

IN THE CIRCUIT COURT OF THE 19<sup>TH</sup> JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

KEELY ROBERTS, individually and as parent :  
and next friend of C.R. and L.R., and JASON :  
ROBERTS, individually and as parent and next :  
friend of C.R. and L.R., :

Plaintiff, :

v. :

SMITH & WESSON BRANDS, INC., *et al.* :

Defendants. :

Case No. 22-LA-00000487

**DEFENDANT BUDSGUNSHOP.COM'S**  
**ANSWER AND AFFIRMATIVE DEFENSES**

Defendant BudsGunShop.com, LLC ("Bud's") respectfully submits this answer to Plaintiff's First Amended Complaint ("Complaint), and states as follows:

**PRELIMINARY STATEMENT**

1. Except as otherwise expressly stated herein, Bud's expressly denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in numbered paragraphs, unnumbered paragraphs, headings, and subheadings, and Bud's specifically denies any liability to Plaintiff.

2. Bud's reserves the right to seek to amend and supplement the Answer as may be appropriate or necessary.

## **RESPONSE TO INTRODUCTION**<sup>1</sup>

1. Bud's admits that a parade celebrating the Fourth of July took place in Highland Park on July 4, 2022 (the "Parade"). Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the Parade in Paragraph 1, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

2. Bud's admits that Robert Crimo III (the "Shooter") intentionally and criminally shot people at the Parade with a firearm (the "Subject Rifle"). Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged in Paragraph 2, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

3. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with a firearm the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged in Paragraph 3, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

4. Bud's lacks sufficient knowledge or information upon which to form a belief as to allegations of Paragraph 4, and thus, to the extent that a response is required, Bud's denies the allegations.

5. Bud's denies that any action involving the sale or transfer of the Subject Rifle to the Shooter was prohibited by any law. Bud's lacks sufficient knowledge or information upon which to form a belief as to the remaining allegations of Paragraph 5, and thus, to the extent that a response is required, Bud's denies the allegations.

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<sup>1</sup> For ease of reference, this Answer uses the headings that Plaintiff included in the Complaint. The use of such headings is not an admission as to the truth of any allegations contained therein or any implications or characterizations that can be drawn from the headings, all of which Bud's denies.

6. The allegations of Paragraph 6 are assertions of law and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

7. The allegations of Paragraph 7 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

8. The allegations of Paragraph 8 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

9. The allegations of Paragraph 9 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

10. The allegations of Paragraph 10 are assertions of law and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

11. Bud's lacks sufficient knowledge or information upon which to form a belief as to allegations of Paragraph 11, and thus, to the extent that a response is required, Bud's denies the allegations.

12. The allegations of Paragraph 12 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

13. The allegations of Paragraph 13 are assertions of law and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

14. The allegations of Paragraph 14 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

15. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot Arm's, Inc. ("Red Dot"). Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that any action involving the sale or transfer of the Subject Rifle to the Shooter was prohibited by any law. Bud's lacks sufficient knowledge or information upon which to form a belief as to the remaining allegations of Paragraph 15, and thus, to the extent that a response is required, Bud's denies the allegations.

16. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that any action involving the sale or transfer of the Subject Rifle to the Shooter was prohibited by any law. Bud's lacks sufficient knowledge or information upon which to form a belief as to the remaining allegations of Paragraph 16, and thus, to the extent that a response is required, Bud's denies the allegations.

17. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that any action involving the sale or transfer of the Subject Rifle to the Shooter was prohibited by any law.

18. The allegations of Paragraph 18 are assertions of law and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

## **RESPONSE TO PARTIES**

19. Bud's lacks sufficient knowledge or information upon which to form a belief as to the allegations of Paragraph 19, and thus, to the extent that a response is required, Bud's denies the allegations.

20. The allegations of Paragraph 20 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

21. The allegations of Paragraph 21 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

22. The allegations of Paragraph 22 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

23. The allegations of Paragraph 23 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

24. Bud's admits that it is a distributor of firearms and is a federally licensed firearms dealer. Bud's admits that it is headquartered in Lexington, Kentucky. Bud's admits that it has physical stores in both Kentucky and Tennessee. Bud's admits that it has it has a large retail operation, including online.

25. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

26. The allegations of Paragraph 26 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

27. The allegations of Paragraph 27 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

28. The allegations of Paragraph 28 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

29. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle, but Bud's denies that it is in any way responsible for such actions.

30. The allegations of Paragraph 30 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

31. The allegations of Paragraph 31 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

### **RESPONSE TO JURISDICTION AND VENUE**

32. The allegations of Paragraph 32 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

33. The allegations of Paragraph 33 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

34. The allegations of Paragraph 34 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

35. The allegations of Paragraph 35 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

## **RESPONSE TO GENERAL ALLEGATIONS**

36. Bud's denies each and every allegation of Paragraph 36.

37. The allegations of Paragraph 37 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

38. The allegations of Paragraph 38 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

39. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that any action involving the sale or transfer of the Subject Rifle to the Shooter was prohibited by any law.

### **Response to I. Smith and Wesson Designs and Marks Weapons of War to Civilians**

#### **Response to a. the Evolution of the Assault Weapon**

40. The allegations of Paragraph 40 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

41. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 41. To the extent a response is required, Bud's denies the allegations.

42. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 42. To the extent a response is required, Bud's denies the allegations.

43. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 43. To the extent a response is required, Bud's denies the allegations.

44. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 44. To the extent a response is required, Bud's denies the allegations.

45. The allegations of Paragraph 45 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

46. The allegations of Paragraph 46 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

Response to b. the Smith & Wesson Designs and Profits from Assault Rifles and Mass Shootings

47. The allegations of Paragraph 47 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

48. The allegations of Paragraph 48 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

49. The allegations of Paragraph 49 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

50. The allegations of Paragraph 50 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

51. The allegations of Paragraph 51 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

52. The allegations of Paragraph 52 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

53. The allegations of Paragraph 53 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

54. The allegations of Paragraph 54 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

55. The allegations of Paragraph 55 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

56. The allegations of Paragraph 56 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

57. The allegations of Paragraph 57 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

58. The allegations of Paragraph 58 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

59. The allegations of Paragraph 59 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

Response to c. Smith & Wesson Intentionally, Unfairly and Deceptively Markets the M&P Line to Civilians, Including Teenagers and Young Adults

60. The allegations of Paragraph 60 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

61. The allegations of Paragraph 61 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

62. The allegations of Paragraph 62 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

63. The allegations of Paragraph 63 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

64. The allegations of Paragraph 64 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

65. The allegations of Paragraph 65 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

66. The allegations of Paragraph 66 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

67. The allegations of Paragraph 67 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

68. The allegations of Paragraph 68 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

69. The allegations of Paragraph 69 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

70. The allegations of Paragraph 70 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

71. The allegations of Paragraph 71 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

72. The allegations of Paragraph 72 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

73. The allegations of Paragraph 73 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

74. The allegations of Paragraph 74 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

75. The allegations of Paragraph 75 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

76. The allegations of Paragraph 76 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

77. The allegations of Paragraph 77 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

78. The allegations of Paragraph 78 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

79. The allegations of Paragraph 79 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

80. The allegations of Paragraph 80 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

81. The allegations of Paragraph 81 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

82. The allegations of Paragraph 82 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

83. The allegations of Paragraph 83 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

84. The allegations of Paragraph 84 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

85. The allegations of Paragraph 85 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

86. The allegations of Paragraph 86 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

87. The allegations of Paragraph 87 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

88. The allegations of Paragraph 88 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

89. The allegations of Paragraph 89 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

90. The allegations of Paragraph 90 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

91. The allegations of Paragraph 91 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

92. The allegations of Paragraph 92 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

Response to d. Smith & Wesson Knew that Adolescents and Young Adults are Prone to Impulsive, Risky, and Thrill-Seeking Behavior

93. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 93. To the extent a response is required, Bud's denies the allegations.

94. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 94. To the extent a response is required, Bud's denies the allegations.

95. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 95. To the extent a response is required, Bud's denies the allegations.

96. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 96. To the extent a response is required, Bud's denies the allegations.

97. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 97. To the extent a response is required, Bud's denies the allegations.

98. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 98. To the extent a response is required, Bud's denies the allegations.

99. The allegations of Paragraph 99 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

100. The allegations of Paragraph 100 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

101. The allegations of Paragraph 101 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

102. The allegations of Paragraph 102 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**Response to II. The Shooter Was the Type of Young Consumer Susceptible to Smith & Wesson's Deceptive and Unfair Marketing, and Was Enabled by His Father**

**Response to a. The Shooter's Dark History**

103. The allegations of Paragraph 103 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

104. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 104. To the extent a response is required, Bud's denies the allegations.

105. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 105. To the extent a response is required, Bud's denies the allegations.

106. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 106. To the extent a response is required, Bud's denies the allegations.

107. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 107. To the extent a response is required, Bud's denies the allegations.

108. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 108. To the extent a response is required, Bud's denies the allegations.

109. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 109. To the extent a response is required, Bud's denies the allegations.

110. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 110. To the extent a response is required, Bud's denies the allegations.

111. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 111. To the extent a response is required, Bud's denies the allegations.

112. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 112. To the extent a response is required, Bud's denies the allegations.

113. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 113. To the extent a response is required, Bud's denies the allegations.

114. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 114. To the extent a response is required, Bud's denies the allegations.

115. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 115. To the extent a response is required, Bud's denies the allegations.

116. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 116. To the extent a response is required, Bud's denies the allegations.

117. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 117. To the extent a response is required, Bud's denies the allegations.

Response to b. Reckless FOID Application Submitted by the Crimo Defendants

118. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 118. To the extent a response is required, Bud's denies the allegations.

119. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 119. To the extent a response is required, Bud's denies the allegations.

120. The allegations of Paragraph 120 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's states that the requirements to obtain a firearms purchaser card under the law speak for themselves.

121. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 121. To the extent a response is required, Bud's denies the allegations.

122. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 122 except that Bud's states that the Shooter was approved by the State of Illinois to hold a firearms purchaser card and that the Shooter was eligible to receive the Subject Rifle from Red Dot based on the background check conducted by Red Dot in accordance with the law.

### **Response to III. Bud's Gun Shop and Red Dot Arms Turn Blind Eyes**

123. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 122 as to any firearms that the Shooter acquired other than the Subject Rifle, and to the extent that a response is required as to those other firearms, Bud's denies the allegations.

124. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies any knowledge of, or basis for believing, the Shooter having any unlawful motivation or intentions at the time that Bud's sold the Subject Rifle.

125. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies any knowledge of, or basis for believing, the Shooter having any unlawful motivation or intentions at the time that Bud's sold the Subject Rifle.

126. Bud's admits that its websites offers Smith & Wesson products for sale. Bud's lacks sufficient knowledge or information upon which to form a belief as to what, if any,

information on its website impacted the Shooter's decision as to what firearm to purchase, and thus, to the extent a response is required as to that allegation, Bud's denies it.

127. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that it was "illegal for residents of Highwood to acquire and possess assault weapons" when the acquisition and/or possession did not occur in Highwood. Bud's further states that as Bud's was an out-of-state firearms dealer that only shipped the Subject Rifle to an in-state firearms dealer, and Bud's did not transfer the Subject Rifle to the Shooter, Bud's was not responsible for, and any had obligation under the law to, conduct a background check to determine whether the Shooter was permitted to acquire the Subject Rifle.

128. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

129. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law. Bud's denies that the Shooter was "prohibited . . . from acquiring or possessing and assault weapon" when the acquisition and/or possession did not occur in Highwood. Bud's further states that as Bud's was an out-of-state firearms dealer that only shipped the Subject Rifle to an in-state firearms dealer, and Bud's did not transfer the Subject Rifle to the Shooter, Bud's was not responsible for, and any had obligation under the law to, conduct a background check to determine whether the Shooter was permitted to acquire the Subject Rifle.

130. The allegations of Paragraph 130 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**Response to IV. Lead up to Fourth of July Shooting**

131. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 131. To the extent a response is required, Bud's denies the allegations.

132. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 132. To the extent a response is required, Bud's denies the allegations.

133. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 133. To the extent a response is required, Bud's denies the allegations.

134. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 134. To the extent a response is required, Bud's denies the allegations.

135. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 135. To the extent a response is required, Bud's denies the allegations.

136. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 136, and the allegations are further not directed at Bud's. To the extent a response is required, Bud's denies the allegations.

137. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 137. To the extent a response is required, Bud's denies the allegations.

138. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 138. To the extent a response is required, Bud's denies the allegations.

139. Bud's admits that the Parade took place and that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific details of the allegations of Paragraph 139, and thus, to the extent a response is required, Bud's denies the allegations.

140. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 140, and the allegations are further not directed at Bud's. To the extent a response is required, Bud's denies the allegations.

141. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 141. To the extent a response is required, Bud's denies the allegations.

142. The allegations of Paragraph 142 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

#### **Response to V. Impact of the Shooting on the Roberts Family**

143. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 143. To the extent a response is required, Bud's denies the allegations.

144. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 144. To the extent a response is required, Bud's denies the allegations.

145. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 145. To the extent a response is required, Bud's denies the allegations.

146. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 146. To the extent a response is required, Bud's denies the allegations.

147. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 147. To the extent a response is required, Bud's denies the allegations.

148. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 148. To the extent a response is required, Bud's denies the allegations.

149. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 149. To the extent a response is required, Bud's denies the allegations.

150. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 150. To the extent a response is required, Bud's denies the allegations.

151. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 151. To the extent a response is required, Bud's denies the allegations.

152. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 152. To the extent a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT I**

**Violation of the Illinois Consumer Fraud and Deceptive Business Practices Act – Unfair and Unlawful Acts, 815 ILCS 505/2**

***All Plaintiffs v. Smith & Wesson Defendants***

153. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

154. The allegations of Paragraph 154 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

155. The allegations of Paragraph 155 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

156. The allegations of Paragraph 156 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

157. The allegations of Paragraph 157 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

158. The allegations of Paragraph 158 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

159. The allegations of Paragraph 159 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

160. The allegations of Paragraph 160 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

161. The allegations of Paragraph 161 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

162. The allegations of Paragraph 162 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

163. The allegations of Paragraph 163 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

164. The allegations of Paragraph 164 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

165. The allegations of Paragraph 165 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

166. The allegations of Paragraph 166 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

167. The allegations of Paragraph 167 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

168. The allegations of Paragraph 168 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

169. The allegations of Paragraph 169 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

170. The allegations of Paragraph 170 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

171. The allegations of Paragraph 171 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

172. The allegations of Paragraph 172 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

173. The allegations of Paragraph 173 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

174. The allegations of Paragraph 174 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

175. The allegations of Paragraph 175 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

#### **RESPONSE TO COUNT II**

#### **Violation of the Illinois Consumer Fraud and Deceptive Business Practices Act – Deceptive and Unlawful Acts, 815 ILCS 505/2 *All Plaintiffs v. Smith & Wesson Defendants***

176. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

177. The allegations of Paragraph 177 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

178. The allegations of Paragraph 178 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

179. The allegations of Paragraph 179 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

180. The allegations of Paragraph 180 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

181. The allegations of Paragraph 181 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

182. The allegations of Paragraph 182 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

183. The allegations of Paragraph 183 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

184. The allegations of Paragraph 184 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

185. The allegations of Paragraph 185 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

186. The allegations of Paragraph 186 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

187. The allegations of Paragraph 187 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

188. The allegations of Paragraph 188 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

189. The allegations of Paragraph 189 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

190. The allegations of Paragraph 190 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

191. The allegations of Paragraph 191 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

192. The allegations of Paragraph 192 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

193. The allegations of Paragraph 193 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

194. The allegations of Paragraph 194 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

195. The allegations of Paragraph 195 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

196. The allegations of Paragraph 196 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

197. The allegations of Paragraph 197 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

198. The allegations of Paragraph 198 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

199. The allegations of Paragraph 199 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT III**

**Violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, *et seq.*  
*All Plaintiffs v. Smith & Wesson Defendants***

200. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

201. The allegations of Paragraph 201 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

202. The allegations of Paragraph 202 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

203. The allegations of Paragraph 203 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

204. The allegations of Paragraph 204 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

205. The allegations of Paragraph 205 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

206. The allegations of Paragraph 206 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

207. The allegations of Paragraph 207 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

208. The allegations of Paragraph 208 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

209. The allegations of Paragraph 209 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

210. The allegations of Paragraph 210 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

211. The allegations of Paragraph 211 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

212. The allegations of Paragraph 212 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

213. The allegations of Paragraph 213 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

214. The allegations of Paragraph 214 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

215. The allegations of Paragraph 215 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

216. The allegations of Paragraph 216 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

217. The allegations of Paragraph 217 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

218. The allegations of Paragraph 218 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

219. The allegations of Paragraph 219 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

220. The allegations of Paragraph 220 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT IV**  
**Negligence**  
***All Plaintiffs v. Smith & Wesson Defendants***

221. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

222. The allegations of Paragraph 222 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

223. The allegations of Paragraph 223 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

224. The allegations of Paragraph 224 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

225. The allegations of Paragraph 225 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

226. The allegations of Paragraph 226 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

227. The allegations of Paragraph 227 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

228. The allegations of Paragraph 228 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

229. The allegations of Paragraph 229 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

230. The allegations of Paragraph 230 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

231. The allegations of Paragraph 231 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

232. The allegations of Paragraph 232 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

233. The allegations of Paragraph 233 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

234. The allegations of Paragraph 234 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

235. The allegations of Paragraph 235 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

236. The allegations of Paragraph 236 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

237. The allegations of Paragraph 237 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT V**  
**Negligence**  
***All Plaintiffs v. Gun Store Defendants***

238. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

239. The allegations of Paragraph 239 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

240. The allegations of Paragraph 240 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

241. The allegations of Paragraph 241 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

242. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

243. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle.

244. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter resided. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle.

245. The allegations of Paragraph 245 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

246. The allegations of Paragraph 246 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

247. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter resided. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle. Bud's admits that after the Shooter ordered the Subject Rifle online from Bud's, Bud's shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot

only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

248. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

249. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

250. Bud's denies that "Highwood . . . prohibited the Shooter from acquiring or possessing an assault weapon" like the Subject Rifle when the acquisition and/or possession did not occur in Highwood.

251. The allegations of Paragraph 251 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

252. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter stored or possessed the Subject Rifle after obtaining it other than that Bud's admits that the Shooter used the Subject Rifle at the Parade. To the extent that a response is required, Bud's denies the allegations.

253. The allegations of Paragraph 253 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

254. The allegations of Paragraph 254 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

255. The allegations of Paragraph 255 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

256. The allegations of Paragraph 256 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

257. The allegations of Paragraph 257 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT VI**  
**In Concert Liability—Restatement (Second) of Torts §876**  
***All Plaintiffs v. Gun Store Defendants***

258. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

259. The allegations of Paragraph 259 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

260. The allegations of Paragraph 260 are assertions of law, and are further not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

261. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

262. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle.

263. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter resided. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle.

264. The allegations of Paragraph 264 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

265. The allegations of Paragraph 265 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

266. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter resided. Bud's denies that any information that the Shooter provided prohibited the Shooter from purchasing the Subject Rifle or that Bud's in any way breached the law or any duty owed to anyone in connection with the sale of the Subject Rifle. Bud's admits that after the Shooter ordered the Subject Rifle online from Bud's, Bud's shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

267. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

268. Bud's admits that the Shooter ordered the Subject Rifle online from Bud's, which shipped the Subject Rifle to Red Dot. Bud's states that it did not transfer the Subject Rifle to the

Shooter, which was done by Red Dot only after the Shooter passed a background check conducted by Red Dot in compliance with the law.

269. Bud's denies that "Highwood . . . prohibited the Shooter from acquiring or possessing an assault weapon" like the Subject Rifle when the acquisition and/or possession did not occur in Highwood.

270. The allegations of Paragraph 270 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

271. Bud's lacks sufficient knowledge or information upon which to form a belief as to where the Shooter stored or possessed the Subject Rifle after obtaining it other than that Bud's admits that the Shooter used the Subject Rifle at the Parade. To the extent that a response is required, Bud's denies the allegations.

272. The allegations of Paragraph 272 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

273. The allegations of Paragraph 273 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

274. The allegations of Paragraph 274 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

275. The allegations of Paragraph 275 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO COUNT VII**  
**Negligence**  
***All Plaintiffs v. Robert Crimo, Jr.***

276. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

277. The allegations of Paragraph 277 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

278. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 278. To the extent a response is required, Bud's denies the allegations.

279. The allegations of Paragraph 279 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

280. The allegations of Paragraph 280 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

281. Bud's lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 281. To the extent a response is required, Bud's denies the allegations.

282. The allegations of Paragraph 282 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

283. The allegations of Paragraph 283 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

284. The allegations of Paragraph 284 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

285. The allegations of Paragraph 285 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

286. The allegations of Paragraph 286 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

287. The allegations of Paragraph 287 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

288. The allegations of Paragraph 288 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

289. The allegations of Paragraph 289 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

290. The allegations of Paragraph 290 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

291. The allegations of Paragraph 291 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

292. The allegations of Paragraph 292 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

293. The allegations of Paragraph 293 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

294. The allegations of Paragraph 294 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

### **RESPONSE TO COUNT VIII**

#### **Battery**

***Keely Roberts, individually and as parent and next friend of C.R., Jason Roberts, as parent and next friend of C.R. v. Robert Crimo III***

295. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

296. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a

belief as to other information alleged as related to the parade in Paragraph 296, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

297. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the parade in Paragraph 297, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

298. The allegations of Paragraph 298 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

299. The allegations of Paragraph 299 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

300. The allegations of Paragraph 300 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

301. The allegations of Paragraph 301 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

### **RESPONSE TO COUNT IX**

#### **Assault**

***Keely Roberts, as parent and next friend of L.R., and Jason Roberts, individually and as parent and next friend of L.R. v. Robert Crimo III***

302. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

303. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the parade in Paragraph 303, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

304. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the parade in Paragraph 304, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

305. The allegations of Paragraph 305 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

306. The allegations of Paragraph 306 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

307. The allegations of Paragraph 307 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

308. The allegations of Paragraph 308 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

309. The allegations of Paragraph 309 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

#### **RESPONSE TO COUNT X**

#### **Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress *Keely Roberts, as parent and next friend of L.R., and Jason Roberts, individually and as parent and next friend of L.R. v. All Defendants***

310. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

311. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the parade in Paragraph 311, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

312. Bud's denies that it "enabled" the Shooter to commit any unlawful or criminal action and Bud's further denies that it violated any law or breached any duty to anyone.

313. The allegations of Paragraph 313 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

314. The allegations of Paragraph 314 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

315. The allegations of Paragraph 315 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

316. The allegations of Paragraph 316 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

317. The allegations of Paragraph 317 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

318. The allegations of Paragraph 318 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

#### **RESPONSE TO COUNT XI**

#### **Intentional Infliction of Emotional Distress and Negligent Infliction of Emotional Distress *Keely Roberts, individually and as parent and next friend of C.R. and Jason Roberts, as parent and next friend of C.R. v. All Defendants***

319. Bud's incorporates all preceding Paragraphs of this Answer as if fully set forth herein.

320. Bud's admits that the Shooter intentionally and criminally shot people at the Parade with the Subject Rifle. Bud's lacks sufficient knowledge or information upon which to form a belief as to other information alleged as related to the parade in Paragraph 320, and thus, to the extent that a response is required as to that information, Bud's denies the allegations.

321. Bud's denies that it "enabled" the Shooter to commit any unlawful or criminal action and Bud's further denies that it violated any law or breached any duty to anyone.

322. The allegations of Paragraph 322 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

323. The allegations of Paragraph 323 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

324. The allegations of Paragraph 324 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

325. The allegations of Paragraph 325 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

326. The allegations of Paragraph 326 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

327. The allegations of Paragraph 327 are assertions of law, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO RESPONDENTS IN DISCOVERY**  
***Cybear Interactive, LLC, Watauga Group LLC, Clandestine Media Group, LLC***

328. The allegations of Paragraph 328 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

329. The allegations of Paragraph 329 are not directed at Bud's, and thus, no response is required. To the extent that a response is required, Bud's denies the allegations.

**RESPONSE TO RELIEF SOUGHT AND "WHEREFORE" PARAGRAPHS**

Bud's denies that Plaintiffs are entitled to any of the relief requested in the Complaint, and Bud's specifically denies that Plaintiffs are entitled to any of the requested relief in each and every Paragraph beginning with "Wherefore."

## **AFFIRMATIVE DEFENSES**

Bud's sets forth below certain affirmative defenses that, based on the information set forth in the Complaint, Bud's believes applies to Plaintiffs' claims. Bud's reserves the right to withdraw, amend, or modify some or all of the affirmative defenses below. By asserting the matters set forth below, Bud's does not allege or admit that it has the burden of proof or burden of persuasion with respect to any of these matters. Bud's asserts as follows:

1. Plaintiffs' claims are barred because they constitute a qualified civil liability action from which the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901–03, provides Bud's with immunity.

2. The Complaint and each claim contained therein fails to state a claim upon which relief may be granted, fails to state facts sufficient to constitute a cause of action, and fails to plead a legally cognizable injury.

3. Plaintiffs' claims are barred, reduced, or limited pursuant to applicable statutory and common law regarding limitations of awards, caps on recovery, and setoffs.

4. Plaintiffs' claims may be barred, in whole or in part, by doctrines of laches, waiver, unclean hands, estoppel, and/or ratification.

5. Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to mitigate any damages allegedly sustained.

6. Plaintiffs suffered no damages as a result of Bud's acts or conduct, if any.

7. Plaintiffs' injuries and damages, if any, are barred, in whole or in part, by the actions, omissions, or conduct of third parties over whom Bud's had no control or authority (including, but not limited to, the Shooter and the Shooter's father), and thus, any recovery should be reduced or barred by such third parties' proportionate responsibility.

8. Plaintiffs' claims are barred by operation of the doctrine of comparative responsibility in that third parties over whom Bud's had no control or authority (including, but not limited to, the Shooter and the Shooter's father), through their actions and/or inactions, bear responsibility for the injuries claimed in the Complaint, and their responsibility for these injuries as a result of their actions and/or inactions is greater than any alleged fault of Bud's.

9. Plaintiffs' claims are barred, in whole or part, because the damages sustained by Plaintiffs, if any, were the result of third parties over whom Bud's had no control or authority (including, but not limited to, the Shooter) misusing the Subject, which was unreasonable, unforeseeable, and contrary to recommendations made by Bud's or any other party and/or recommendations known throughout the industry.

10. Any damages claimed by Plaintiffs were caused by the abnormal use of the Subject Rifle in a way that could not be reasonably foreseen or expected and in no way is Bud's liable for damages resulting from such abnormal use of such products.

11. Any claim arising out of the Subject Rifle allegedly furnished, supplied, or sold by Bud's was caused in whole or in part by the unforeseen and unexpected misuse or abnormal use of those products by a party other than Bud's.

12. Plaintiffs' claims are barred by superseding and intervening intentional, negligent, reckless and/or criminal acts of third parties.

13. Plaintiffs' injuries, if any, were not proximately caused by any act or omission attributable to Bud's.

14. Bud's denies that it is liable to Plaintiffs for any damages as alleged, however, if any such damages are assessed, they were proximately caused and contributed to by persons other than Bud's, whose acts and/or omissions were not and could not be foreseen by Bud's. The

liability of all defendants and responsible parties, named or unnamed, served or unserved, should be apportioned according to the relative degree of fault, and the liability, if any, of Bud's should be reduced accordingly.

15. Bud's is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law under federal or Illinois law (or any other substantive law that might control).

16. Plaintiffs' claims are barred because at all times relevant to this action, Bud's acted in good faith and consistent with its legal rights, duties, and obligations.

17. Any loss or damage sustained by Plaintiffs was the legal result of third parties over whom Bud's had no control or authority (including, but not limited to, Plaintiffs) who failed to use reasonable care and diligence to protect themselves and to mitigate any loss or damage. If Plaintiffs recovers any sum whatsoever herein, such amount must be reduced in proportion to the extent that those third parties' failure to use reasonable care and diligence to protect themselves and to mitigate any loss or damage has proximately caused or contributed to Plaintiff's claim of injury and/or damage.

18. Bud's alleges that it did not owe Plaintiffs a legal duty to protect Plaintiffs from the particular risk of harm that caused, or was the substantial factor in causing, the subject incident.

19. Plaintiffs' claims are barred or limited by Plaintiffs' own assumption of risk, or the assumption of risk by Plaintiffs' agents, employees, or representatives.

20. Plaintiffs' claims are barred because Bud's sale of the Subject Rifle complied with all of its legal obligations related to the sale of those products.

21. Bud's hereby gives notice that it intends to rely on any other defenses that may become available or apparent during discovery proceedings in this matter and hereby reserve the right to amend its Answer to assert such defenses.

**JURY DEMAND**

Bud's requests a trial by jury on all issues appropriate for the jury to consider.

**CONCLUSION**

WHEREFORE, Bud's demands judgment dismissing Plaintiffs' Complaint in its entirety and for such other and further relief as this Court deems just and proper.

Dated: June 5, 2025

Respectfully submitted,

By: /s/ Shimon B. Kahan  
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**CERTIFICATE OF SERVICE**

I, Shimon B. Kahan, an attorney, hereby certify that on this 13th day of June 2025, I caused a copy of the foregoing document to be filed electronically with the Clerk of the Court and served via the electronic filing system and via email to all counsel of record.

/s/ Shimon B. Kahan

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