

VICTIMS' RECOVERY LAW CENTER

BY: DAVID P. THIRUSELVAM, ESQUIRE

KEITH WEST, ESQUIRE

Attorney ID Nos. 61815/317426

The North American Building

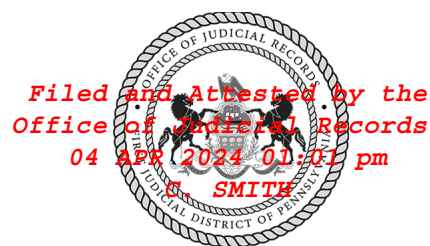
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Attorneys for the Plaintiffs

MARIA BALBUENA, Individually and as
Administrator of the Estate of JUAN
CARLOS ROBLES-CORONA, Deceased
1711 Wards Ferry Road #9
Lynchburg, VA 24502

v.

S.T., a Minor, PP# 1223397
8101 State Road
Philadelphia, PA 19136

and

ASIA M. DAVIS
1701 W. Bristol Street
Philadelphia, PA 19140

COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT
OF PENNSYLVANIA

MAJOR JURY TRIAL DEMANDED

_____ TERM, 2024

No. _____

[Continued on Next Page]

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association Lawyer Referral and
Information Service One Reading Center Philadelphia,
Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197

AVISO

Le han demandado en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados De Filadelfia ServicioDe Referencia
E Informacion,
Filadelfia, Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197

POLYMER 80 INC. :
134 Lakes Boulevard :
Dayton, NV 89403 :
and :
JOHN DOE(S) FIREARM SELLER(S), :
FIREARM OWNER(S), FIREARM :
DISTRUBUTOR(S), FIREARM :
MANUFACTURER(S), SHOOTER(S) :
AND ACCOMPLICES(S) :

PLAINTIFF'S COMPLAINT

WHEREFORE, Plaintiff, Maria Balbuena, Individually and as Administrator of the Estate of Juan Carlos Robles-Corona, Deceased, makes the following allegations on information and belief:

Parties

1. Plaintiff, Maria Balbuena ("Plaintiff"), is the mother of Juan Carlos Robles-Corona and currently resides at the above-captioned address.

2. Juan Carlos Robles-Corona ("Plaintiff's Decedent") was born on February 3, 2007, and died on April 4, 2022, just over 15 years old, of gun violence caused and perpetuated by the negligent, careless, reckless, wrongful, and outrageous actions of the Defendants.

3. On January 23, 2024, Plaintiff, was appointed by the Register's Office of Philadelphia County as the Administrator Plaintiff's Decedent's Estate, as shown by the Letters of Administration attached hereto at Exhibit "A."

4. Defendant, S.T., PP# 1223397 ("Defendant S.T."), on information and belief is currently 16 years old and is currently incarcerated in Alternative and Special Detention at 8101 State Road, Philadelphia, PA 19136.

5. Defendant S.T. is referred to herein by initials because he is a minor.

6. On information and belief, Defendant, Asia M. Davis, is the mother and/or legal guardian and/or natural guardian of Defendant S.T., and at all times relevant hereto was responsible for him and resides at the above-captioned address.

7. Defendant, Polymer80 Inc. ("Defendant Polymer80"), has a principal place of business and headquarters located at the above-captioned address and is a corporation, business name, or other jural entity that that has at all times relevant hereto regularly conducted business in Philadelphia County, Pennsylvania.

8. Defendant John Doe Firearm Seller(s) is/are any person or entity involved in selling the firearm used in the murder of Plaintiff's Decedent, whose name is currently unknown to Plaintiffs despite a reasonable investigation.

9. Defendant John Doe Firearm Owner(s) is/are any person or entity involved in owning or possession the firearm used in the murder of Plaintiff's Decedent, whose name is currently unknown to Plaintiffs despite a reasonable investigation.

10. Defendant John Doe Firearm Distributor(s) is/are any person or entity involved in distribution or commerce of the firearm used in the murder of Plaintiff's Decedent, whose name is currently unknown to Plaintiffs despite a reasonable investigation.

11. Defendant John Doe Shooter(s) is/are any person who shot a firearm at Plaintiff's Decedent, whose name is currently unknown to Plaintiffs despite a reasonable investigation.

12. Defendant John Doe Accomplice(s) is/are any person who was an accomplice or conspirator or aided and abetted the murder of Plaintiff's Decedent, whose name is currently unknown to Plaintiffs despite a reasonable investigation.

Material Facts

13. Defendant S.T. has been arrested for murdering Plaintiff's Decedent on April 4, 2022, in the City of Philadelphia, using a "ghost gun" advertised, produced, sold, and distributed by Defendant Polymer80.

14. On information and belief, the weapon used by Defendant S.T. was a model PF940V2 ("the subject Polymer80"), an unserialized handgun that is manufactured, advertised, distributed, and sold directly online by Defendant Polymer80, as well as numerous affiliate and associate third-party entities, none of which follow Pennsylvania law with regards to ensuring that firearms are not entrusted, sold, or furnished to persons deemed unfit under Pennsylvania law, such as minors.

15. Defendant Polymer80's ghost guns are also sold in person in the Commonwealth of Pennsylvania and the City of Philadelphia through Defendant Polymer80 and its affiliate and associate third-party entities, none of which follow Pennsylvania law with regards to ensuring that firearms are not entrusted, sold, or furnished to persons deemed unfit under Pennsylvania law, such as minors.

16. Defendant Polymer80 regularly, intentionally, and systematically advertises, distributes, and sells its products into the City of Philadelphia.

17. At the time when Defendant S.T. allegedly murdered Plaintiff's Decedent, Defendant S.T. was 14 years old, and Plaintiff's Decedent was 15 years old.

18 Defendant S.T. is currently being held for trial in the Philadelphia Court of Common Pleas on murder and firearms charges related to the slaying of Plaintiffs' Decedent; specifically, Defendant S.T. has been charged with the following crimes under Pennsylvania law related to this incident:

- 18 Pa. C.S. § 2502;
- 18 Pa. C.S. § 903(c);
- 18 Pa. C.S. § 6106(a)(1);
- 18 Pa. C.S. § 6108;
- 18 Pa. C.S. § 6110.1(a); and
- 18 Pa. C.S. § 907(a).

19. At approximately 2:40 PM on April 4, 2022, Defendant S.T., using the subject Polymer80, shot and killed Plaintiff's Decedent at or near 2215 N. 15th Street in the City of Philadelphia.

20. Plaintiff's Decedent was transported to Temple University Hospital and was pronounced dead at around 3:00 PM on April 4, 2022.

21. Plaintiff's Decedent suffered immeasurable pain and suffering from the time of the shooting until the time of his death.

22. Plaintiff's Decedent had been walking home from school and was near the home that he shared with his family, including his mother, Plaintiff, when he was shot without provocation by Defendant S.T., using the subject Polymer80.

23. Plaintiff's Decedent died wearing his school backpack, full of class notes, homework, and textbooks.

24. Defendant S.T. was, at the time, on crime spree — facilitated by the subject Polymer80 — and had carjacked an occupied vehicle the day before, using the subject Polymer80.

25. For a significant period of time, Defendant S.T. had been displaying a course of conduct that did or should have placed his legal guardian, Defendant, Asia M. Davis (“Defendant Davis”), on notice that he posed an imminent mortal danger to others and required adequate and appropriate supervision.

26. On information and belief, the course of conduct of Defendant S.T. in the months prior to Plaintiff’s Decedent’s murder included skipping school, openly brandishing illegal firearms and drugs, using drugs, committing violent crimes, and openly being a member of a violent street gang.

27. Despite these clear indications that Defendant S.T. required appropriate supervision, Defendant Davis ignored all of this and continued to allow Defendant S.T. to roam the streets unsupervised, including during school hours, to continue committing violent crimes.

28. Defendant S.T., as a minor, could not legally be sold or furnished with the subject Polymer80 (or any “kit” to put together the subject Polymer80) pursuant to Pennsylvania state law.

29. At all times relevant hereto, Defendant Polymer80 and John Doe(s) Firearm Sellers, Distributors, and Manufacturers (collectively, “the Ghost Gun Defendants”), manufactured, advertised, and sold firearm kits that are quickly and easily assembled into complete and fully-functional firearms, like the subject Polymer80.

30. As explained in a written opinion issued by the Pennsylvania Attorney General on December 16, 2019, a copy of which is attached hereto at Exhibit “B,” ghost gun kits — such as the one manufactured, advertised, and sold by the Ghost Gun Defendants that was easily converted into the subject Polymer80 — are “firearms” as that term is used by the Pennsylvania Uniform Firearms Act.

31. As such, the Ghost Gun Defendants could not legally manufacture, advertise, or sell their ghost gun kits to Pennsylvania without complying with all Pennsylvania state laws applicable to firearms.

32. The ghost guns sold by the Ghost Gun Defendants, such as the subject Polymer80, are sold in disassembled form and then quickly assembled into unserialized fully functional guns by purchasers, at home, using common household tools.

33. The Ghost Gun Defendants business model is to sell firearms in the “ghost gun” format so that they may sell firearms without conducting a background check, and so that they can reap they improper profits of selling firearms to persons who cannot legally acquire a firearms or “ghost guns” under Pennsylvania law, including minors, the mentally ill, and persons with a history of felony convictions.

34. In 2022 alone, the Philadelphia Police Department recovered over 575 ghost guns while conducting criminal investigations, which has been increasingly yearly.

35. The vast majority of ghost guns recovered in criminal investigations in Philadelphia are Polymer80 guns. The City of Philadelphia has claimed that 87 percent of the ghost guns recovered in Philadelphia in 2023 were Polymer80 guns.

36. The Ghost Gun Defendants, unlike licensed firearm dealers, do not maintain records of their sales or customers in accordance with the Pennsylvania Uniform Firearms Act (“PUFA”), the Commonwealth’s principal gun law.

37. It is clear that the Ghost Gun Defendants are intentionally selling firearms, such as the subject Polymer80, to unfit persons such as minors, the mentally ill, and felons, which foreseeably has resulted in a tragic proliferation of gun violence in the City of Philadelphia in recent years.

38. Despite their growing popularity, the ghost guns sold by the Ghost Gun Defendants are illegal under Pennsylvania law. The firearm sales requirements contained in PUFA are intended to deter gun violence by requiring that guns are only sold by responsible sellers to responsible buyers. Claiming that their products are not firearms, the Ghost Gun Defendants sell firearm kits and frame blanks — products that are designed and marketed with the sole purpose of producing functional guns — to Philadelphia customers without following applicable firearm regulations. They do not conduct background checks. They do not properly record sales. They do not abide by the provisions of PUFA.

39. The Ghost Gun Defendants negligently, careless, recklessly, and outrageously flout these laws, as the unserialized firearm kits they sell are legally firearms and subject to state laws applicable to the sale and marketing of firearms.

40. Upon information and belief, the unserialized Polymer80 firearm used in the ambush attack of Plaintiff’s Decedent, i.e., the subject Polymer80, was originally purchased as a kit in Philadelphia, Pennsylvania, either from Defendant Polymer80 directly

or one of Polymer80's third party distributors, who sold it without performing a background check.

41. The Ghost Gun Defendants sold Polymer80 ghost gun kits without serial numbers and without taking reasonable steps to ensure that purchasers are legally allowed to purchase or possess firearms, despite knowing that their deadly products are especially attractive to criminals and would likely and foreseeably end up in the hands of dangerous persons prohibited from legally owning firearms under Pennsylvania state law.

42. The Ghost Gun Defendants sold Polymer80 ghost gun kits fully understanding that they were violating Pennsylvania law and that their firearms would end up in the streets of Philadelphia in the hands of tragically misguided and undersupervised minors, such as Defendant S.T., who would foreseeably use firearms such as the subject Polymer80 in the commission of violent felonies such as the murder of Plaintiff's Decedent.

43. The Ghost Gun Defendants have knowingly created a public safety crisis in the City of Philadelphia by intentionally placing firearms in the hands of unfit persons such as minors, the mentally ill, and persons with a history of felony convictions, in flagrant and knowing violation of Pennsylvania law.

44. The Ghost Gun Defendants have acted with recklessness and malice towards all Philadelphians by knowingly violating Pennsylvania gun safety laws in conscious disregard for the physical safety of the people of Philadelphia.

45. At all times relevant hereto, the Ghost Gun Defendants have misrepresented their products as somehow legal, whereas they knew that their products could only be

lawfully sold if they adhered to all conditions attaching to the sale of firearms under Pennsylvania law, which they intentionally did not do.

46. The Ghost Gun Defendants' method of distribution and marketing — direct to purchasers with no formal background check necessary and untraceable to the authorities, and indirect through resellers without a serial number or any reasonable measures to ensure sales only to eligible purchasers — was foreseeably attractive to a person with the background of Defendant S.T., who could not have obtained a firearm from any company or person that did comply with Pennsylvania law.

47. At all times relevant hereto, Plaintiff's Decedent acted in a reasonable and responsible manner and neither Plaintiff nor Plaintiff's Decedent did or omitted anything which was in any manner casually related to causing Plaintiff's Decedent's death.

Count One – Negligence
Plaintiff v. Defendant S.T. and John Doe(s)

48. Plaintiff incorporates by reference, as though fully set forth herein, all other paragraphs contained in this Civil Action Complaint.

49. The negligent actions of Defendant S.T., acting as aforesaid in causing several bullets to enter Plaintiff's Decedent's body, was tortious.

50. To the extent that Defendant S.T.'s state of mind is a question of fact unknowable to Plaintiff, it is pleaded alternatively that Defendant S.T. failed to fulfill his duty to behave in a safe manner while in possession of a firearm and/or may have lacked the capacity to form an intent to harm Plaintiff's Decedent due to his youth or for another reason presently unknown to Plaintiff.

51. As a result of the negligent actions of Defendant S.T., he is liable to Plaintiff for causing Plaintiff's Decedent's death.

WHEREFORE, Plaintiff, Maria Balbuena, Individually and as Administrator of the Estate of Juan Carlos Robles-Corona, Deceased, demands judgment against Defendant, S.T., jointly and/or severally with the other Defendants, for a sum in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest and costs.

Count Two – Assault and Battery
Plaintiff v. Defendant S.T. and John Doe(s)

52. Plaintiff incorporates by reference, as though fully set forth herein, all other paragraphs contained in this Civil Action Complaint.

53. The wrongful actions of Defendant S.T., acting as aforesaid in causing several bullets to enter Plaintiff's Decedent's body, was tortious.

54. To the extent that Defendant S.T.'s state of mind is a question of fact unknowable to Plaintiff, it is pleaded alternatively that Defendant S.T. intentionally harmed Plaintiff's Decedent and placed him in reasonable apprehension of his physical safety.

55. As a result of the assault and battery committed by Defendant S.T., he is liable to Plaintiff for causing Plaintiff's Decedent's death.

WHEREFORE, Plaintiff, Maria Balbuena, Individually and as Administrator of the Estate of Juan Carlos Robles-Corona, Deceased, demands judgment against Defendant, S.T., jointly and/or severally with the other Defendants, for a sum in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest and costs.

Count Three – Negligence
Plaintiff v. Defendant, Asia M. Davis and John Doe(s)

56. Plaintiff incorporates by reference, as though fully set forth herein, all other paragraphs contained in this Civil Action Complaint.

57. On information and belief, Plaintiff alleges that Defendant Davis was negligent in the performance of her duties as Defendant S.T.'s legal and physical guardian and parent.

58. The injuries and damages suffered by the Plaintiff's Decedent were due to the negligence of Defendant Davis and would not have occurred had she acted reasonably in monitoring and supervising Defendant S.T., her minor child.

59. The negligence of Defendant Davis, acting on her own and by and through her minor children or agents, consisted of the following:

- a. failure to take reasonable safety and security measures to ensure the safety and well-being of individuals such as the Plaintiff's Decedent by monitoring her minor child;
- b. failure to take reasonable measures to protect individuals such as the Plaintiff's Decedent from highly foreseeable violent harm and/or crimes committed by her minor child;
- c. failure to take reasonable measures to safely store and secure dangerous weapons and ammunition, especially with minor children present in the home;
- d. creating a dangerous condition by allowing her unsupervised minor to roam the streets while in possession of a loaded handgun;

e. failing to have in place reasonable, affirmative and precautionary steps/ measures/ policies/ procedures to monitor and control her minor child despite prior illegal acts that reasonably placed Defendant Davis on notice that Defendant S.T. was likely to commit violent crime;

f. negligent failure to supervise, monitor and control the actions of minor children in her care;

g. failing to inquire of behavior of her child and ensuring the child maintained his behavior in accordance with the local laws/ ordinances;

h. violating the duties imposed her as parent of a minor child pursuant to state and local ordinances as adopted in Pennsylvania and Philadelphia;

i. failing to take reasonable precautions to protect Plaintiff's Decedent against the harmful acts of minors in her care and custody, which were, or should have been reasonably anticipated and foreseen; and

j. failing to properly inquire, screen, and monitor the negative influences of other minors or adults on her child which resulted in foreseeable criminal activity.

59. As a direct and proximate result of the negligence Defendant Davis, acting on her own and by and through her agents and/or employees, acting within the scope of their agency and/or employment, Plaintiff's Decedent suffered severe, permanent, and catastrophic injuries, leading to his death.

WHEREFORE, Plaintiff, Maria Balbuena, Individually and as Administrator of the Estate of Juan Carlos Robles-Corona, Deceased, demands judgment against Defendant,

Asia M. Davis, jointly and/or severally with the other Defendants, for a sum in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest and costs.

Count Four — Negligence
Plaintiff v. the Ghost Gun Defendants

60. Plaintiff incorporates by reference, as though fully set forth herein, all other paragraphs contained in this Civil Action Complaint.

61. At all relevant times, the Ghost Gun Defendants were subject to the general duty imposed on all persons and entities to act reasonably not to expose others to reasonably foreseeable risks of injury.

62. In fact, as sellers of ghost gun kits and unfinished frames and receivers, the Ghost Gun Defendants are subject to the highest duty of care because of the danger that their products can cause catastrophic and/or mortal injury and promote violent crime.

63. The Ghost Gun Defendants had a duty to exercise reasonable care in marketing, distributing, and selling ghost gun kits and components and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others. A breach of such a duty constitutes negligence.

64. The Ghost Gun Defendants had a duty to comply with all Pennsylvania laws pertaining to firearms in marketing, distributing, and selling ghost gun kits and components and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others. A breach of such a duty constitutes negligence *per se*.

65. The Ghost Gun Defendants acted illegally, negligently, recklessly, with malice and oppression, despicably, and in conscious disregard for the health and safety of others, when they sold and injected into the market the firearm kit and components that

were thereafter finished and assembled into the operable firearm used to ambush and shoot Plaintiff's Decedent.

66. At all relevant times, the Ghost Gun Defendants' negligent, reckless, despicable, and malicious conduct, and their conscious disregard for the health and safety of others, included:

a. The Ghost Gun Defendants knew that under PUFA, any individual or dealer selling a handgun is required to sell or transfer it at the place of business of a licensed dealer or county sheriff's office and that that background checks prior to the purchase of firearms and serialization of firearms were required by Pennsylvania law. The Ghost Gun Defendants knew that background checks and serialization of firearms are effective measures in preventing and reducing violent crimes. They knew that these were important safety requirements. At all times, the Ghost Gun Defendants knew or should have known that the proliferation of ghost guns was a problem in Pennsylvania, especially in Philadelphia, and was contributing to criminal conduct in Pennsylvania and in Philadelphia. They knew or should have known that selling unserialized ghost guns kits without background checks would attract would-be criminals as purchasers. They knew or should have known that selling unserialized ghost gun kits without background checks would provide to minors, the mentally ill, and felons, who otherwise were prohibited from owning weapons, easy access to firearms capable of inflicting great bodily injury or death. They knew or should have known that selling unserialized ghost gun kits without background checks would enable, empower, and/or embolden criminals to commit violent crimes that they would not otherwise have committed. They knew or should have known

that continued sales of firearms without background checks or serialization would likely cause bodily injury and/or death to innocent people, such as Plaintiff.

b. The Ghost Gun Defendants knew that under PUFA, transfers of all firearms by a licensed dealer are subject to an instant records check of the purchaser. The purchaser must sign a transfer application/record of sale for the purchase of a handgun. The Ghost Gun Defendants knowingly, intentionally, and maliciously violated these Pennsylvania laws so that they could earn profits by selling directly to a population who were prohibited from obtaining firearms in Pennsylvania — i.e., minors, the mentally ill, and criminals — due to the heightened risk that they would use firearms to commit violent crime.

c. Despite their knowledge, the Ghost Gun Defendants intentionally designed, constituted, packaged, marketed, advertised, and sold ghost gun kits to Pennsylvania and Philadelphia. In fact, they went even further by intentionally designing, constituting, packaging, marketing, advertising, and selling ghost gun kits in such a manner as to make it easy for people with no special equipment or training to quickly assemble a finished and usable firearm. The Ghost Gun Defendants intentionally designed, constituted, packaged, marketed, advertised, and sold ghost gun kits in a manner intend to mislead people that their products were not regulated as “firearms” under PUFA, thus encouraging violent crime and seeking to undermine Pennsylvania’s important gun safety laws.

d. Despite their knowledge that their ghost gun kits were especially attractive to minors and criminals, and that this would inevitably result in serious injury or

death to innocent people, the Ghost Gun Defendants intentionally chose not to take any reasonable steps to verify (or require resellers to attempt to verify) that purchasers or subsequent transferees were not legally prohibited from purchasing or possessing a firearm, and/or unfit to safely possess a firearm.

e. The Ghost Gun Defendants chose to overlook the highly foreseeable and even inevitable risk that a number of those who chose to buy their ghost guns would be minors and criminals who otherwise would not have gained access to such untraceable guns, that a number of those buyers would attack innocent people using the ghost guns, and that a number of those attacks would result in serious injuries or deaths that otherwise would not have occurred. They chose to overlook this harm, and to intentionally embrace it, because they wanted to keep selling ghost guns and making money from those sales. They valued their profits over the lives of innocent people, and this conduct was outrageous, despicable and shocking to the conscience.

67. The Ghost Gun Defendants' negligence was a direct and proximate cause of harm to Plaintiff, by causing and allowing the shooter to gain unlawful possession of a Polymer80 ghost gun firearm, which he chose to use and did use to ambush Plaintiff's Decedent.

68. The knowing violations of law by the Ghost Gun Defendants were a direct and proximate cause of the injuries to Plaintiff. PUFA and Pennsylvania's gun safety laws in general are intended to protect public safety by preventing the sale and transfer of firearms to dangerous persons, including especially to minors and individuals with

disqualifying criminal records, and preventing access to and use of unsafe handguns across the Commonwealth and in Philadelphia. The Ghost Gun Defendants flouted those laws for profit, and consciously disregarded the known and foreseeable risks of its business practices, and in so doing, directly and proximately caused injury to Plaintiff's Decedent, who as a shooting victim was within the class of persons these laws were designed to protect, and suffered the type of harm the laws are designed to protect against.

69. As a direct and proximate result of the negligence, recklessness, and wrongful and outrageous conduct of the Ghost Gun Defendants, acting on their own and acting by and through their agents and/or employees, acting within the scope of their agency and/or employment, Plaintiff's Decedent suffered severe, permanent, and catastrophic injuries, leading to his death.

70. Due to the outrageous nature of the Ghost Gun Defendants' conduct, Plaintiff request for the jury to award an amount of punitive damages against them that the finds appropriate.

WHEREFORE, Plaintiff, Maria Balbuena, Individually and as Administrator of the Estate of Juan Carlos Robles-Corona, Deceased, demands judgment against Defendants, Polymer80 Inc., and John Doe(s) Firearm Sellers, Distributors, and Manufacturers, jointly and/or severally, for compensatory and punitive damages, exclusive of prejudgment interest, costs, and postjudgment interest in excess of the local arbitration limits of \$50,000.00.

Count Five — Wrongful Death
Plaintiff v. All Defendants

71. Plaintiff incorporates all other paragraphs contained in this Complaint as if set forth herein at length.

72. The tortious conduct of the Defendants as set forth in this Complaint is incorporated herein as if set forth at length.

73. As a direct, factual and proximate result of the tortious conduct of all of the Defendants (individually and collectively), Plaintiffs' Decedent suffered severe injuries resulting in his death.

74. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiffs' Decedent died on or about April 4, 2022.

75. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiffs' Decedent sustained conscious physical, mental, emotional, and psychological pain and suffering between the time of his assault up to his death, including the impending fear of death.

76. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiffs bring this Wrongful Death Action on behalf of the Plaintiffs' Decedent's Estate, under and by virtue of the Wrongful Death Act, the applicable Rules of Civil Procedure and applicable case law and demands all damages recoverable under the Wrongful Death Act.

77. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiff hereby claim all pecuniary losses, hospital, medical, funeral, burial and estate administration expenses.

78. Plaintiff claims all damages available to Plaintiffs' Decedent's intestate heirs/beneficiaries known to Plaintiff at this time, i.e., Plaintiff's mother, Maria Balbuena, and father, Juan Carlos Robles-Corona Sr., both currently residing at 1711 Wards Ferry Road #9, Lynchburg, VA 24502, and all damages recoverable to each both individually and as Plaintiffs' Decedent's intestate heirs/beneficiaries.

79. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiff's Decedent's intestate heirs/beneficiaries have been deprived of Plaintiff's Decedent's earnings, maintenance, household services, contributions, guidance, consortium, society, comfort, services, shelter, food, clothing, care, education, entertainment, gifts and recreation and hereby makes claim for such recoverable damages.

WHEREFORE, Plaintiff demand judgment in damages against all Defendants, jointly, vicariously, severally and/or in the alternative for such damages in an amount in excess of Fifty Thousand Dollars (\$50,000), exclusive of prejudgment interest, postjudgment interest, and costs.

**Count Six — Survival Act
Plaintiffs v. All Defendants**

80. Plaintiff incorporates all other paragraphs contained in this Complaint as if set forth herein at length.

81. Plaintiff brings this action pursuant to the authority granted by 42 Pa. C.S.A. § 8302, also known as the Survival Act, and claims all damages recoverable under the Act.

82. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiff's Decedent's Estate has been deprived of the economic value of Plaintiff's Decedent's life expectancy and Plaintiffs hereby claim damages for these economic losses suffered by the Estate and claims Plaintiff's Decedent's Estate's loss of earnings and earnings capacity.

83. As a direct, factual and proximate result of the conduct of all of the Defendants (individually and collectively), Plaintiff claims further damages for Plaintiff's Decedent's physical and mental pain, suffering, inconvenience and the loss of life's pleasures that he endured prior to his death and all other recoverable damages.

WHEREFORE, Plaintiffs demand judgment in damages against all Defendants, jointly, vicariously, severally and/or in the alternative for such damages in an amount in excess of Fifty Thousand Dollars (\$50,000), exclusive of prejudgment interest, postjudgment interest, and costs.

Respectfully submitted,

VICTIMS' RECOVERY LAW CENTER

/s/ Keith West

KEITH WEST

Attorneys for the Plaintiff

VERIFICATION

I, **Maria Balbuena, Individually & As Administratrix of The Estate of Juan Carlos Robles-Corona, Deceased**, hereby verify that the statements made in the foregoing Plaintiff's Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The language used is that of counsel. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).


Maria Balbuena

Date: 4-4-24

EXHIBIT “A”

TO PLAINTIFF’S COMPLAINT

LETTERS OF ADMINISTRATION

REGISTER'S OFFICE
PHILADELPHIA COUNTY, PA

N^o A0276-2024



ESTATE OF Juan Carlos Robles-Corona

Social Security No. 090-96-7388

WHEREAS, Juan Carlos Robles-Corona
late of 2243 N. 15th Street, Philadelphia, PA 19132

died on the 4th day of April, 2022;
and

WHEREAS, the grant of letters of administration is required for the administration of said estate.

THEREFORE, I, JOHN P. SABATINA, ESQ., Register for the Probate of Wills and Grant of
Letters Testamentary and of Administration, in and for the County of Philadelphia in the
Pennsylvania, hereby certify that I have granted Letters of Administration Commonwealth of
to Maria Balbuena

who has duly qualified as Administrator of the estate
of the above named decedent and has agreed to administer the estate according to law, all of which fully
appear of record in the Office of the Register of Wills of Philadelphia County, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at
Philadelphia, the 23rd day of January, 2024



Deputy Register

EXHIBIT “B”

TO PLAINTIFF’S COMPLAINT



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 787-3391

JOSH SHAPIRO
ATTORNEY GENERAL

December 16, 2019

Colonel Robert Evanchick
Commissioner
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Dear Commissioner Evanchick:

You requested legal advice¹ on behalf of the Pennsylvania State Police ("PSP") concerning the stage of manufacture at which a receiver meets the definition of "firearm" contained in the following sections of the Uniform Firearms Act² ("UFA"):

- 18 Pa. C.S. § 6105(i),
- 18 Pa. C.S. § 6105.2(i),
- 18 Pa. C.S. § 6106(e)(1),
- 18 Pa. C.S. § 6107(c),
- 18 Pa. C.S. § 6110.2(c),
- 18 Pa. C.S. § 6111(f)(1),
- 18 Pa. C.S. § 6111.1(k),
- 18 Pa. C.S. § 6111.2(d),
- 18 Pa. C.S. § 6111.4,
- 18 Pa. C.S. § 6113(d),
- 18 Pa. C.S. § 6117(a),
- 18 Pa. C.S. § 6120(b), and
- 18 Pa. C.S. § 6128(f) (collectively, "the Applicable Sections").³

The definition of firearm contained in the Applicable Sections includes any weapon which is "designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon."⁴ While a fully manufactured

¹ See Section 204 of the Commonwealth Attorneys Act, 71 P.S. § 732-204(a).

² 18 Pa. C.S. § 6101 *et. seq.*

³ The analysis of this Opinion does not apply to the definition of "firearm" as it appears in 18Pa. C.S. § 6102. Furthermore, although PSP did not specifically request advice on interpreting the "firearm" definitions applicable in 18 Pa. C.S. §§ 6111.2(d) and 6117(a), these sections are addressed because the same analysis impacts all sections of the UFA in which this definition appears.

⁴ In the interest of clarity, the Applicable Sections do not all use the same exact language; however, these slight variations in punctuation and word choice do not affect the analysis.

receiver clearly meets this definition, your question seeks guidance on when a receiver that is not fully manufactured becomes a “firearm” as defined under the Applicable Sections.

After careful review, we conclude a receiver, that is: 1) “designed” to expel or 2) “may readily be converted” to expel a projectile by the action of an explosive, is a firearm as defined in the Applicable Sections. As explained below, under the plain language of the UFA, a partially-manufactured receiver is a firearm as defined in the Applicable Sections if it is either “designed” or “may readily be converted” into a completed receiver with the capability to expel any projectile by the action of an explosive. The UFA does not provide a definition for either of these phrases. In order to aid the PSP, the agency charged with administering and enforcing the UFA,⁵ this Opinion provides the legal framework essential to PSP’s analysis when taking any enforcement action or providing any interpretive guidance involving the Applicable Sections.

Unquestionably, the object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. 1 Pa. C.S. § 1921(a). If possible, a statute must be construed to give effect to all of its provisions. *Id.* Furthermore, when enacting legislation, the General Assembly enjoys a presumption that it does not intend a result that is absurd, impossible of execution, or unreasonable. 1 Pa. C.S. § 1922(1). Words and phrases in a statute shall be construed according to rules of grammar and their common and approved usage. 1 Pa. C.S. § 1903(a). Here, the word “designed” and the phrase “may readily be converted” must be analyzed within this framework.

I. A partially-manufactured receiver is a firearm because it is “designed” to expel a projectile by the action of an explosive.

In *Commonwealth v. Zortman*, 611 Pa. 22 (2011), the Pennsylvania Supreme Court interpreted a largely identical definition of “firearm” previously contained in 42 Pa. C.S. § 9712.1(f) (relating to sentencing enhancements for certain crimes committed with firearms).⁶ This section defined “firearm” as “any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or the expansion of gas therein.” Using the rules of statutory construction, the Court construed the meaning of “designed to . . . expel a projectile by action of an explosive.” The Court held the definition of “firearm” was clear and unambiguous in requiring “only that the weapon be capable of firing a bullet (‘will’), easily rendered capable of firing a bullet (‘may readily be converted’) or . . . ‘designed’ to fire a bullet.” 611 Pa. at 33. This definition applied equally to weapons that are “functional, defectively manufactured, or temporarily inoperable for some other reason.” *Id.*

⁵ See 18 Pa. C.S. § 6111.1(a).

⁶ The Pennsylvania Superior Court in *Commonwealth v. Watley*, 81 A.3d 108 (2013) found 42 Pa. C.S. § 9712.1 unconstitutional for violating a defendant’s right to a jury trial because it permitted the trial court, not the jury, to increase the length of a minimum sentence based on the possession of a firearm without requiring proof of that fact as an element of the crime. The basis for that ruling did not involve interpreting the definition of a “firearm”; therefore, Pennsylvania Supreme Court’s analysis of the “firearm” definition in *Zortman* remains good law.

Of particular importance, the statute at issue in *Zortman* clearly differentiated between firearms that “will” fire a projectile and those merely “designed” to do so. *Id.* In the UFA, the firearm definition at issue in this Opinion mirrors the language from former 42 Pa. C.S. § 9712.1, with one exception; the General Assembly chose to focus upon firearms that are “designed” to expel a projectile, rather than those that “will.” Therefore, under the plain language of the UFA a weapon *designed* to fire a projectile is a firearm regardless of whether it *will* actually fire a projectile. Since the UFA definition of “firearm” in the Applicable Sections also considers the frame or receiver of a weapon “designed to . . . expel any projectile by the action of an explosive” a firearm, it follows that these same principles apply. In order to be a “firearm,” a receiver need not be capable of firing a projectile; it needs only to be designed to do so.

In *Zortman*, the Court used dictionary definitions to interpret the plain meaning of “designed,” concluding that the various definitions meant “that the design itself, or the thing designed, is something planned, intended, purposeful, deliberate, or even ‘schemed’ towards some specific end or outcome.” *Id.* Receivers, even those in a state of partial manufacture, are unequivocally “designed to . . . expel any projectile by the action of an explosive” because they are manufactured with the necessary specifications, intended, and marketed for the purpose of firing a projectile.

II. A partially-manufactured receiver that “may readily be converted” to expel any projectile by the action of an explosive is a firearm.

As a matter of first impression, there is no controlling caselaw providing a definition or standard for applying the phrase “may readily be converted.”⁷ There is, however, caselaw from other jurisdictions interpreting the similar phrase “may readily be restored” as it applies to machine guns—a subset of firearms—in the National Firearms Act.⁸ Although not binding here, decisions from other jurisdictions can provide persuasive authority. *Com. v. Nat’l Bank & Tr. Co. of Cent. Pennsylvania*, 469 Pa. 188, 194, 364 A.2d 1331, 1335 (1976).

The “may readily be restored” standard is analogous to the “may readily be converted” standard as they both embody the essential concept of whether a weapon may be readily transformed into a fully operable firearm. The Sixth Circuit provides the most comprehensive summary of the law surrounding “may readily be restored” in *U.S. v. One TRW Model M14, 7.62 Caliber Rifle from William K. Alverson*, 441 F.3d 416 (2006).

⁷ Similarly, there is no caselaw providing an interpretation of the phrase “may readily be converted” from the Gun Control Act, 18 U.S.C. § 921.

⁸ The National Firearms Act defines a machinegun as “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” 26 U.S.C. § 5845(b). Similar to the Uniform Firearms Act, the National Firearms Act does not define the phrase “can be readily restored.”

When enforcing or interpreting the UFA, implicating the definition in the Applicable Sections, it is essential for the PSP to utilize the framework provided by the court in *One TRW Model* by collectively applying the following factors: time, ease, expertise, necessary equipment, availability, expense, and feasibility of converting an object into something “designed to expel any projectile by the action of an explosive.”⁹ Courts have examined these factors in the following ways:

- **Time:** How long it would take to convert the receiver so that it is capable of firing a projectile has been the factor most commonly emphasized by courts. While there is no clear ceiling on the time requirement, courts in various jurisdictions have found a weapon could be readily converted or restored in as little as two minutes and as long as eight hours.¹⁰
- **Ease:** This factor measures the level of difficulty in converting a receiver so that it is capable of firing a projectile.
- **Expertise:** This weighs the knowledge and skill required to convert the weapon so that it is capable of firing a projectile.¹¹
- **Equipment:** This evaluates the tools necessary to convert a receiver to be capable of firing a projectile. Courts have found this to occur in a variety of circumstances, ranging from the use of basic tools to a properly-equipped machine shop.¹²

⁹ The court also includes “scope” as a factor relating to the extent that a machine gun had been altered, focusing on the “can be readily restored to shoot” aspect of the machine gun definition. While this factor is not instructive for our analysis of whether a receiver “may readily be converted,” it does not prevent us from using the remaining factors articulated in *One TRW Model*.

¹⁰ *E.g.*, *Com. v. Cofoni*, 349 Pa. Super. 407, 415, 503 A.2d 431, 435 (1986) (a Pennsylvania case determined that a starter pistol that could be converted to fire a projectile in approximately 15 minutes with proper tools or in an hour for an unskilled individual with basic tools and limited knowledge was a firearm under the UFA.); *U.S. v. Alverson*, 666 F.2d 341, 345 (9th Cir. 1982) (defined readily as the ability to manufacture required parts in four to six hours with particular machinery or in two to three hours by hand); *U.S. v. Dodson*, 519 F. App'x 344, 347 (6th Cir. 2013) (90 minutes); *U.S. v. Woodlam*, 527 F.2d 608, 609 (6th Cir. 1976) (considering the element of time only readily meant a modification that was capable of being completed in two minutes); *U.S. v. Smith*, 477 F.2d 399, 400 (8th Cir. 1973) (8 hours in a machine shop); *But See*, *U.S. v. Seven Miscellaneous Firearms*, 503 F. Supp. 565, 577 (D.D.C. 1980) (Not readily restorable if it would require a master gunsmith working in a gun shop, the equipment and tools costing \$65,000, and 13 3/4 hours to make the necessary modifications).

¹¹ *E.g.*, *United States v. Kelly*, 276 F. App'x 261, 267 (4th Cir. 2007) (rejecting the argument that “the statute must be applied not based upon the knowledge and skills of an expert and what an expert may be able to accomplish, but upon the knowledge and skills of an ordinary person”).

¹² *E.g.*, *United States v. Aguilar-Espinosa*, 57 F. Supp. 2d 1359, 1362 (M.D. Fla. 1999) (tools commonly understood by and available to such workers); *Com. v. Cofoni*, 349 Pa. Super. 407, 415, 503 A.2d 431, 435 (1986) (skilled machinist with proper equipment or an unskilled person with basic tools, limited knowledge, and approximately one hour to accomplish the task); *United States v. Smith*, 477 F.2d 399, 400 (8th Cir. 1973).

- **Availability:** This reflects whether the parts necessary to convert a weapon are easily available. For instance, a disassembled machine gun missing only one necessary part was found to be readily restorable where the necessary part was available on the open market.¹³
- **Expense:** Any analysis must also consider the relative cost of the parts and equipment necessary to convert a receiver so that it is capable of firing a projectile.¹⁴
- **Feasibility:** A weapon is not readily convertible where the attempted conversion would damage or destroy the weapon or cause it to malfunction.¹⁵

No single factor is dispositive. The PSP must weigh all the applicable factors together to determine whether a receiver “may readily be converted” to expel any projectile by the action of an explosive. This analysis is dependent on the factual circumstances in each specific case. For instance, a receiver is a “firearm” if it can be converted to expel a projectile by individual with reasonable skill (expertise), basic tools (equipment) available to and understood by such an individual, and commonly available parts (availability) in a reasonable amount of time (time).¹⁶

In contrast, an example where a receiver would not be considered “readily convertible” comes from the District of D.C., where the court considered these factors in determining whether certain weapons were “readily restorable.” In that case, the weapons were held not to be machine guns because it would have taken a master gunsmith (expertise) over 13 hours (time) working with specialized equipment (equipment), required parts that are not commonly available (availability), cost \$65,000 to make the conversion, and the conversion could have damaged or destroyed the firearm as well as caused injury to the shooter upon firing.¹⁷

III. Conclusion.

A receiver does not need to be fully manufactured to be a firearm as defined in the Applicable Sections. A receiver is a firearm under the Applicable Sections if it is: 1) “designed” to expel or 2) “may readily be converted” to expel a projectile by the action of an explosive. Given the UFA does not provide statutory definitions of these terms, PSP shall utilize the legal

¹³ *United States v. Cook*, 1993 WL 243823 (6th Cir. 1993); *United States v. Catanzaro*, 368 F. Supp. 450, 452 (D. Conn. 1973) (replacement parts available from Smith & Wesson plant).

¹⁴ *E.g.*, *United States v. Catanzaro*, 368 F. Supp. 450, 452 (D. Conn. 1973) (readily restored when it only requires a \$15.00 part); *But see*, *United States v. Seven Misc. Firearms*, 503 F.Supp. 565 (D.D.C. 1980) (may not be readily restored when it required \$65,000 worth of specialized equipment and tools).

¹⁵ *E.g.*, *United States v. Seven Misc. Firearms*, 503 F.Supp. 565 (D.D.C. 1980).

¹⁶ A court ruled a machine gun was readily restorable under these circumstances in *United States v. Aguilar-Espinosa*, 57 F. Supp. 2d 1359, 1362 (M.D. Fla. 1999)

¹⁷ A court ruled a machine gun was not readily restorable under these conditions in *United States v. Seven Misc. Firearms*, 503 F.Supp. 565 (D.D.C. 1980).

framework set forth in this Opinion when enforcing or issuing interpretive guidance regarding the Applicable Sections of the UFA.¹⁸ Along with direct enforcement of the UFA, PSP has the ability to issue interpretive rules through internal documents, manuals, or policy statements; while not controlling, these interpretations would be entitled to deference. *Skidmore v. Swift & Co.*, 323 U.S. 134, 140, 65 S. Ct. 161, 164, 89 L. Ed. 124 (1944). Additionally, PSP can further interpret the definitions through formal rulemaking. 18 Pa. C.S. § 6111.5. Any regulation properly promulgated by PSP is entitled to deference, unless clearly erroneous. *Harkness v. UCBR*, 591 Pa. 543, 920 A.2d 162.

You are further advised that in accordance with Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P.S. § 732-204(a)(1), PSP shall follow the advice contained in this Opinion and will not in any way be liable for doing so.

All the best,



JOSH SHAPIRO

cc: Gregory G. Schwab, General Counsel
Nolan B. Meeks, Acting Chief Counsel
Keli M. Neary, Executive Deputy Attorney General

¹⁸ Nothing in this opinion shall restrict or supersede PSP's discretion in choosing when to enforce or issue interpretive guidance involving the UFA.