said agency,
11 employment, partnership, or joint venture. Each and every Defendant aforesaid was acting as a
12 principal and was negligent or grossly negligent in the selection, hiring and training of each and
13 every other Defendant or ratified the conduct of every other Defendant as an agent, servant,
14 employee or joint venture.
15

16 19. Each and every act which gives rise to this Complaint occurred in Clark County,
17 Nevada.
18

19 GENERAL ALLEGATIONS

20 20. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through
21 19, hereinabove, as though completely set forth herein.

22 21. On October 1, 2017, Plaintiff GASPER was an attendee at the Route 91 Harvest
23 Festival, a three-day music festival featuring numerous artists which took place at the Las Vegas
24 Village.
25

26 22. During Jason Aldean’s performance, Plaintiff GASPER was struck by a bullet
27 believed to be from the weapon of PADDOCK, who at the time was firing rounds of ammunition
28 into the crowd of people at the Las Vegas Village from his hotel suite on the 32nd floor of Mandalay

1 Bay. The bullet entered GASPER'S right underarm, traversed right breast tissue, shattered ribs and
2 lacerated her liver before exiting out her right side. Plaintiff GASPER was rendered physically
3 incapacitated as a result of her injuries, and was assisted by friends in an attempt to escape further
4 gunshots, only to have the crowd of people surrounding GASPER trample her as they tried to flee
5 the concert venue.

6
7 23. Plaintiff GASPER was eventually rescued by a Good Samaritan who helped her take
8 cover behind a metal trash dumpster on the concert venue grounds. Plaintiff GASPER was
9 eventually led into the street by another Good Samaritan, where she was placed in a Good
10 Samaritan's truck along with other injured people and transported to Spring Valley Hospital where
11 she was treated for her injuries. Plaintiff GASPER was the only survivor amongst the passengers in
12 the Good Samaritan's truck.

13
14 24. During an approximately 11-minute stretch of rapid-fire shooting, PADDOCK killed
15 59 people, and injured hundreds of other concert goers at the Las Vegas Village. Upon information
16 and belief, PADDOCK used bump stocks to fire his weapons rapidly, mimicking automatic fire.

17
18 25. Upon information and belief, SLIDE FIRE designed, manufactured, marketed and/or
19 sold one or more of the bump stocks used by Paddock during the mass shooting.

20
21 26. Upon information and belief, DOE MANUFACTURERS designed, manufactured,
22 marketed, distributed and/or sold one or more of the bump stocks used by Paddock during the mass
23 shooting.

24
25 27. Upon information and belief, prior to the commencement of his shooting spree,
26 PADDOCK installed one camera in the peephole of his suite and two more in the hall, with one of
27 the cameras concealed in a Mandalay Bay food service cart left by PADDOCK in the hallway outside
28 his room. PADDOCK used these video cameras to keep an eye on and to attempt to thwart law
enforcement.

28. At all relevant times, Defendants DOES and ROES were the as-yet unidentified employees or agents of either MGM, MANDALAY CORP., ESTATE OF STEPHEN PADDOCK, or SLIDE FIRE SOLUTIONS or some other entity whose acts or omissions are believed to have contributed to the circumstances giving rise to Plaintiff's injuries. Plaintiff shall seek leave to amend this Complaint upon identification of said DOES and ROES, and the establishment of the Estate of Stephen Paddock.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF **NEGLIGENCE**

Against Defendants MGM, and/or MANDALAY CORP., and/or DOES/ROES

29. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 28, hereinabove, as though completely set forth herein.

30. The foregoing averments are incorporated by reference as though fully set forth herein.

31. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or DOES/ROES had a duty of reasonable care in the protection and safeguarding of persons on the Mandalay Bay premises.

32. Based upon information and belief, Defendants MGM, and/or MANDALAY CORP., and/or DOES/ROES breached their duty of reasonable care by failing to maintain the Mandalay Bay premises in a reasonably safe condition, including but not limited to: 1) failing to properly surveil people coming and going from the hotel; 2) failing to monitor the hotel premises with closed-circuit television (CCTV); 3) failing to timely respond or otherwise act upon PADDOCK's shooting of Mandalay Bay Security Officer Jesus Campos, who had gone to the 32nd floor to check on an alert coming from another guest room, and who was shot six minutes prior to PADDOCK's commencement of shooting towards the concert venue; 4) failing to notice or take precautions

1 against PADDOCK's delivery of guns and/or ammunition to his hotel room; 5) failing to notice or
2 take action against PADDOCK's set up of surveillance outside his hotel room; 6) failing to
3 adequately prevent or timely discover PADDOCK's opening of his hotel room windows; and 7)
4 failing to adequately train and supervise employees on the reporting and discovery of suspicious
5 individuals and/or person and/or activity.

6
7 33. Defendants MGM, and/or MANDALAY CORP., and/or DOES/ROES are further
8 liable for the negligence of their employees pursuant to the doctrine of *respondeat superior*, and the
9 negligence of their agents under the doctrine of Vicarious Liability.

10 34. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or
11 DOES/ROES knew or should have known that it was reasonably foreseeable that a breach of their
12 duties to keep their premises reasonably safe in the aforementioned manner might result in
13 catastrophic injury perpetrated by a gun-toting guest with an extreme intention to harm others,
14 including concert-goers at an adjacent venue like Plaintiff GASPER.

15
16 35. As a direct and proximate result of Defendant MGM's, and/or MANDALAY
17 CORP.'s, and/or DOES'/ROES' negligence, Plaintiff GASPER was caused to incur injury to her
18 body and mind, past and future medical expenses, past and future pain and suffering, past and future
19 severe emotional distress, and anticipated future loss of income, all to her damage in an amount in
20 excess of \$15,000.00.

21
22 36. Due to Defendant MGM's, and/or MANDALAY CORP.'s, and/or DOES'/ROES'
23 negligence in the foregoing respects, Plaintiff GASPER has been required to retain the services of
24 legal counsel and to incur attorney's fees and costs thereby.

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SECOND CLAIM FOR RELIEF
NEGLIGENCE

Against Defendants MGM, and/or LIVE NATION, and/or DOES/ROES

37. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 36, hereinabove, as though completely set forth herein.

38. At all relevant times, Defendants MGM, and/or LIVE NATION, and/or DOES/ROES, had a duty of reasonable care in the protection and safeguarding of persons on their Las Vegas Village premises at which the Route 91 Harvest Festival was occurring.

39. Based upon information and belief, Defendants MGM, and/or LIVE NATION, and/or DOES/ROES, breached their duty of reasonable care in the conducting of the aforementioned music festival on their premises, including but not limited to: 1) failing to design, build and mark adequate exits in case of emergency; and 2) failing to properly train and supervise employees in an appropriate plan of action in case of an emergency.

40. Defendants MGM, and/or LIVE NATION, and/or DOES/ROES, are further liable for the negligence of their employees pursuant to the doctrine of *respondeat superior*, and the negligence of their agents under the doctrine of Vicarious Liability.

41. At all relevant times, Defendants MGM, and/or LIVE NATION, and/or DOES/ROES, knew or should have known that it was reasonably foreseeable that a breach of their duties to keep their Las Vegas Village concert venue reasonably safe in the aforementioned manner might result in catastrophic injury to concert-goers such as Plaintiff GASPER.

42. As a direct and proximate result of Defendants MGM's, and/or LIVE NATION's, and/or DOES'/ROES', negligence, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

43. Due to Defendants MGM's, and/or LIVE NATION's, and/or DOES'/ROES', negligence in the foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

THIRD CLAIM FOR RELIEF

BATTERY

Against ESTATE OF STEPHEN PADDOCK

44. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 43, hereinabove, as though completely set forth herein.

45. At all relevant times, PADDOCK acted with malice, forethought, and evil intent in firing gunshots upon Plaintiff GASPER, resulting in the infliction of a gunshot wound which pierced her body and caused physical injury to her to which GASPER did not consent, which constitutes a battery for which the Estate of STEPHEN PADDOCK is liable per NRS 41.100(1) and (2).

46. As a direct and proximate result of PADDOCK's battery upon her, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

47. Due to PADDOCK's commission of battery upon her, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

FOURTH CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Against ESTATE OF STEPHEN PADDOCK

48. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 47, hereinabove, as though completely set forth herein.

49. At all relevant times, PADDOCK acted with malice, forethought, and evil intent in firing gunshots upon Plaintiff GASPER, resulting in the infliction of a gunshot wound which pierced her body and caused physical injury to her to which GASPER did not consent, and which also

1 inflicted severe emotional distress for which the Estate of STEPHEN PADDOCK is liable per NRS
2 41.100(1) and (2).

3 50. As a direct and proximate result of PADDOCK's tortious acts upon her, Plaintiff
4 GASPER was caused to incur injury to her body and mind, past and future medical expenses, past
5 and future pain and suffering, past and future severe emotional distress, and anticipated future loss
6 of income, all to her damage in an amount in excess of \$15,000.00.

7
8 51. Due to PADDOCK's commission of Intentional Infliction of Emotional Distress
9 upon her, Plaintiff GASPER has been required to retain the services of legal counsel and to incur
10 attorney's fees and costs thereby.

11
12 **FIFTH CLAIM FOR RELIEF**
NEGLIGENCE

13 *Against Defendant SLIDE FIRE and/or DOES/ROES*

14 52. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through
15 51, hereinabove, as though completely set forth herein.

16 53. Prior to the mass shooting, PADDOCK brought in excess of a dozen rifles, twelve
17 bump stock devices, and hundreds of rounds of ammunition to his hotel room. PADDOCK'S rifles
18 were equipped with bump stock devices which enabled him to fire bullets rapidly, mimicking
19 automatic fire. Upon information and belief, the bump stock devices PADDOCK used were
20 designed, manufactured, marketed, distributed and/or sold by Defendants SLIDE FIRE and/or
21 DOES/ROES.
22

23 54. Defendants SLIDE FIRE and/or DOES/ROES committed acts of omission and
24 commission, which collectively and generally constituted negligence. Defendants had a duty to
25 exercise ordinary care, meaning that degree of care that would be used by a company of ordinary
26 prudence under the same or similar circumstances. Defendants breached their duty in one or more
27 of the following ways:
28

- a. Failing to properly design the bump stock devices;
- b. Failing to properly manufacture the bump stock devices;
- c. Failing to properly market the bump stock devices; and
- d. Negligently advertising and/or promoting the bump stock devices as an inexpensive device that could be used to circumvent federal laws prohibiting fully automatic weapons.

55. As a direct result of SLIDE FIRE'S and/or DOES'/ROES' negligence, 59 people were killed and hundreds were injured, including Plaintiff GASPER. In addition to physical injuries, Plaintiff GASPER continues to suffer emotional trauma and distress.

56. As a direct and proximate result of Defendants SLIDE FIRE's and/or DOES'/ROES' aforementioned tortious conduct, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

57. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

SIXTH CLAIM FOR RELIEF
GROSS NEGLIGENCE

Against Defendant SLIDE FIRE and/or DOES/ROES

58. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 57, hereinabove, as though completely set forth herein.

59. Plaintiff alleges that all acts, conduct and omissions on the part of Defendants SLIDE FIRE and/or DOES/ROES, taken singularly or in combination, constitute gross negligence and were the proximate cause of Plaintiff's injuries and damages. Defendants' acts and/or omissions, when

viewed objectively from the Defendants' standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendants had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiff.

60. Defendants' conduct was reckless and/or done with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

61. As a direct and proximate result of Defendants SLIDE FIRE's and/or DOES'/ROES' aforementioned tortious conduct, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

62. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

63. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiff's rights and the rights of those similarly situated. The acts of Defendants SLIDE FIRE and/or DOES'/ROES' and each of them should be assessed punitive or exemplary damages.

SEVENTH CLAIM FOR RELIEF
STRICT PRODUCTS LIABILITY-DESIGN DEFECT
Against Defendants SLIDE FIRE and/or DOES/ROES

64. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 63, hereinabove, as though completely set forth herein.

65. SLIDE FIRE and/or DOES/ROES were in the business of designing, manufacturing, selling and/or otherwise placing bump stocks, such as the bump stock devices used by PADDOCK,

1 into the stream of commerce. Upon information and belief, the bump stock devices used by
2 PADDOCK were manufactured and designed by SLIDE FIRE and/or DOES/ROES.

3 66. The bump stock devices were defectively designed because: (1) there was a
4 foreseeable risk that the bump stock devices would be attached to semi-automatic weapons and allow
5 individuals to fire weapons rapidly, similar to automatic fire; (2) the risk could have been reduced
6 or avoided by the adoptive of a safer design; (3) Defendants did not adopt a safer alternative design;
7 and (4) Defendants' failure to adopt the safer alternative design and negligence in designing,
8 manufacturing, marketing, distributing and/or selling the bump stocks rendered the bump stock
9 devices unreasonably dangerous and unsafe for their intended use and/or reasonably foreseeable use.
10 At the time of the manufacture, the safer alternative design was available and the harm to the Plaintiff
11 was easily foreseeable.
12

13 67. The defective design of the bump stock devices directly and proximately caused
14 Plaintiff's injuries and damages.
15

16 68. As a direct and proximate result of Defendants SLIDE FIRE's and/or DOES'/ROES'
17 aforementioned tortious conduct, Plaintiff GASPER was caused to incur injury to her body and
18 mind, past and future medical expenses, past and future pain and suffering, past and future severe
19 emotional distress, and anticipated future loss of income, all to her damage in an amount in excess
20 of \$15,000.00.
21

22 69. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the
23 foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and
24 to incur attorney's fees and costs thereby.
25

26 70. That the aforementioned acts were conducted in a wanton, willful, malicious manner,
27 with conscious disregard for Plaintiff's rights and the rights of those similarly situated. The acts of
28

Defendants SLIDE FIRE and/or DOES/ROES and each of them should be assessed punitive or exemplary damages.

EIGHTH CLAIM FOR RELIEF
STRICT-PRODUCTS LIABILITY-MANUFACTURING DEFECT
Against Defendants SLIDE FIRE and/or DOES/ROES

71. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 70, hereinabove, as though completely set forth herein.

72. At all pertinent times, Defendants SLIDE FIRE and/or DOES/ROES were engaged in the business of designing, manufacturing, marketing, selling, and/or otherwise placing bump stock devices such as the bump stock devices used by PADDOCK into the stream of commerce.

73. When the bump stock devices left control of SLIDE FIRE and/or DOES/ROES, defects in the manufacture of the bump stock devices rendered them defective and unreasonably dangerous in that the components would allow individuals to engage in rapid fire, similar to fully automatic weapons. In particular, the bump stock devices was defectively manufactured and/or assembled by SLIDE FIRE and/or DOES/ROES.

74. PADDOCK used the bump stock devices for their intended and foreseeable purpose.

75. The defective manufacture of the bump stock devices directly and proximately caused Plaintiff's injuries and damages.

76. As a direct and proximate result of Defendants SLIDE FIRE's and/or DOES'/ROES' aforementioned tortious conduct, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

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77. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

78. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiff's rights and the rights of those similarly situated. The acts of Defendants SLIDE FIRE and/or DOES/ROES and each of them should be assessed punitive or exemplary damages.

NINTH CLAIM FOR RELIEF
STRICT LIABILITY: MANUFACTURING DEFECT/FAILURE TO WARN
Against Defendants SLIDE FIRE and/or DOES/ROES

79. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 78, hereinabove, as though completely set forth herein.

80. SLIDE FIRE and/or DOES/ROES failed to give adequate and proper warnings and instructions regarding the dangers of the bump stock devices, which rendered the bump stock devices defective and unreasonably dangerous, and such failure was a producing cause of the death of Plaintiff's injuries and damages. SLIDE FIRE and/or DOES/ROES failed to provide adequate instructions regarding the operation of the bump stock devices, specifically, failing to warn individuals and the general public of the dangers associated with the bump stock devices, which is made the basis of this suit and is the producing cause of Plaintiff's injuries and damages.

81. As a direct and proximate result of Defendants SLIDE FIRE's and/or DOES'/ROES' aforementioned tortious conduct, Plaintiff GASPER was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

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82. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the foregoing respects, Plaintiff GASPER has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

83. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiff's rights and the rights of those similarly situated. The acts of Defendants SLIDE FIRE and/or DOES/ROES and each of them should be assessed punitive or exemplary damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff GASPER prays for relief in the form of a Judgment in her favor, and against Defendants, and each of them, for damages as follows:

- 1) For general and special damages in an amount in excess of \$15,000.00;
 - 2) For costs of suit, reasonable attorney's fees, and interest;
 - 3) For punitive and exemplary damages against Defendants SLIDE FIRE and/or DOES/ROES, in an amount to be determined at trial.
- 3) For such other and further relief as the Court may deem just and equitable under the circumstances.

DATED this 10th day of October, 2017.

BIGHORN LAW

BY: /s/ NATHAN R. MORRIS

NATHAN R. MORRIS, ESQ., (Bar No.: 11847)

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