

**SALTZ MONGELUZZI BENDESKY**  
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ATTORNEYS FOR PLAINTIFF

<p><b>SHERMAN FLETCHER, Individually and as ADMINISTRATOR of the ESTATE OF TIFFANY FLETCHER, deceased</b> 8213 Craig Street Philadelphia, PA 19136</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p><b>POLYMER80, INC.</b> 134 Lakes Blvd. Dayton, NV 89402</p> <p><i>And</i></p> <p><b>M.J. a minor</b> Philadelphia Juvenile Justice Services Center 91 North 48<sup>th</sup> Street Philadelphia, PA 19139</p> <p><i>And</i></p> <p><b>MALIK FLEGLER</b> Riverside Correctional Facility 8151 State Road Philadelphia, PA 19136</p> <p><i>And</i></p> <p><b>JOHN DOE MANUFACTURER (1-3)</b></p>	<p><b>PHILADELPHIA COUNTY</b> <b>COURT OF COMMON PLEAS</b></p> <p>MAY TERM, 2024</p> <p>No.:</p> <p><b>JURY TRIAL DEMANDED</b></p>
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<p><b>And</b> <b>JOHN DOE SELLER (1-3)</b></p> <p><b>And</b> <b>JOHN DOE ADVERTISER (1-3)</b></p> <p style="text-align: center;"><i>Defendants.</i></p>	
<p style="text-align: center;">“NOTICE</p> <p>“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 an 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 judgement 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.</p> <p>“YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO THE OFFICE OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.</p> <p><u>THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.</u> <u>IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</u></p> <p>PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL and INFORMATION SERVICE One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-1701”</p>	<p style="text-align: center;">“AVISO</p> <p>“Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que, si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.</p> <p>USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. <u>ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.</u></p> <p><u>SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.</u></p> <p>ASOCIACION DE LICENCIADOS DE FILADELFA SERVICO DE REFERENCA E INFORMACION LEGAL One Reading Center Filadelfia, Pennsylvania 19107 Telefono: (215) 238-1701”</p>

Plaintiff, by and through her counsel, Robert J. Mongeluzzi, Esquire, Jeffrey P. Goodman, Esquire, and Jordan L. Howell, Esquire, of the law firm of Saltz Mongeluzzi Bendesky, hereby states the following Complaint in Civil Action against the above-captioned Defendants and, in support thereof, avers as follows:

## **COMPLAINT – CIVIL ACTION**

1. This lawsuit stems from the tragic and preventable death of Tiffany Fletcher who was struck by an errant bullet fired from an illegal ghost gun that was in the hands of a 14-year-old boy (Defendant M.J.).

2. Tiffany Fletcher was a bystander caught between crossfire while working her job with the Philadelphia Parks and Recreation Department.

3. Tiffany Fletcher is survived by her three children (Z.B., Z.F., Z.F.), her mother Geraldine Fletcher, and her brother Sherman Fletcher.

4. Philadelphia’s Mayor at the time, Jim Kenney, lamented this preventable death stating, “Words alone cannot express the outrage, hurt, and sadness...”

5. The ghost gun used to kill Tiffany Fletcher was one of thousands of illegal firearms illegally injected into the streets of Philadelphia by a corporation that for years flouted Pennsylvania’s firearm regulations in the name of record profits.

### **The Parties**

6. Plaintiff, Sherman Fletcher, is an adult individual and is a citizen and resides in the Commonwealth of Pennsylvania at the above captioned address.

7. Plaintiff, Sherman Fletcher, has been duly appointed as the Administrator of the Estate of Tiffany Fletcher by the Philadelphia County Register’s Office.

8. Plaintiff, Sherman Fletcher, brings this lawsuit as the Administrator of the Estate of Tiffany Fletcher, on his own behalf, and on behalf of all statutory beneficiaries.

9. Plaintiff’s decedent, Tiffany Fletcher, was killed on September 9, 2022, at the age of 40.

**10.** Defendant, Polymer80, Inc. is a corporation or other business entity organized and existing under the laws of Nevada, with a principal place of business located at the above captioned address in Dayton, Nevada.

**11.** At all times relevant hereto, Defendant, Polymer80, Inc. was acting by and through its agents, servants, and/or employees, who were acting within the course and scope of their agency, service, and/or employment with Defendant.

**12.** Defendant, M.J. is a minor individual and is a citizen residing in the Commonwealth of Pennsylvania at 91 N. 48<sup>th</sup> Street, Philadelphia, PA.

**13.** Defendant, M.J. is identified in this Complaint only by initials pursuant to Pennsylvania Rule of Civil Procedure § 2028(c).

**14.** Defendant, Malik Flegler, is an adult individual and is a citizen of the Commonwealth of Pennsylvania, residing at Riverside Correctional Facility in Philadelphia, Pennsylvania.

**15.** Defendants, John Doe Seller (1-3), John Doe Manufacturer (1-3), and John Doe Advertiser (1-3) are unknown fictitious individuals, and/or business organizations responsible for designing, manufacturing, selling, transferring, advertising, and marketing Ghost Guns and Ghost Gun components.

**16.** After reasonable due diligence and investigation, the identities of the John Doe fictitious defendants are unknown to Plaintiff.

**17.** In accordance with Pa.R.Civ.P. 2005 and 1033, Plaintiff will seek leave to amend this Complaint to state the true names and capacities of these fictitiously named Defendants when they have been ascertained.

### **Jurisdiction and Venue**

18. This Court has personal jurisdiction over Defendant Polymer80, Inc. because Polymer80 carries on a continuous and systematic part of its business within Pennsylvania, has transacted substantial business with Pennsylvania entities and residents, has filed lawsuits in Pennsylvania, has shipped its firearm product, including P940C, to Pennsylvania, and has caused the direct harm in this case in Pennsylvania as a result of the specific and deplorable business activities complained of herein, either directly or through its agents.

19. This Court has personal jurisdiction over Defendant, M.J. because he is an individual residing in the Commonwealth of Pennsylvania.

20. Venue as to each Defendant is proper in this Court as the transactions and occurrences that form the basis for this Complaint occurred in Philadelphia, County, Pennsylvania.

21. There is no federal court jurisdiction: this action lacks complete diversity of citizenship because one or more Defendants are citizens of the Commonwealth of Pennsylvania, no substantial federal question is presented, and Plaintiff's right to relief does not necessarily depend on resolution of a substantial question of federal law.

### **Introduction to Ghost Guns**

22. For years, Defendant, Polymer80, Inc. sold thousands of firearms<sup>1</sup> directly to consumers without a background check, without serial numbers, and without keeping any records as required by Pennsylvania law.

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<sup>1</sup> Throughout this Complaint, the term Firearm refers to Pennsylvania law, including but not limited to: 18 Pa. C.S. § 6105(i), §6105.2(i), §6106(e)(1), § 6107(c), § 6110.2(c), § 6111(f)(1), § 6111.1(k), § 6111.4, § 6113(d), and § 6128(f).

**23.** Through these products, Polymer80 created and powered an industry intended to circumvent the law, advertising to customers that they could purchase and assemble working firearms in less than an hour.

**24.** Polymer80 deliberately marketed and sold their products to customers who could not legally possess a firearm (pursuant to Pennsylvania law), and enabled ineligible users to assemble fully functional, untraceable “ghost guns.”

**25.** Polymer80’s illegal ghost guns have been established as the choice weapon for criminals, minors, and others ineligible to legally purchase and possess firearms.

**26.** Polymer80 deliberately aided and abetted criminals, minors and ineligible persons obtain firearms for illegal and dangerous purposes.

**27.** In 2019, ghost guns represented just 2 percent of firearms recovered in criminal investigations across Philadelphia.

**28.** Driven by Polymer80’s increased sales and marketing, by 2022, the number of ghost guns recovered had increased a staggering 311 percent according to Philadelphia Police Department Gun Statistics<sup>2</sup>.

**29.** The vast majority of ghost guns recovered in criminal investigations in Philadelphia are manufactured and sold by Polymer80.

**30.** As of July of 2023, 87 percent of the ghost guns recovered in Philadelphia in 2023 were manufactured and sold by Polymer80.

**31.** Similarly, the ATF estimates that Polymer80 is responsible for more than 88 percent of the ghost guns recovered by police between 2017 and 2021.<sup>3</sup>

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<sup>2</sup> In 2022, the Philadelphia Police Department recovered more than 575 ghost guns. From 2017-2022, Pennsylvania law enforcement has recovered more ghost guns in Pennsylvania than in all but three states.

<sup>3</sup> <https://www.washingtonpost.com/dc-md-va/2023/07/12/teens-ghost-guns-deadly-shootings/>

**32.** In Philadelphia, Polymer80's 9mm pistol was the top ghost gun recovered at crime scenes this year and the third most common firearm identified during crime investigations.<sup>4</sup>

**33.** Generally, about 83 percent of Philadelphia homicides are committed with a firearm, which is a statistic that has remained stable since 2006<sup>5</sup>.

**34.** However, in 2019, that number grew to about 90 percent, around 15 percent higher than both the state and national averages. In 2022, the percent of homicides involving firearms remained at about 90 percent.<sup>6</sup>

**35.** In 2015, there were about 1,200 shooting victims. By 2020, that number nearly doubled to over 2,240, an 83 percent increase. In 2022, 2,263 Philadelphians were shot.<sup>7</sup>

**36.** The rampant and increasing gun violence in Philadelphia highlights one of the main drivers: ease of access to guns.

**37.** The proliferation of firearms in and around Philadelphia, including those involving minors, has coincided with an exponential increase in the number of un-serialized firearms/Ghost Guns flowing into Philadelphia streets.

**38.** In Philadelphia, the number of assembled ghost guns law enforcement recovered increased from just 12 in 2018 to 575 in 2022 – a 4,600 percent increase.<sup>8</sup>

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<sup>4</sup> *Supra* note 5.

<sup>5</sup> *Report on the Economic Impact of Homicides*, Rebecca Rhynhart, City Controller (Oct. 2019), [https://controller.phila.gov/wp-content/uploads/2019/10/report\\_on\\_gun\\_violence.pdf](https://controller.phila.gov/wp-content/uploads/2019/10/report_on_gun_violence.pdf).

<sup>6</sup> Ellie Rushing and Chris Palmer, *Philly's Gun Violence Remained at Record Levels for the Third Straight Year*, The Philadelphia Inquirer (Dec. 29, 2022) <https://www.inquirer.com/news/philadelphia/homicides-philadelphia-gun-violence-2022-record-20221229.html>

<sup>7</sup> Rhynhart, *supra* note 52; *see also* Mapping Philadelphia's Gun Violence Crisis, Office of the Controller, <https://controller.phila.gov/philadelphia-audits/mapping-gun-violence/#/?year=2022&layers=Point%20locations&map=11.00%2F39.98500%2F-75.15000>

<sup>8</sup> Rushing, *supra* note 8.

**39.** As of April 17, 2023, there were 163 recoveries of fully assembled ghost guns, putting Philadelphia on pace for a record-breaking number of ghost gun recoveries over the full year.<sup>9</sup>

### **Polymer80, Inc.'s Ghost Guns**

**40.** At all times material hereto, Polymer80 manufactured, marketed, advertised, targeted, and/or sold what Polymer80 refers to as 80% receivers which are designed to fall just outside of the definition of “firearm” so as to evade required background checks and other regulations applicable to firearms.

**41.** The process of converting such components into a fully functioning ghost gun, whether it be a semi-automatic handgun or an AR-15 style assault rifle, involves just a few steps.

**42.** Polymer80’s kits include instructions, tools and the components to create a fully functional ghost gun in less than an hour without the consumer possessing any specialized skill, tools, or abilities.

**43.** Polymer80 refers to these all-inclusive kits as “Buy, Build, Shoot” kits.

**44.** The primary component of the “Buy, Build, Shoot” kit is the “unfinished frame or receiver,” also known as an “80% lower” or a “receiver blank,” which is a core part of any handgun, rifle or shotgun.

**45.** Polymer80’s “unfinished frame or receiver,” is missing a few drill holes and contains a small amount of extra plastic so as to circumvent Pennsylvania firearm regulations.

**46.** The Polymer80 product is easily and quickly convertible into the finished product – a deadly weapon.

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<sup>9</sup> Rushing, *supra note 5*.



47. The “unfinished” frames and receivers sold by Polymer80 are designed to mimic popular weapon platforms such as Glock pistols.

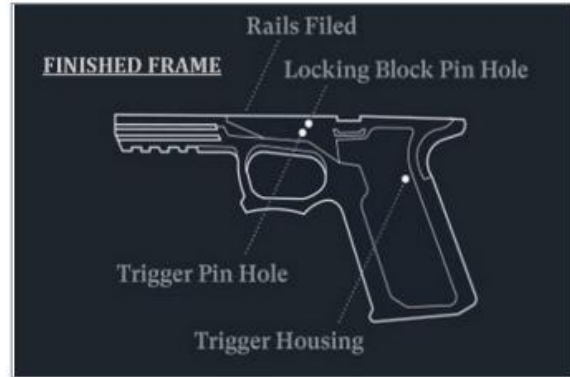
48. There is little practical difference between Polymer80’s “unfinished frame or receiver,” and “finished” frames or receivers thus meeting the definition of a firearm pursuant to 18 Pa. C.S. § 6105(i) and § 6111(f).



*(L) Polymer80 PF940C (The Ghost Gun that Killed Tiffany Fletcher) (R) Glock 19*

49. The difference between an “unfished frame or receiver” and a serialized frame is negligible, as is the effort required to convert the former into the latter.

50. The differences between the frames amount to drilling three small holes and milling down a small amount of plastic at the top of the frame. *See below illustration of an “unfinished” frame sold by Polymer80 and one “finished” frame:*



**51.** Polymer80 sold the PF940C (the Ghost Gun that killed Tiffany Fletcher) as one of its Buy Built Shoot kits.

**52.** The PF940C kit sold by Polymer80 takes further steps to make the product easily convertible to a functional firearm – eliminating the need for any technical skill on the consumers’ part—by shipping the products with so-called “jigs” which are plastic settings/templates for the frame that show the consumer exactly where to drill the necessary holes to convert an unfished frame into a finished one.

**53.** Upon information and belief, the jigs themselves are clearly labeled with the simple steps the consumer needs to take to “finish” the frame.

**54.** The jigs indicate how consumers are to cut the rails and where they should drill.

**55.** Once the rails are cut or shaved off, the consumer must only drill the three simple holes by using drill bits that are included in the kit.

**56.** The result is a “finished” but un-serialized frame, ready to be easily assembled with the slide, trigger and other parts into a ready-to-shoot firearm.

**57.** Polymer80 facilitates its customers’ assembly of the guns, including the PF940C by including a “How to Manuals” section on its website with videos and pages of instructions.<sup>10</sup>

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<sup>10</sup> <https://www.polymer80.com/how-to-manuals>

**58.** As shown above, the difference between an assembled PF940C and a traditionally manufactured handgun (e.g. Glock 19) sold at a licensed dealer is virtually undetectable.

**59.** Both fire the same ammunition, both operate identically, and both are equally lethal.

**60.** The only appreciable difference is the Polymer80 does not have a serial number, does not require a background check, and no sales/transaction records are maintained.

**61.** Polymer80 purposefully and knowingly failed to stamp serial numbers on these firearms thus making them untraceable and highly attractive to criminals and illegal gun traffickers.

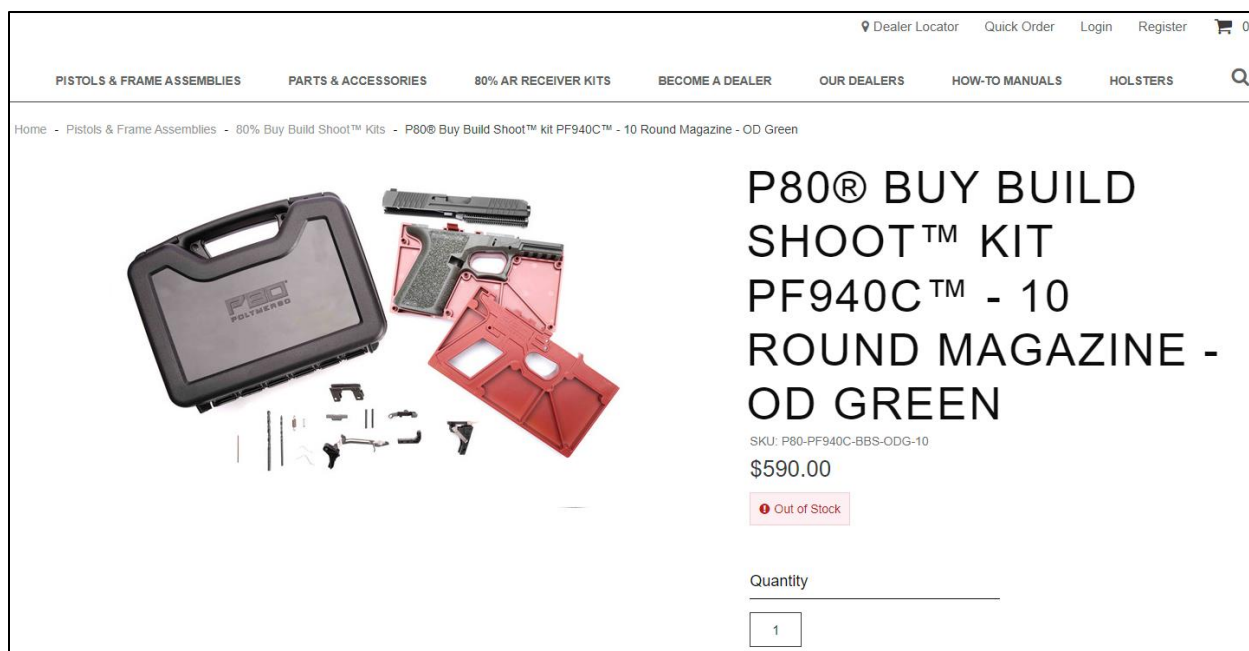
**62.** Likewise, the vast majority of Polymer80's ghost guns are posted online for purchase with no background check furthering the appeal by dangerous individuals, minors, felons, and others who would otherwise be unable to obtain a firearm due to their inability to pass a background check.

**63.** The Ghost Gun involved in the killing of Tiffany Fletcher, the PF940C, was one of Polymer80's most popular Buy, Build, Shoot products.

**64.** Polymer80's website advertised that the kit contained all the necessary components to build a complete PF940C, including a frame blank, a jig to assist customers in finishing the frame, a complete slide assembler, a complete frame part kit, a ten-round magazine, and a pistol case.<sup>11</sup>

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<sup>11</sup> <https://web.archive.org/web/20201212165741/https://www.polymer80.com/pistols/bbskits>



65. Polymer80 offered written step-by-step assembly instructions online, accompanied by supplemental videos, to facilitate the manufacture of pistols.

66. Polymer80 even touted its superior customer service, offering on demand customer service to assist with the assembling ready-to-shoot firearms from its kits and components: “We want to give the customers all the tools they need, as much as we can anyway, to complete this product.”<sup>12</sup>

67. Polymer80, unlike lawful firearm dealers, do not maintain records for their sales or of customers in accordance with the Pennsylvania Uniform Firearms ACT (“PUFA”), the Commonwealth’s principal gun law.

68. Polymer80’s products are also often sold, in defiance of PUFA, at gun shows around Philadelphia.

<sup>12</sup> Shooters Nation, 020 Dan McCalmon of Polymer80, YouTube (Aug. 10, 2018), <https://www.youtube.com/watch?v=nybZ3iNfUuU>

69. Due to Polymer80's failure to maintain firearm sales records consistent with PUFA, it is impossible to know with certainty how a particular ghost gun ended up on the streets of Philadelphia in the hands of an ineligible person.

**Polymer80, Inc.'s Reckless and Misleading Marketing**

70. Polymer80's marketing practices have misled consumers into thinking that purchasing a ghost gun without complying with any point-of-sale requirements, like a background check or age verification, was legal in Pennsylvania.

71. In doing so, Polymer80 created and fueled an illegal firearm market where persons prohibited from possessing firearms, including M.J. were able to do so.

72. In addition to the full Buy, Build, Shoot kits, Polymer80 advertised and sold stand-alone frame blanks for handguns including the subject PF940C.

73. On its website, Polymer80 claimed that its weapons were no more than 80 percent complete.<sup>13</sup>

74. However, Polymer80 advertised that consumers could easily purchase the "unfinished" frames and jigs, along with other materials – generally, the trigger, magazine, barrel, and firing pin, all of which are available on Polymer80's website – needed to readily convert the easy-to-finish frames into fully functional ready-to-shoot firearms.

75. Upon information and belief, Polymer80 delivered all these products to customers using various shipping agencies including but not limited to United States Postal Service.

76. Recognizing the immense violence these products were facilitating, a number of cities and states pressured Polymer80 to stop selling these products.

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<sup>13</sup> 80% Frames and Jigs, Polymer80, <https://www.polymer80.com/pistols/frameandjig>.

77. Polymer80 sold the Buy, Build, Shoot kits at least until December 12, 2020, and then stopped directly offering these products for sale on their website.

78. Switching sales and marketing tactics, nevertheless, did not mean that Polymer80 ceased violating Pennsylvania law.

79. Instead, it simply broke the Buy, Build, Shoot kits into separate parts.

80. After Polymer80 stopped selling Buy, Build, Shoot kits on its website, it continued selling and marketing “unfinished” frames and other firearm kits through a third-party link on its website.

81. Upon clicking one button, customers were able to navigate to Delta Team Tactical to purchase firearm kits.

82. Polymer80 knowingly and intentionally worked in concert with other businesses, including Delta Team Tactical and Jig80, to willfully violate Pennsylvania Firearm laws, including its age, licensing, recordkeeping, background check, and firearm tracing requirements.

83. Polymer80 has resumed selling its complete handgun kits with jig included.

84. As a direct and foreseeable result of Polymer80’s marketing practices, illegal and dangerous Ghost Guns have flooded Philadelphia and directly caused preventable violence including the shooting and murder of Tiffany Fletcher.

#### **Polymer80, Inc. Violated Pennsylvania Law**

85. PUFA defines “firearm” in relevant part, as any weapon which is designed to or may be *readily converted* to expel any projectile by the action of an explosive or the frame or receiver of any such weapon. *See* 18 Pa. C.S. §§ 6105(i), 6111(f).

**86.** Polymer80’s products, including but not limited to the instant PF940C, are weapons that may be “readily converted” to expel a projectile, and thus, are firearms under Pennsylvania law.

**87.** Although an “unfinished” frame is only a few holes away from being considered a ready-to-shoot gun, Polymer80 sells un-serialized firearms as if the products are immune from the Pennsylvania laws designed to protect communities from gun violence.

**88.** The Pennsylvania legislature passed the first Pennsylvania Uniform Firearms Act in 1931 to “regulate and license the sale, transfer, and possession” of firearms throughout the Commonwealth<sup>14</sup>. *See* Act of June 11, 1931, P.L. 497, No. 158; *see also Commonwealth v. McKnown*, 79 A.3d 678, 697 (Pa.Super.Ct. 2013) (Fitzgerald, J., concurring).

**89.** PUFA’s commercial firearm sale provisions require that firearms are only sold by responsible sellers to responsible buyers. *See* Pa.C.S. §§ 6105, 6111.

**90.** PUFA mandates that no one under eighteen years of age purchases a firearm. *See* Pa.C.S. §6110.1 including limited exceptions.

**91.** PUFA requires that all licensed firearm dealers maintain purchase records for twenty years. *See* Pa.C.S. § 6111.

**92.** PUFA requires licensed dealers to conduct background checks on all firearm purchases. *See* Pa.C.S. § 6111.

**93.** For each firearm sale pursuant to Pennsylvania law, a licensed dealer must first obtain a completed application/record of sale from the potential buyer, which includes the name, address, birthdate, gender, race, physical description, and social security number of the

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<sup>14</sup> Federal law contains a separate framework for regulating the commercial sale of firearms. The federal framework does not bear on the interpretation or application of PUFA’s defined terms or on an undefined component of a defined term in PUFA. Plaintiff’s claims are brought exclusively under Pennsylvania law.

purchaser/transferee and the caliber, length of barrel, make, model, and manufacturer's serial number of the firearm to be purchased/transferred. *See* Pa.C.S. § 6111(b)(1).

**94.** In Pennsylvania, a licensed dealer, manufacturer, importer, or any other person “who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser, or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of three years. *See* Pa.C.S. § 6111(g)(2).

**95.** Consequently, the application/record of sale must also include a question asking, “Are you the actual buyer of the firearm(s)?” and a warning that “You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for” a spouse, parent, child, grandparent, or grandchild. *See* Pa.C.S. § 6111(b)(1).

**96.** These required application questions attempt to ward off straw purchasers, especially when coupled with the admonition that any person, purchaser, or transferee commits a felony of the third degree, if in connection with the purchase, delivery, or transfer of a firearm, the person “makes any materially false written state.” *See* Pa.C.S. § 6111(g)(4)(ii).

**97.** After collecting a potential purchaser's application, the dealer must “inspect photoidentification” of the potential purchaser to ensure that the identification contains the same name, birthday, signature, and address as the potential purchaser's application. *See* Pa.C.S. § 6111(b)(2); *See also* 37 Pa. Code § 33.102.

**98.** The dealer must then send the potential buyer's application to the Pennsylvania State Police to conduct a background check on the potential purchaser, including checks into



criminal history, juvenile delinquency history, and any mental health records. If the Pennsylvania State Police find no disqualifying information, the licensed dealer may complete the sale. *See* Pa.C.S. § 6111(b)(3).

**99.** Pennsylvania law requires that a licensed dealer keep a record of the firearm sold and retain the records for twenty years. *See* Pa.C.S. §§ 6111(b)(1), 6113(a)(5).

**100.** A private person may transfer a handgun to an unlicensed transferee at a gun show, but the private seller must have a licensed gun business or a county Sheriff's office performs a background check on the prospective purchaser before the sale may go forward. *See* Pa.C.S. §6111(c); 37 Pa. Code § 33.111(c), (e).

**101.** Either the licensee or the sheriff's office must also maintain a record of the sale "as though he were the seller." *See* 37 Pa. Code § 33.111(e)(2).

**102.** By requiring these processes for a firearms transfer, Pennsylvania law seeks to keep those prohibited from possessing firearms from obtaining them.

**103.** Pennsylvania law recognizes the grave risk posed by firearms in the wrong hands, and as a result, Pennsylvania regulates and restricts their sale and possession in numerous ways.

**104.** Felons, domestic abusers, the dangerously mentally ill, minors, and certain other categories of people are deemed to pose too great a danger to themselves or others and thus are prohibited from possessing guns as a matter of Pennsylvania law. *See* §§ 6110.1, 6105(c)(9), 6111(b)(7).

**105.** Pennsylvania law also requires sellers to exercise common sense in protecting the public by refusing sales, even where a buyer passes a background check, if the buyer is displaying disturbing or erratic behavior. *See* Pa.C.S. §§ 6105, 6111.

**106.** Besides governing commercial sales of firearms, PUFA has other provisions governing firearm tracing.

**107.** The ability to trace a firearm to its point of original sale is an essential tool for law enforcement.

**108.** It allows them to generate leads in criminal investigations and identify gun traffickers and straw purchasers.

**109.** Indeed, when confiscating or recovering a firearm from someone prohibited to possess a firearm, a local law enforcement agency is obligated to use the best available information, including a firearms trace, to determine how and from where the person gained possession of the firearm. *See* 18 Pa.C.S. § 6127(a) (West 2008).

**110.** To conduct the trace, law enforcement typically uses the serial number and other required markings to trace the gun to its first retail sale.

**111.** If a gun lacks a serial number, such as Polymer80's products, it can be impossible for law enforcement to perform its required duty of tracing recovered firearms.

**112.** Polymer80's deplorable business practices involving ghost guns undermine decades of Pennsylvania lawmakers' efforts to prevent dangerous and ineligible persons from possessing firearms and to assist law enforcement in combating the use of firearms in criminal activity and in investigating gun crime.

**113.** Polymer80's un-serialized firearms, including the P940C, are firearms under Pennsylvania law, but Polymer80 fails to comply with any of the aforementioned Pennsylvania regulations.

**114.** Polymer80 sells un-serialized firearms, including the P940C, in and around Philadelphia without obtaining the firearm application or record of sale to confirm the data matches the purchasers' photoidentification.

**115.** Polymer80 sells un-serialized firearms, including the P940C, knowingly and intentionally to purchasers and/or transferees who are unqualified or ineligible to control, possess, purchase, or use a firearm under Pennsylvania law.

**116.** Polymer80 sells un-serialized firearms, including the P940C, in and around Philadelphia without performing the required background checks under Pennsylvania law and without verifying the age of the purchasers.

**117.** A company choosing to sell firearms in Pennsylvania must carefully learn and comply with all the laws of the Commonwealth pertaining to firearm sales/transfers/possession.

**118.** The Buy, Build, Shoot kits that Polymer80 marketed and sold to consumers in and around Philadelphia are designed to subvert the PUFA that prevents guns from falling into the hands of people who cannot and should not possess them like M.J.

**119.** Defendant, Polymer80, Inc. knew that when it entered this business that it would foreseeably be supplying criminals, killers, minors, and other ineligible persons who pose an unacceptably high threat of injury or death with illegal firearms.

**120.** Defendant, Polymer80, Inc. knew that when it entered this business that it was aiding and abetting criminals, killers, minors, and other ineligible persons to commit foreseeable illegal acts.

**121.** For example, In February 2022, four Philadelphia men purchased ghost gun kits from a Morgantown gun show intending to build and sell the untraceable firearms.

**122.** On two separate occasions, these men purchased multiple “80% receiver” ready-made firearm kits and returned to Philadelphia to illegally manufacture the firearms for sale.

**123.** Law enforcement found three ghost guns and a kit to make a fourth, as well as gun parts and ammunition in the home of one of the men, a nineteen-year-old.

**124.** Four additional un-serialized firearms, fully assembled ghost guns, ammunition and drugs were found in another one of the men’s homes.

**125.** Two of the men who purchased the un-serialized firearms from the gun show were convicted felons.<sup>15</sup>

**126.** Polymer80 knew that selling these Buy, Build, Shoot kits violated Pennsylvania law applicable to the registration, ownership, sale and marketing of firearms.

**127.** Polymer80 refused to use reasonable safety measures that could have reduced the risk of its firearms being sold to ineligible persons.

**128.** Instead, Polymer80 targeted its business at precisely such individuals by intentionally emphasizing features of its products that make them particularly attractive to such dangerous and ineligible persons as major selling points.

**129.** For example, Polymer80 intentionally advertised and emphasized that its products can be used to assemble untraceable weapons and enables the purchaser to evade background checks.

**130.** Polymer80 chose profits over people and common sense public safety, and launched its business in this unreasonably dangerous manner that foreseeably facilitated shootings, murders, and serious bodily injury.

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<sup>15</sup> *A.G. Investigation Nabs 4 Accused of Assembling, Selling ‘Ghost Guns’ in Philadelphia.* Fox 29 Philadelphia (Mar. 7, 2021). <https://www.fox29.com/news/ag-investigation-nabs-4-accused-of-assembling-selling-ghost-guns-in-philadelphia>

**131.** Since launching the ghost gun business, Polymer80 has learned with certainty that its business is a massive and growing source of criminal instruments that are claiming innocent lives across the United States.

**132.** In 2022, the United States Bureau of Alcohol Tobacco Firearms and Explosives (ATF) proposed a change in the definition of firearm under federal law that would close the federal loophole that Polymer80 was exploiting across the country.

**133.** However, Polymer80 chose to oppose the ATF's proposed safety regulation so it could continue raking in profits even though it knew innocent Americans were being killed and maimed by its products at a shocking rate.

**134.** In December of 2019, then Pennsylvania Attorney General, Josh Shapiro issued a letter reiterating that an "unfinished receiver" met the definition of a "firearm" under Pennsylvania law (PUFA).

**135.** On January 9, 2020, the Pennsylvania State Police published a letter to firearm dealers reiterating that a "Partially-manufactured frame or receiver is considered a 'firearm' for purposes of the [Pennsylvania] state firearm prohibition found at 18 Pa.C.S. § 6105(i)" and thus requires a background check.

**136.** Just four days after Pennsylvania Attorney General, Josh Shapiro, issued the letter, Polymer80 elected to sue (unsuccessfully) Colonel Robert Evanchick, Commissioner of the Pennsylvania State Police for an injunction.

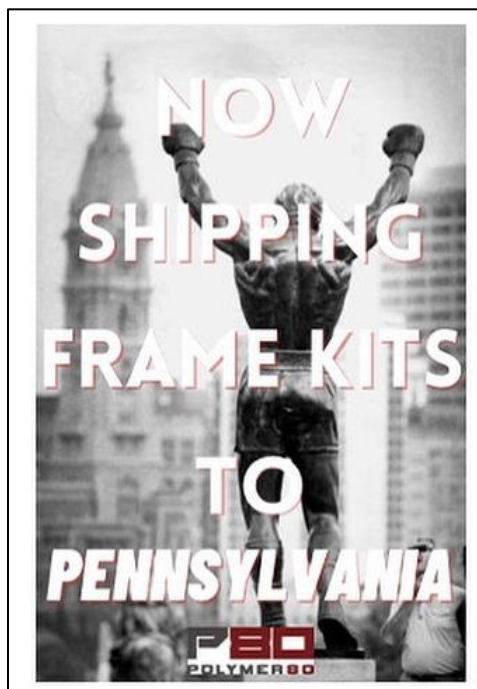
**137.** Even though Polymer80 knew its "unfinished" receivers were considered firearms pursuant to Pennsylvania law, pursuant to the Attorney General's letter and opinion to the Pennsylvania State Police's letter, Polymer80 continued to advertise that its 80% products were legal.

**138.** Until at least June 2020, Polymer80’s website homepage included the question, “Is it Legal?” and responded unequivocally, “YES!”<sup>16</sup>

**139.** Notably, Polymer80 provides on its website that shipment is not available to a number of states, including California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Washington.

**140.** However, Polymer80’s website and social media marketing contains no indication that its products are illegal under Pennsylvania law.

**141.** Polym80’s Facebook page claims its 80% products are legal in Pennsylvania<sup>17</sup>.



**142.** This marketing misleads consumers regarding the legality of buying or using Polymer80’s products.

<sup>16</sup> <https://web.archive.org/web/20200603051443/https://www.polymer80.com/>

<sup>17</sup> See Now Shipping Frame Kits to Pennsylvania (illustration), on Polymer80, Facebook (Mar. 30, 2023), <https://www.facebook.com/Polymer80Inc/photos/a.138962616289835/2257199361132806/>

**143.** Polymer80’s sales of un-serialized firearms into Philadelphia violates PUFA, enables prohibited persons, including M.J., to unlawfully possess firearms, and substantially contributes and causes gun violence.

**144.** Polymer80 is aware that its products are fueling the criminal market and that its Ghost Guns are the guns of choice for juveniles, criminals and other people who cannot lawfully acquire or possess traditional firearms.

**145.** Instead of taking steps to keep its products out of dangerous and prohibited persons hands, Polymer80 exploits this criminal market and misleadingly markets and sells its products to ineligible persons in and around Philadelphia.

#### **The Foreseeable Violence Caused by Polymer80’s Ghost Guns**

**146.** The lack of serialization and background checks – not the private manufacture – make ghost guns appealing to the criminal market.<sup>18</sup>

**147.** Pennsylvania firearm laws restrict access to certain people who pose a risk to those around them if allowed to obtain firearms.

**148.** When such people, including minors like M.J., can easily access ghost guns, gun violence – and the harm that flows from it – increases.

**149.** The effects of the ghost gun crisis in Philadelphia have been well publicized and documented through both national and local media.<sup>19</sup>

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<sup>18</sup> See Rushing, *supra* note 7, at 24669; Madison Fernandez, *Study Shows Majority of Gun Owners Support Specific Gun Safety Policies*, Politico (Oct 19, 2022), <https://www.politico.com/news/2022/10/19/gun-owners-support-safety-policies-00062335> (“Red flag laws, universal background checks, required permits for the purchase or possession of a gun and violent misdemeanor laws are among those that win support from gun owners, according to the polling.”); see also Allison Aubrey, *Many Gun Owners Support Gun Control. So Why Don’t They Speak Out?*, NPR: Up First (Jun. 11, 2022), <https://www.npr.org/sections/health-shots/2022/06/06/1103252636/many-gun-owners-are-hesitant-to-express-support-for-stricter-gun-control-measure>

<sup>19</sup> See, e.g., Campbell Robertson, *‘Everybody Is Armed’: As Shootings Soar, Philadelphia is Awash in Guns*, The New York Times (Aug. 11, 2022), <https://www.nytimes.com/2022/08/11/us/philadelphia-gun-violence-shootings.html>; Rynhart, *supra* note 56.

- 150.** Below are examples of the harms ghost guns have caused in Philadelphia:
- a.** In the summer of 2022, on a warm Saturday night, three were killed and eleven injured when a shooter using a ghost gun perpetrated a mass shooting on one of the most crowded section of South Street in Philadelphia.<sup>20</sup>
  - b.** During the early morning hours of March 2, 2020, Z.W. a former Temple University football player, was involved in an altercation in Chinatown. Around 4:00 a.m. Z.W. was shot and killed by a ghost gun.<sup>21</sup>
  - c.** In July 2021, two police officers approached a man in a park who looked like he was hiding a gun in his pants, The man, N.B. allegedly pulled out the gun, ran and fired at the officers. The officers returned fire, shot N.B. in the right leg, and recovered N.B.'s gun – a ghost gun.<sup>22</sup>
  - d.** In February of 2023, a man, D.J., hired a would-be assassin to kill a drug rival. Actually an FBI informant, this would-be assassin falsely reported to D.J. that he had killed the rival. When the informant arranged a meeting to receive the \$5,000 payment for the planned murder, the FBI ambushed D.J. at the meeting place. The FBI did not find D.J. with \$5,000; rather, he was carrying a ghost gun loaded with

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<sup>20</sup> Simon Druker, Arrest Made, Ghost Gun Recovered in Philadelphia Mass Shooting, United Press International, Inc. (Jun. 6, 2022), [https://www.upi.com/Top\\_News/US/2022/06/06/arrest-made-ghost-gun-recovered-philadelphia-mass-shooting/1091654551003/](https://www.upi.com/Top_News/US/2022/06/06/arrest-made-ghost-gun-recovered-philadelphia-mass-shooting/1091654551003/).

<sup>21</sup> Joe Brandt, Ex-Temple Player from South Jersey Was Killed with Unlicensed 'Ghost Gun,' Cops Say, NJ (Mar.14, 2020), <https://www.nj.com/camden/2020/03/ex-temple-player-from-south-jersey-was-killed-with-unlicensed-ghost-gun-cops-say.html>.

<sup>22</sup> Philadelphia (Jul.31, 2021), <https://www.fox29.com/news/police-shoot-man-in-leg-who-fired-at-officers-during-chase-in-hunting-park-investigators-say>



sixteen bullets, suggesting that D.J. would have killed the would-be assassin with a ghost gun instead of paying for the murder.<sup>23</sup>

- e. In April of 2023, a beloved schoolteacher, R.K. was shot and killed while sitting in her SUV with her eleven-year-old son. Her killer, Z.S.A, used a ghost gun and had been hired by R.K.'s boyfriend's former girlfriend to kill R.K. Four days before this murder, Z.S.A. shot and killed another person using the same ghost gun.<sup>24</sup>

**151.** Nationwide, the number of ghost guns recovered at crime scenes has increased more than elevenfold in just five years, from 1,758 in 2016 to 19,344 in 2021.<sup>25</sup>

**152.** In total, law enforcement reported recovering approximately 45,240 suspected ghost guns from potential crime scenes during this time, including 692 linked to homicides or attempted homicides.<sup>26</sup>

**153.** Below are examples of the harms ghost guns have caused nationally:

- a. On September 12, 2020, Los Angeles County Sheriff's deputies were severely wounded by an ineligible person who used a Polymer80 handgun to ambush the two Sheriff's and point blank range<sup>27</sup>.

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<sup>23</sup> Rodrigo Torrejón, Philadelphia Man Convicted of Murder-for-hire Plot to Kill a Drug Rival, The Philadelphia Inquirer (Feb 28, 2023), <https://www.inquirer.com/news/philadelphia-man-convicted-murder-for-hire-20230228.html>

<sup>24</sup><https://www.inquirer.com/news/zakkee-steven-alkahim-hitman-murder-rachel-king-investigation-20230428.html#:~:text=The%20man%20police%20said%20was,North%20Philadelphia%20four%20days%20earlier.&text=Just%20days%20before%20a%20hitman,old%20man%20in%20North%20Philadelphia>

<sup>25</sup> *Supra*, note 7.

<sup>26</sup> *Id.*

<sup>27</sup> <https://www.latimes.com/california/story/2021-08-10/sheriff-deputies-sue-ghost-gun-kit-maker>

- b. In November 2019, a sixteen-year-old student used a ghost gun to shoot five classmates, killing two and himself, in Santa Clarita, California.<sup>28</sup>
- c. In March of 2022, a man with a restraining order that barred him from legally purchasing/obtaining/possessing firearms used a ghost gun to shoot and kill three children, a supervisor and himself at a church in Sacramento, California.<sup>29</sup>
- d. On April 25, 2021, a minor, ineligible to legally purchase a firearm, bought and assembled a Buy, Build, Shoot kit and used the firearm to murder two teenagers in Springfield, Virginia.<sup>30</sup>

**154.** Not only are Ghost Guns being used to perpetuate shootings, but Ghost Guns also make their way into the hands of those ineligible to purchase and possess firearms. For example:

- a. In 2021, S.P. was found in possession of a Polymer80 Ghost Gun despite being a prohibited person due to a prior felony conviction. He used the Polmyer80 Ghost Gun to commit an armed robbery of a Sovereign Bank in Willow Grove, Pennsylvania.<sup>31</sup>
- b. In 2021, D.H. was found in possession of a Ghost Gun even though he was prohibited from possessing a firearm due to prior robbery convictions.<sup>32</sup>

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<sup>28</sup> <https://www.latimes.com/california/story/2019-11-21/santa-clarita-shooting-45-caliber-gun-saugus-high-attack-a-ghost-gun-sheriff-says>

<sup>29</sup> <https://www.abc10.com/article/news/local/sacramento/david-mora-church-shooting-gun/103-36f31f43-9c24-4b39-b9cf-0097910ae817>

<sup>30</sup> <https://www.nbcwashington.com/news/local/northern-virginia/fairfax-county-man-receives-maximum-sentence-in-deaths-of-2-students/3258746/>

<sup>31</sup> <https://www.justice.gov/archive/usao/pae/News/2007/jan/peterson.html>

<sup>32</sup> [https://www.phillytrib.com/news/two-armed-robbery-suspects-arrested-in-north-phila/article\\_477ad975-9c85-5346-bf01-c52f8afc1807.html](https://www.phillytrib.com/news/two-armed-robbery-suspects-arrested-in-north-phila/article_477ad975-9c85-5346-bf01-c52f8afc1807.html)

- c. L.S. of Philadelphia was found possessing a Ghost Gun despite being prohibited from possessing a firearm due to convictions for illegally selling/distributing narcotics.<sup>33</sup>
- 155.** Polymer's disregard for Pennsylvania law enables children and teens, like M.J. to easily access firearms, despite PUFA's prohibition on firearm purchases by anyone under eighteen.
- 156.** In 2021, at least five minors were found in possession of a Ghost Gun in violation of Pennsylvania law; at least two of those children possessed a Polymer80 firearm specifically.
- 157.** The number of minors in possession of Ghost Guns more than doubled in 2022 and includes M.J. who committed the murder of Tiffany Fletcher.
- 158.** At least five ghost guns possessed in 2022 were Polymer80's firearms.
- 159.** Polymer80's disregard for the law is directly responsible for enabling people who cannot lawfully purchase or possess firearms to nevertheless access these dangerous weapons resulting in the death of Tiffany Fletcher.
- 160.** Polymer80 knows, or reasonably should have known, that it sells un-serialized firearms to buyers who seek to evade Pennsylvania firearm laws.
- 161.** Polymer80 knew or reasonably should have known that these products are in demand from consumers who could not legally purchase firearms.
- 162.** Polymer80 knows or reasonably should have known that its products, sales, and advertising violates Pennsylvania law and caused and contributed to the death of Tiffany Fletcher.

**The Polymer80, Inc. Ghost Gun that Killed Tiffany Fletcher**

**163.** On September 9, 2022, shortly after noon, Defendant M.J. was in the area of the Mill Creek Recreation Center at 4700 Brown Street, Philadelphia, Pennsylvania.

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<sup>33</sup> <https://dsp.delaware.gov/2022/01/31/traffic-stop-leads-to-multiple-arrests-for-weapons-and-drugs-wilmington/>

**164.** Despite being only fourteen years old, Defendant M.J. was armed with a Polymer80 PF940C.

**165.** At the same time and location, Defendant Flegler was armed with a firearm.

**166.** Defendant, M.J. fired the Polymer80 PF940C eight times while engaged in a shootout with Defendant Flegler outside of the Mill Creek Recreation Center.

**167.** At the time of the shooting, Tiffany Fletcher was employed by the City of Philadelphia at the Mill Creek Recreation Center.

**168.** One of the eight bullets fired by Defendant, M.J. missed its intended target and struck Tiffany Fletcher while she working.

**169.** A witness identified M.J. running from the scene of the shooting holding the Polymer80 PF940C in his pocket while fleeing.

**170.** Philadelphia Police Officers later recovered the Polymer80 PF940C utilized by Defendant, M.J. in the shooting that killed Tiffany Fletcher.

**171.** Tiffany Fletcher suffered a perforating gunshot wound to her abdomen, entering via the right flank, resulting into internal injuries to her intestines, her aorta, and her vena cava.

**172.** The City of Philadelphia Deputy Chief Medical Examiner determined Tiffany Fletcher's cause of death to be a gunshot wound to the abdomen.

**173.** Defendant, M.J. was criminally charged with murder, among other charges, for the death of Tiffany Fletcher.

**174.** Defendant Flegler was criminally charged with murder, among other charges, for the death of Tiffany Fletcher.

**175.** On January 11, 2023, the Philadelphia District Attorney's Office presented evidence to a Philadelphia Municipal Court concerning the shooting resulting in the Philadelphia

Judge determining that it was more likely than not that M.J. murdered Tiffany Fletcher with an unserialized Polymer80 PF940C ghost gun.

**176.** Plaintiff, Sherman Fletcher, brings this suit because Tiffany Fletcher was killed as a direct, foreseeable, and proximate result of Polymer80's negligent, reckless and intentionally unlawful actions.

**177.** As a result of the negligence, carelessness, recklessness and other liability-producing conduct of Defendants, Tiffany Fletcher sustained extreme pain and suffering, pre-death injuries and fatal injuries, psychological, psychiatric, orthopedic and neurological injuries, and other severe and disabling injuries that eventually led to her death; despair, despondency, anxiety, mental and emotional pain and suffering prior to her death; great physical pain, suffering and the loss of life's pleasures, past, present and future; loss of earnings and wages and loss of earning capacity, past, present and future; hospitalization, medical and rehabilitation expenses, including medical equipment, supplies and other medical care and treatment before her death; other psychological, psychiatric, orthopedic and neurological injuries between the time of the accident and the time of her death.

**178.** Tiffany Fletcher underwent medical procedures and required medicines, medical care and treatment, medical equipment and supplies in an attempt to save her life.

**179.** As a direct and proximate result of the carelessness, negligence, recklessness and other liability producing conduct of Defendants, as more fully discussed below, Tiffany Fletcher was caused to sustain devastating, catastrophic and fatal injuries, and the Estate of Tiffany Fletcher and Tiffany Fletcher's next of kin/statutory beneficiaries suffered injuries and damages as set forth herein.

**180.** Defendants are jointly and/or severally liable for Plaintiff's Decedent's injuries and death.

**181.** Plaintiff avers that Tiffany Fletcher's and the Estate of Tiffany Fletcher's injuries and damages were caused solely by the acts of Defendants, jointly and/or individually, and/or through their joint and individual agents, servants, workmen and/or employees, and in no way caused or contributed to by any action or inaction of Tiffany Fletcher.

**COUNT I – NEGLIGENCE**  
**PLAINTIFF v. POLYMER80, INC.**

**182.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**183.** At all relevant times, Defendant, Polymer80, Inc. was subject to the general duty imposed on all persons and entities to act reasonably and not expose others to reasonably foreseeable risks of injury and/or death.

**184.** As sellers of firearms pursuant to Pennsylvania law, Polymer80, Inc. was subject to the highest duty of care because of the danger that its products can cause.

**185.** Defendant, Polymer80, Inc. had a duty to exercise reasonable care in marketing, distributing, and selling firearm products and to refrain from engaging in any activity creating reasonably foreseeable risks of injury and/or death to others.

**186.** Defendant, Polymer80, Inc., acted illegally, negligently, recklessly, outrageously, with malice, despicably, and in conscious disregard for the health and safety of others, when it sold and injected into the market the firearm products and components that were thereafter easily converted into operable firearms and then used to shoot and kill Tiffany Fletcher.

**187.** At all relevant times, Defendant, Polymer80, Inc.'s negligent, illegal, reckless, despicable, and malicious conduct included but was not limited to:

- a.** Knowingly failing to conduct and complete background checks prior to the sale of its products as required by Pennsylvania law;
- b.** Knowingly failing to serialize its firearms consistent with Pennsylvania law;
- c.** Knowingly failing to maintain accurate and required records consistent with Pennsylvania law;
- d.** Violating Pennsylvania law (PUFA) as it relates to firearm sales;
- e.** Ignoring and violating Pennsylvania laws that Defendant knew were established to prevent and reduce violent crime utilizing firearms;
- f.** Selling and/or distributing firearms (pursuant to Pennsylvania law) to criminals, minors, and other ineligible persons;
- g.** Causing and contributing to the proliferation of Ghost Guns in Philadelphia and nationwide resulting in such firearms being easily obtainable by criminals, minors and otherwise ineligible persons;
- h.** Aiding and abetting criminals, minors and otherwise ineligible persons to obtain firearms that such persons could not legally possess;
- i.** Providing untraceable instruments of crime that emboldened and empowered ineligible persons to obtain firearms and use said firearms to commit crimes;
- j.** Designing, marketing, selling, advertising, and distributing ghost guns in a manner intended to mislead Pennsylvanians as to the legality of the firearms;
- k.** Facilitating and encouraging violent gun crime by illegally and improperly distributing dangerous and illegal ghost guns;
- l.** Providing easy access to firearms to those ineligible to possess said firearms;
- m.** 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;
- n.** Failure to take steps to verify that purchasers of its products were legally permitted and safe to possess a firearm;
- o.** Failing to take any reasonable steps to prevent its products from being obtained and utilized by persons ineligible to possess firearms;
- p.** Providing customer support services to persons ineligible to possess firearms;

- q. Negligently advertising and marketing its products;
- r. Allowing and providing an illegal instrument of crime (the subject ghost gun) to M.J. in furtherance of the shooting and murder of Tiffany Fletcher;
- s. Conspiring with Defendant M.J. and Malik Flegler to commit shootings that resulted in the death of Tiffany Fletcher;
- t. Valuing profits over the lives of innocent people; and
- u. Negligently and recklessly entrusting illegal firearms to persons ineligible to possess such dangerous weapons;

**188.** Defendant, Polymer80's, negligence and recklessness was a direct and proximate cause of harm to Plaintiff's decedent, by causing and allowing the shooter to gain unlawful possession of a Polymer80 ghost gun firearm, which was used to murder Tiffany Fletcher.

**189.** The knowing violations of Pennsylvania law, by Polymer80, were a direct and proximate cause of Tiffany Fletcher's death.

**190.** These laws are intended to protect public safety by preventing the sale and transfer of firearms to dangerous persons, including especially to ineligible persons, and preventing access to and use of unsafe handguns.

**191.** Polymer80 flouted these laws for profit, and consciously disregarded the known and foreseeable risks of its business practices, and in so doing, directly and proximately caused Tiffany Fletcher's death.

**192.** As a direct and proximate result of the aforementioned conduct and breach of duty, Plaintiff has incurred and will continue to incur significant damages.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.



**COUNT II – NEGLIGENCE PER SE**  
**PLAINTIFF v. POLYMER80, INC.**

**193.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**194.** At all relevant times, Defendant, Polymer80, Inc. was subject to the general duty imposed on all persons and entities to act reasonably and not expose others to reasonably foreseeable risks of injury and/or death.

**195.** As sellers of firearms pursuant to Pennsylvania law, Polymer80, Inc. was subject to the highest duty of care because of the danger that its products can cause.

**196.** Defendant, Polymer80, Inc. had a duty to exercise reasonable care in marketing, distributing, and selling firearm products and to refrain from engaging in any activity creating reasonably foreseeable risks of injury and/or death to others.

**197.** Defendant, Polymer80, Inc., acted illegally, negligently, recklessly, outrageously, with malice, despicably, and in conscious disregard for the health and safety of others, when it sold and injected into the market the firearm products and components that were thereafter easily converted into operable firearms and then used to shoot and kill Tiffany Fletcher.

**198.** At all relevant times, Defendant, Polymer80, Inc.'s negligent, illegal, reckless, despicable, and malicious conduct included but was not limited to:

- a.** Knowingly failing to conduct and complete background checks prior to the sale of its products as required by Pennsylvania law;
- b.** Knowingly failing to serialize its firearms consistent with Pennsylvania law;
- c.** Knowingly failing to maintain accurate and required records consistent with Pennsylvania law;
- d.** Violating Pennsylvania law (PUFA) as it relates to firearm sales;

- e.** Ignoring and violating Pennsylvania laws that Defendant knew were established to prevent and reduce violent crime utilizing firearms;
- f.** Selling and/or distributing firearms (pursuant to Pennsylvania law) to criminals, minors, and other ineligible persons;
- g.** Causing and contributing to the proliferation of Ghost Guns in Philadelphia and nationwide resulting in such firearms being easily obtainable by criminals, minors and otherwise ineligible persons;
- h.** Aiding and abetting criminals, minors and otherwise ineligible persons to obtain firearms that such persons could not legally possess;
- i.** Providing untraceable instruments of crime that emboldened and empowered ineligible persons to obtain firearms and use said firearms to commit crimes;
- j.** Designing, marketing, selling, advertising, and distributing ghost guns in a manner intended to mislead Pennsylvanians as to the legality of the firearms;
- k.** Facilitating and encouraging violent gun crime by illegally and improperly distributing dangerous and illegal ghost guns;
- l.** Providing easy access to firearms to those ineligible to possess said firearms;
- m.** 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;
- n.** Failure to take steps to verify that purchasers of its products were legally permitted and safe to possess a firearm;
- o.** Failing to take any reasonable steps to prevent its products from being obtained and utilized by persons ineligible to possess firearms;
- p.** Providing customer support services to persons ineligible to possess firearms;
- q.** Negligently advertising and marketing its products;
- r.** Allowing and providing an illegal instrument of crime (the subject ghost gun) to M.J. in furtherance of the shooting and murder of Tiffany Fletcher;
- s.** Conspiring with Defendant M.J. and Malik Flegler to commit shootings that resulted in the death of Tiffany Fletcher;
- t.** Valuing profits over the lives of innocent people; and

- u. Negligently and recklessly entrusting illegal firearms to persons ineligible to possess such dangerous weapons;

**199.** Defendant, Polymer80's, negligence and recklessness was a direct and proximate cause of harm to Plaintiff's decedent, by causing and allowing the shooter to gain unlawful possession of a Polymer80 ghost gun firearm, which was used to murder Tiffany Fletcher.

**200.** The knowing violations of Pennsylvania law, by Polymer80, were a direct and proximate cause of Tiffany Fletcher's death.

**201.** These laws are intended to protect public safety by preventing the sale and transfer of firearms to dangerous persons, including especially to ineligible persons, and preventing access to and use of unsafe handguns.

**202.** Polymer80 flouted these laws for profit, and consciously disregarded the known and foreseeable risks of its business practices, and in so doing, directly and proximately caused Tiffany Fletcher's death.

**203.** As a direct and proximate result of the aforementioned conduct and breach of duty, Plaintiff has incurred and will continue to incur significant damages.

**WHEREFORE,** Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT III – NEGLIGENT ENTRUSTMENT**  
**PLAINTIFF v. POLYMER80, INC.**

**204.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**205.** At all relevant times, Defendant, Polymer80, Inc. was subject to the general duty imposed on all persons and entities to act reasonably and not expose others to reasonably foreseeable risks of injury and/or death.

**206.** As sellers of firearms pursuant to Pennsylvania law, Polymer80, Inc. was subject to the highest duty of care because of the danger that its products can cause.

**207.** Defendant, Polymer80, Inc. had a duty to exercise reasonable care in marketing, distributing, and selling firearm products and to refrain from engaging in any activity creating reasonably foreseeable risks of injury and/or death to others.

**208.** Defendant, Polymer80, Inc., acted illegally, negligently, recklessly, outrageously, with malice, despicably, and in conscious disregard for the health and safety of others, when it sold and injected into the market the firearm products and components that were thereafter easily converted into operable firearms and then used to shoot and kill Tiffany Fletcher.

**209.** At all relevant times, Defendant, Polymer80, Inc.'s negligent, illegal, reckless, despicable, and malicious conduct included but was not limited to:

- a.** Knowingly failing to conduct and complete background checks prior to the sale of its products as required by Pennsylvania law;
- b.** Knowingly failing to serialize its firearms consistent with Pennsylvania law;
- c.** Knowingly failing to maintain accurate and required records consistent with Pennsylvania law;
- d.** Violating Pennsylvania law (PUFA) as it relates to firearm sales;
- e.** Ignoring and violating Pennsylvania laws that Defendant knew were established to prevent and reduce violent crime utilizing firearms;
- f.** Selling and/or distributing firearms (pursuant to Pennsylvania law) to criminals, minors, and other ineligible persons;
- g.** Causing and contributing to the proliferation of Ghost Guns in Philadelphia and nationwide resulting in such firearms being easily obtainable by criminals, minors and otherwise ineligible persons;
- h.** Aiding and abetting criminals, minors and otherwise ineligible persons to obtain firearms that such persons could not legally possess;

- i. Providing untraceable instruments of crime that emboldened and empowered ineligible persons to obtain firearms and use said firearms to commit crimes;
- j. Designing, marketing, selling, advertising, and distributing ghost guns in a manner intended to mislead Pennsylvanians as to the legality of the firearms;
- k. Facilitating and encouraging violent gun crime by illegally and improperly distributing dangerous and illegal ghost guns;
- l. Providing easy access to firearms to those ineligible to possess said firearms;
- m. 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;
- n. Failure to take steps to verify that purchasers of its products were legally permitted and safe to possess a firearm;
- o. Failing to take any reasonable steps to prevent its products from being obtained and utilized by persons ineligible to possess firearms;
- p. Providing customer support services to persons ineligible to possess firearms;
- q. Negligently advertising and marketing its products;
- r. Allowing and providing an illegal instrument of crime (the subject ghost gun) to M.J. in furtherance of the shooting and murder of Tiffany Fletcher;
- s. Conspiring with Defendant M.J. and Malik Flegler to commit shootings that resulted in the death of Tiffany Fletcher;
- t. Valuing profits over the lives of innocent people; and
- u. Negligently and recklessly entrusting illegal firearms to persons ineligible to possess such dangerous weapons;

**210.** Defendant, Polymer80's, negligence and recklessness was a direct and proximate cause of harm to Plaintiff's decedent, by causing and allowing the shooter to gain unlawful possession of a Polymer80 ghost gun firearm, which was used to murder Tiffany Fletcher.

**211.** The knowing violations of Pennsylvania law, by Polymer80, were a direct and proximate cause of Tiffany Fletcher's death.

**212.** These laws are intended to protect public safety by preventing the sale and transfer of firearms to dangerous persons, including especially to ineligible persons, and preventing access to and use of unsafe handguns.

**213.** Polymer80 flouted these laws for profit, and consciously disregarded the known and foreseeable risks of its business practices, and in so doing, directly and proximately caused Tiffany Fletcher's death.

**214.** As a direct and proximate result of the aforementioned conduct and breach of duty, Plaintiff has incurred and will continue to incur significant damages.

**WHEREFORE,** Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT IV – NEGLIGENT ENTRUSTMENT**  
**PLAINTIFF v. POLYMER80, INC.**

**215.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**216.** At all relevant times, Defendant, Polymer80, Inc. was subject to the general duty imposed on all persons and entities to act reasonably and not expose others to reasonably foreseeable risks of injury and/or death.

**217.** As sellers of firearms pursuant to Pennsylvania law, Polymer80, Inc. was subject to the highest duty of care because of the danger that its products can cause.

**218.** Defendant, Polymer80, Inc. had a duty to exercise reasonable care in marketing, distributing, and selling firearm products and to refrain from engaging in any activity creating reasonably foreseeable risks of injury and/or death to others.

**219.** Defendant, Polymer80, Inc., acted illegally, negligently, recklessly, outrageously, with malice, despicably, and in conscious disregard for the health and safety of others, when it

sold and injected into the market the firearm products and components that were thereafter easily converted into operable firearms and then used to shoot and kill Tiffany Fletcher.

**220.** At all relevant times, Defendant, Polymer80, Inc.'s negligent, illegal, reckless, despicable, and malicious conduct included but was not limited to:

- a.** Knowingly failing to conduct and complete background checks prior to the sale of its products as required by Pennsylvania law;
- b.** Knowingly failing to serialize its firearms consistent with Pennsylvania law;
- c.** Knowingly failing to maintain accurate and required records consistent with Pennsylvania law;
- d.** Violating Pennsylvania law (PUFA) as it relates to firearm sales;
- e.** Ignoring and violating Pennsylvania laws that Defendant knew were established to prevent and reduce violent crime utilizing firearms;
- f.** Selling and/or distributing firearms (pursuant to Pennsylvania law) to criminals, minors, and other ineligible persons;
- g.** Causing and contributing to the proliferation of Ghost Guns in Philadelphia and nationwide resulting in such firearms being easily obtainable by criminals, minors and otherwise ineligible persons;
- h.** Aiding and abetting criminals, minors and otherwise ineligible persons to obtain firearms that such persons could not legally possess;
- i.** Providing untraceable instruments of crime that emboldened and empowered ineligible persons to obtain firearms and use said firearms to commit crimes;
- j.** Designing, marketing, selling, advertising, and distributing ghost guns in a manner intended to mislead Pennsylvanians as to the legality of the firearms;
- k.** Facilitating and encouraging violent gun crime by illegally and improperly distributing dangerous and illegal ghost guns;
- l.** Providing easy access to firearms to those ineligible to possess said firearms;
- m.** 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;

- n. Failure to take steps to verify that purchasers of its products were legally permitted and safe to possess a firearm;
- o. Failing to take any reasonable steps to prevent its products from being obtained and utilized by persons ineligible to possess firearms;
- p. Providing customer support services to persons ineligible to possess firearms;
- q. Negligently advertising and marketing its products;
- r. Allowing and providing an illegal instrument of crime (the subject ghost gun) to M.J. in furtherance of the shooting and murder of Tiffany Fletcher;
- s. Conspiring with Defendant M.J. and Malik Flegler to commit shootings that resulted in the death of Tiffany Fletcher;
- t. Valuing profits over the lives of innocent people; and
- u. Negligently and recklessly entrusting illegal firearms to persons ineligible to possess such dangerous weapons;

**221.** Defendant, Polymer80's, negligence and recklessness was a direct and proximate cause of harm to Plaintiff's decedent, by causing and allowing the shooter to gain unlawful possession of a Polymer80 ghost gun firearm, which was used to murder Tiffany Fletcher.

**222.** The knowing violations of Pennsylvania law, by Polymer80, were a direct and proximate cause of Tiffany Fletcher's death.

**223.** These laws are intended to protect public safety by preventing the sale and transfer of firearms to dangerous persons, including especially to ineligible persons, and preventing access to and use of unsafe handguns.

**224.** Polymer80 flouted these laws for profit, and consciously disregarded the known and foreseeable risks of its business practices, and in so doing, directly and proximately caused Tiffany Fletcher's death.

**225.** As a direct and proximate result of the aforementioned conduct and breach of duty, Plaintiff has incurred and will continue to incur significant damages.



**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT V – NEGLIGENCE**  
**PLAINTIFF v. M.J., a minor**

**226.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**227.** M.J., who was deemed an adult pursuant to a Philadelphia Court of Common Pleas determination for purposes of his criminal proceedings, owed a duty of care to not engage in negligent, reckless, or outrageous conduct that put people at risk of losing life and limb.

**228.** Defendant, M.J. illegally and improperly obtained a Polymer80 ghost gun firearm despite being only fourteen years old and thus ineligible to possess firearms pursuant to Pennsylvania law.

**229.** Due to Polymer80's illegal and improper sales and distribution of said ghost gun firearms, M.J. was able to obtain said firearm illegally without any type of background check that would have prevented him from obtaining said ghost gun.

**230.** Defendant, M.J. was facilitated, encouraged, and empowered by Polymer80 to use the ghost gun firearm to commit and conspire to commit an illegal shooting.

**231.** Defendant, M.J. utilized the Polymer80 ghost gun in an illegal, reckless, and outrageous shootout in the immediate vicinity of a Philadelphia recreational center.

**232.** Defendant, M.J. fired the Polymer80 ghost gun as it was intended to be used, and in doing so, shot and killed Tiffany Fletcher.

**233.** After participating in the joint venture (the shooting), Defendant, M.J. fled the scene and disposed of the illegal Polymer80 ghost gun in a trash can.

**234.** The Polymer80 ghost gun was and is the preferred weapon of choice amongst those ineligible to possess firearms and those that intend to use firearms to commit crimes because the ghost guns lack serial numbers as advertised and sold by Polymer80.

**235.** Philadelphia Police recovered the Polymer80 ghost gun used in the murder of Tiffany Fletcher.

**236.** Defendant, M.J.'s negligence and recklessness was a direct and proximate cause of harm to Plaintiff's decedent.

**WHEREFORE,** Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT VI – ASSAULT AND BATTERY**  
**PLAINTIFF v. M.J., a minor AND MALIK FLEGLER**

**237.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**238.** Defendants acted in concert to illegally discharge firearms illegally supplied by Defendant Polymer80.

**239.** Defendants conspired to engage in a reckless, dangerous, and outrageous shootout outside of a Philadelphia recreation center.

**240.** Defendants engaged in a reckless, dangerous, and outrageous shootout outside of a Philadelphia recreation center.

**241.** Defendants engaged in intentional, wanton, willful and outrageous conduct, acted with deliberate malice, was grossly and outrageously negligent, acted with reckless disregard of and with deliberate, callous and reckless indifference to the rights, interest, welfare and safety of the plaintiff's decedent for the reasons articulated in this Complaint.

**242.** As a result of Defendants' intentional, wanton, willful and outrageous conduct, including but not limited to shooting illegal firearms, Tiffany Fletcher was shot and killed with a Polymer80 Ghost Gun.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT VII – NEGLIGENCE**  
**PLAINTIFF v. MALIK FLEGLER**

**243.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**244.** Defendant Flegler owed a duty to not act in a manner that would foreseeably inflict death and/or serious bodily injury.

**245.** Defendant Flegler improperly possessed a firearm and engaged in a reckless, dangerous, and outrageous shootout outside of a Philadelphia recreation center.

**246.** Defendant Flegler breached his duty and caused the preventable death of Tiffany Fletcher.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT VIII – WRONGFUL DEATH**  
**PLAINTIFF v. ALL DEFENDANTS**

**247.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**248.** Plaintiff, Sherman Fletcher, Individually and as Administrator of the Estate of Tiffany Fletcher, deceased, brings this action on behalf of the decedent's next of kin/statutory beneficiaries against Defendants for Wrongful Death.

**249.** Tiffany Fletcher is survived by her children: Zymir Bessellieu, Z.F. (dob: 1/19/2013), Z.F. (8/16/2014), her mother Geraldine Fletcher, and her brother Sherman Fletcher.

**250.** By reason of the death of Tiffany Fletcher, her beneficiaries have in the past and will in the future continue to suffer great pecuniary loss, including but not limited to, loss of support, loss of aid, loss of services, loss of companionship, loss of consortium, loss of comfort, loss of counseling and loss of guidance.

**251.** As a direct and proximate result of the foregoing decedent, Tiffany Fletcher's Wrongful Death beneficiaries incurred or have been caused to incur and pay large and various expenses for medical treatment, hospital care, and medicine rendered to decedent until the time of her death and to incur various funeral, burial, and estate and administration expenses for which Plaintiff is entitled to compensation.

**252.** Plaintiff, Individually and as Administrator of the Estate of Tiffany Fletcher, deceased, brings this action by virtue of the Wrongful Death Act, 42 Pa.C.S.A. §8301, and Pa.R.Civ.P. 2022, and claims all benefits and recoverable damages under the Wrongful Death Act on behalf of all other persons entitled to recover under law.

**WHEREFORE,** Plaintiff demands judgment in his favor and against Defendant, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**COUNT IX – SURVIVAL ACTION**  
**PLAINTIFF v. ALL DEFENDANTS**

**253.** Plaintiff incorporates by reference all preceding paragraphs of this Complaint.

**254.** Plaintiff claims on behalf of the Estate of Tiffany Fletcher all damages suffered by the Estate by reason of the death of Tiffany Fletcher including without limiting the generality of the following: the severe injuries to Tiffany Fletcher which resulted in her tragic death; the anxiety,

horror, fear of impending death, mental disturbance, pain, suffering and other intangible losses which Tiffany Fletcher suffered prior to her death; the loss of future earning capacity suffered by Tiffany Fletcher from the date of his death until the time in the future that she would have lived had she not died as a result of the injuries she sustained by the reason of the carelessness, negligence and recklessness of Defendants.

**255.** Plaintiff brings this action on behalf of the Estate of Tiffany Fletcher, by virtue of the Survival Act, 42 Pa.C.S.A §8302, and claims all benefits of the Survival Act on behalf of Tiffany Fletcher's Estate, and other persons entitled to recover under law.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendants, jointly, and/or severally in an amount in excess of fifty-thousand dollars (\$50,000.00) together with costs, interest, compensatory, punitive, and all other damages allowed by law.

**SALTZ MONGELUZZI BENDESKY**

BY: /s/Robert J. Mongeluzzi

ROBERT J. MONGELUZZI

JEFFREY P. GOODMAN

JORDAN L. HOWELL

*Attorneys for Plaintiffs*

**VERIFICATION**

I, Sherman Fletcher, hereby verify that I am the Plaintiff in the foregoing action and that the attached Complaint is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of affiant. I have read the Complaint and to the extent that the allegations therein are based upon information I have given counsel, they are true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the Complaint are those of counsel, I have relied upon counsel in making this Verification. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsifications to authorities.



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SHERMAN FLETCHER, Individually and as  
ADMINISTRATOR of the ESTATE OF TIFFANY  
FLETCHER, deceased

Dated: 05/06/2024