

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

ALVINO CRAWFORD, et al.

Plaintiffs,

v.

JIMENEZ ARMS, INC., et al.

Defendants.

Case No. 1916-CV17245

Division 10

ANSWER AND AFFIRMATIVE DEFENSES

COME NOW Green Tip Arms, LLC, a Missouri Company, Green Tip Arms LLC, an Arizona Company, and Christopher Bendet (“Defendants”), by and through their counsel of record, and for their Answer to Plaintiffs’ Petition, state:

1. Defendants deny illegally trafficking firearms, including the firearm that killed Dwight Crawford. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 1 of Plaintiffs’ Petition and therefore deny the same.

2. Defendants deny involvement in any illegal gun trafficking ring. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 2 of Plaintiffs’ Petition and therefore deny the same.

3. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 3 of Plaintiffs’ Petition and therefore deny the same.

4. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 4 of Plaintiffs’ Petition and therefore deny the same.

5. Defendants deny conspiring with James Samuels (“Samuels”) to violate federal gun laws. Defendants deny having knowledge that Samuels was conducting straw purchase

transactions. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 5 of Plaintiffs' Petition and therefore deny the same.

6. Defendants admit selling a J.A. 380 to Samuels. Defendants deny the remaining allegations of paragraph 6 of Plaintiffs' Petition and specifically deny the implied legal conclusion that Defendants were complicit or otherwise had knowledge that Samuels was making a straw purchase and/or trafficking firearms.

7. Paragraph 7 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 7 alleges facts requiring an answer, Defendants deny the same. Defendants specifically deny the legal conclusion that they broke the law and/or acted recklessly and are therefore responsible for the death of Dwight Crawford.

8. Defendants deny the allegations in paragraph 8 of Plaintiffs' Petition.

9. Paragraph 9 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 9 alleges facts requiring an answer, Defendants deny the same.

10. Paragraph 10 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 10 alleges facts requiring an answer, Defendants deny the same.

11. Paragraph 11 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 11 alleges facts requiring an answer, Defendants deny the same. Specifically, Defendants deny Plaintiffs are entitled to bring a cause of action for the wrongful death of Dwight Crawford pursuant to RSMO. § 537.080. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 11 of Plaintiffs' Petition and therefore deny the same.

12. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 12 of Plaintiffs' Petition and therefore deny the same.

13. Defendants admit the allegations in paragraph 13 of Plaintiffs' Petition.

14. Defendants admit the allegations in paragraph 14 of Plaintiffs' Petition

15. Defendants admit the allegations in paragraph 15 of Plaintiffs' Petition

16. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 16 of Plaintiffs' Petition and therefore deny the same.

17. Paragraph 17 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 17 alleges facts requiring an answer, Defendants deny the same.

18. Paragraph 18 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 18 alleges facts requiring an answer, Defendants deny the same.

19. Paragraph 19 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 19 alleges facts requiring an answer, Defendants deny the same.

20. Paragraph 20 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 20 alleges facts requiring an answer, Defendants deny the same.

21. Paragraph 21 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 21 alleges facts requiring an answer, Defendants deny the same.

22. Paragraph 22 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 22 alleges facts requiring an answer, Defendants deny the same.

23. Paragraph 23 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 23 alleges facts requiring an answer, Defendants deny the same.

24. Paragraph 24 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 24 alleges facts requiring an answer, Defendants deny the same.

25. Paragraph 25 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 25 alleges facts requiring an answer, Defendants deny the same.

26. Paragraph 26 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 26 alleges facts requiring an answer, Defendants deny the same.

27. Defendants admit training is available to gun dealers and manufacturers from the ATF and the gun industry. Defendants deny the remaining allegations in paragraph 27 of Plaintiffs' Petition.

28. Defendants admit Green Tip Arms, LLC and Christopher Bendet certified to the ATF they had reviewed federal laws and regulations. Defendants deny the remaining allegations in Paragraph 28 of Plaintiffs' Petition.

29. Defendants deny the allegations in Paragraph 29 of Plaintiffs' Petition.

30. Defendants deny trafficking firearms. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 30 of Plaintiffs' Petition and therefore deny the same.

31. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 31 of Plaintiffs' Petition and therefore deny the same.

32. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 32 of Plaintiffs' Petition and therefore deny the same.

33. Paragraph 33 of Plaintiffs' Petition contains four separate allegations, which are addressed individually below:

a. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 33a of Plaintiffs' Petition and therefore deny the same.

b. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 33b of Plaintiffs' Petition and therefore deny the same.

c. Defendants deny the allegations in Paragraph 33c of Plaintiffs' Petition.

d. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 33d of Plaintiffs' Petition and therefore deny the same.

34. Defendants deny trafficking firearms. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 34 of Plaintiffs' Petition and therefore deny the same.

35. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 35 of Plaintiffs' Petition and therefore deny the same.

36. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 36 of Plaintiffs' Petition and therefore deny the same.

37. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 37 of Plaintiffs' Petition and therefore deny the same.

38. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 38 of Plaintiffs' Petition and therefore deny the same.

39. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 39 of Plaintiffs' Petition and therefore deny the same.

40. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 40 of Plaintiffs' Petition and therefore deny the same.

41. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 41 of Plaintiffs' Petition and therefore deny the same.

42. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 42 of Plaintiffs' Petition and therefore deny the same.

43. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 43 of Plaintiffs' Petition and therefore deny the same.

44. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 44 of Plaintiffs' Petition and therefore deny the same.

45. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 45 of Plaintiffs' Petition and therefore deny the same.

46. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 46 of Plaintiffs' Petition and therefore deny the same.

47. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 47 of Plaintiffs' Petition and therefore deny the same.

48. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 48 of Plaintiffs' Petition and therefore deny the same.

49. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 49 of Plaintiffs' Petition and therefore deny the same.

50. Paragraph 50 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 50 alleges facts requiring an answer, Defendants deny the same.

51. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 51 of Plaintiffs' Petition and therefore deny the same.

52. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 52 of Plaintiffs' Petition and therefore deny the same.

53. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 53 of Plaintiffs' Petition and therefore deny the same.

54. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 54 of Plaintiffs' Petition and therefore deny the same.

55. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 55 of Plaintiffs' Petition and therefore deny the same.

56. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 56 of Plaintiffs' Petition and therefore deny the same.

57. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 57 of Plaintiffs' Petition and therefore deny the same.

58. Defendants deny the allegations in paragraph 58 of Plaintiffs' Petition.

59. Defendants deny the allegations in paragraph 59 of Plaintiffs' Petition.

60. Defendants deny the allegations in paragraph 60 of Plaintiffs' Petition.

61. Defendants deny the allegations in paragraph 61 of Plaintiffs' Petition.

62. Defendants deny the firearm used to murder Dwight Crawford was purchased from Green Tip Arms. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 62 of Plaintiffs' Petition and therefore deny the same.

63. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 63 of Plaintiffs' Petition and therefore deny the same.

64. Defendants deny exacerbating gun violence in Kansas City, Missouri. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 64 of Plaintiffs' Petition and therefore deny the same.

65. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 65 of Plaintiffs' Petition and therefore deny the same.

66. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 66 of Plaintiffs' Petition and therefore deny the same.

67. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 67 of Plaintiffs' Petition and therefore deny the same.

68. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 68 of Plaintiffs' Petition and therefore deny the same.

69. Defendants deny knowledge that Samuels was allegedly engaged in unlicensed gun dealing. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 69 of Plaintiffs' Petition and therefore deny the same.

COUNT I

70. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

71. The allegations contained in paragraph 71 are not directed at these Defendants and no response is necessary. To the extent that paragraph 71 alleges facts requiring an answer from these Defendants, they are denied.

72. The allegations contained in paragraph 72 are not directed at these Defendants and no response is necessary. To the extent that paragraph 72 alleges facts requiring an answer from these Defendants, they are denied.

73. The allegations contained in paragraph 73 are not directed at these Defendants and no response is necessary. To the extent that paragraph 73 alleges facts requiring an answer from these Defendants, they are denied.

74. The allegations contained in paragraph 74 are not directed at these Defendants and no response is necessary. To the extent that paragraph 74 alleges facts requiring an answer from these Defendants, they are denied.

75. The allegations contained in paragraph 75 are not directed at these Defendants and no response is necessary. To the extent that paragraph 75 alleges facts requiring an answer from these Defendants, they are denied.

76. The allegations contained in paragraph 76 are not directed at these Defendants and no response is necessary. To the extent that paragraph 76 alleges facts requiring an answer from these Defendants, they are denied.

COUNT II

77. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

78. The allegations contained in paragraph 78 are not directed at these Defendants and no response is necessary. To the extent that paragraph 78 alleges facts requiring an answer from these Defendants, they are denied.

79. The allegations contained in paragraph 79 are not directed at these Defendants and no response is necessary. To the extent that paragraph 79 alleges facts requiring an answer from these Defendants, they are denied.

80. The allegations contained in paragraph 80 are not directed at these Defendants and no response is necessary. To the extent that paragraph 80 alleges facts requiring an answer from these Defendants, they are denied.

81. The allegations contained in paragraph 81 are not directed at these Defendants and no response is necessary. To the extent that paragraph 81 alleges facts requiring an answer from these Defendants, they are denied

82. The allegations contained in paragraph 82 are not directed at these Defendants and no response is necessary. To the extent that paragraph 82 alleges facts requiring an answer from these Defendants, they are denied.

83. The allegations contained in paragraph 83 are not directed at these Defendants and no response is necessary. To the extent that paragraph 83 alleges facts requiring an answer from these Defendants, they are denied.

84. The allegations contained in paragraph 84 are not directed at these Defendants and no response is necessary. To the extent that paragraph 84 alleges facts requiring an answer from these Defendants, they are denied.

85. The allegations contained in paragraph 85 are not directed at these Defendants and no response is necessary. To the extent that paragraph 85 alleges facts requiring an answer from these Defendants, they are denied.

COUNT III

86. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

87. Defendants deny the allegations in paragraph 87 of Plaintiffs' Petition.

88. Defendants deny the allegations in paragraph 88 of Plaintiffs' Petition.

89. Defendants deny the allegations in paragraph 89 of Plaintiffs' Petition.

90. Defendants deny the allegations in paragraph 90 of Plaintiffs' Petition.

91. Defendants deny the allegations in paragraph 91 of Plaintiffs' Petition.

92. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 92 of Plaintiffs' Petition and therefore deny the same.

93. Defendants deny the allegations in paragraph 93 of Plaintiffs' Petition.

94. Defendants deny the allegations in paragraph 94 of Plaintiffs' Petition.

COUNT IV

95. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

96. Defendants deny the allegations in paragraph 96 of Plaintiffs' Petition.

97. Paragraph 97 of Plaintiffs' Petition states a legal conclusion for which no response is required. To the extent paragraph 97 alleges facts requiring an answer, Defendants deny the same.

98. Defendants deny the allegations in paragraph 98 of Plaintiffs' Petition.

99. Defendants deny the allegations in paragraph 99 of Plaintiffs' Petition.

100. Defendants deny the allegations in paragraph 100 of Plaintiffs' Petition.

101. Defendants deny the allegations in paragraph 101 of Plaintiffs' Petition.

COUNT V

102. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

103. Defendants deny the allegations in paragraph 103 of Plaintiffs' Petition.

104. Defendants deny the allegations in paragraph 104 of Plaintiffs' Petition.

105. Defendants deny the allegations in paragraph 105 of Plaintiffs' Petition.

106. Paragraph 106 of Plaintiffs' Petition contains three separate allegations, which are addressed individually:

a. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 106a of Plaintiffs' Petition and therefore deny the same.

b. Defendants deny the allegations in paragraph 106b of Plaintiffs' Petition.

c. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 106c of Plaintiffs' Petition and therefore deny the same.

107. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 107 of Plaintiffs' Petition and therefore deny the same.

108. Defendants deny the allegations in paragraph 108 of Plaintiffs' Petition.

109. Defendants deny the allegations in paragraph 109 of Plaintiffs' Petition.

110. Defendants deny the allegations in paragraph 110 of Plaintiffs' Petition.

COUNT VI

111. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

112. Defendants deny the allegations in paragraph 112 of Plaintiffs' Petition.

113. Defendants deny the allegations in paragraph 113 of Plaintiffs' Petition.

114. Defendants deny the allegations in paragraph 114 of Plaintiffs' Petition.

115. Defendants deny the allegations in paragraph 115 of Plaintiffs' Petition.

116. Defendants deny the allegations in paragraph 116 of Plaintiffs' Petition.

117. Defendants deny the allegations in paragraph 117 of Plaintiffs' Petition.

COUNT VII

118. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

119. Defendants admit the allegations in paragraph 119 of Plaintiffs' Petition.

120. Defendants admit the allegations in paragraph 120 of Plaintiffs' Petition.

121. Defendants admit the allegations in paragraph 121 of Plaintiffs' Petition.

122. Defendants admit the allegations in paragraph 122 of Plaintiffs' Petition.

123. Defendants admit the allegations in paragraph 123 of Plaintiffs' Petition.

124. Defendants admit the allegations in paragraph 124 of Plaintiffs' Petition.

125. Defendants admit the allegations in paragraph 125 of Plaintiffs' Petition.

126. Defendants deny the allegations in paragraph 126 of Plaintiffs' Petition.

127. Defendants deny the allegations in paragraph 127 of Plaintiffs' Petition.

- 128. Defendants deny the allegations in paragraph 128 of Plaintiffs' Petition.
- 129. Defendants deny the allegations in paragraph 129 of Plaintiffs' Petition.
- 130. Defendants deny the allegations in paragraph 130 of Plaintiffs' Petition.
- 131. Defendants deny the allegations in paragraph 131 of Plaintiffs' Petition.

COUNT VIII

132. Defendants incorporate all of their responses to the allegations contained in the preceding paragraphs as if fully set forth herein.

- 133. Defendants deny the allegations in paragraph 133 of Plaintiffs' Petition.
- 134. Defendants deny the allegations in paragraph 134 of Plaintiffs' Petition.
- 135. Defendants deny the allegations in paragraph 135 of Plaintiffs' Petition.
- 136. Defendants deny the allegations in paragraph 136 of Plaintiffs' Petition.
- 137. Defendants deny the allegations in paragraph 137 of Plaintiffs' Petition.
- 138. Defendants deny the allegations in paragraph 138 of Plaintiffs' Petition.
- 139. Defendants deny the allegations in paragraph 139 of Plaintiffs' Petition.
- 140. Defendants deny the allegations in paragraph 140 of Plaintiffs' Petition.

Defendants deny the allegations in Plaintiffs' prayer for relief and specifically deny that Plaintiffs are entitled to any relief. Defendants demand strict proof of any damages alleged to have been suffered by Plaintiffs.

AFFIRMATIVE DEFENSES

Defendants, for their affirmative defense in this action, allege and state as follows:

1. Defendants specifically deny that the firearm sold by Defendants caused or contributed to the death of Dwight Crawford.

2. Plaintiffs' claims are preempted under the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 1501 *et seq.*

3. To the extent Plaintiffs' claims involve allegations that Defendants acted negligently and/or failed to comply with any industry standard or standard(s) created or endorsed by any individual or entity other than a governmental entity authorized to regulate the sale of firearms, those claims are barred as a matter of law.

4. Defendants deny that they were negligent with respect to, or breached any duty as a result of, their sale of a firearm to Samuels. If it is determined that Defendants were in some way at fault or negligent or liable, the negligence or culpability of persons over whom Defendants had no control, including but not limited to Samuels and/or Devon Davis ("Davis"), exceeds the fault or culpability of Defendants, thus barring or reducing any recovery by Plaintiffs against Defendants.

5. Plaintiffs' claimed injuries and damages are solely the result of acts and omissions by third parties, including but not limited to Samuels and/or Davis, over whom Defendants had no authority or control.

6. Defendants deny they are liable for any damages alleged by Plaintiffs in this case, as such injuries purportedly resulting in such damages were not caused by or contributed to by Defendants.

7. Plaintiffs lack standing to sue Defendants because Defendants did not sell a weapon that was used to injure and/or kill Dwight Crawford, and Plaintiffs have therefore not suffered any injury as a result of Defendants' conduct.

8. Defendants satisfied all federal and state obligations with respect to the sale of the firearm to Samuels.

9. Defendants are entitled to a setoff or credit in the amount of any compromise reached by Plaintiffs with any other party or person for any of Plaintiffs' alleged damages.

10. Defendants are not liable due to independent efficient intervening intentional tortious conduct and/or criminal acts of third parties, including but not limited to Samuels and/or Davis.

11. Plaintiffs' Petition fails to state a claim against Defendants for negligence, negligence *per se*, civil conspiracy, aiding and abetting, and negligent entrustment because Defendants' sale of the Jimenez firearm did not cause or contribute to the injury or death of Dwight Crawford.

12. Plaintiffs' claim for punitive damages is constitutionally defective and otherwise improper and should be dismissed for one or more of the following reasons:

a. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages under applicable state law without bifurcating the trial and trying all punitive damages issues only if and after liability on the merits has been found would violate Defendants' due process rights under the United States Constitution and applicable state constitution, and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

b. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages under applicable state law subject to no pre-determined limit (such as a maximum multiple of compensatory damages or a maximum amount) on the amount of punitive damages that a jury may impose would violate Defendants' due process rights under the United States Constitution and the applicable state constitution and would

be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

c. Plaintiffs' claims for punitive damages cannot be sustained because the standard for determining liability for punitive damages under applicable state law is vague and arbitrary and does not define with sufficient clarity the conduct or mental state which gives rise to such a claim. Therefore, any award of punitive damages would violate Defendants' due process rights under the United States Constitution and applicable state constitution and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

d. Plaintiffs' claims for punitive damages cannot be sustained because there are no meaningful standards for determining the amount of any punitive damages award under applicable state law and because applicable state law does not state with sufficient clarity the consequences of conduct giving rise to a claim for punitive damages. Therefore, any award of punitive damages would violate Defendants' due process rights under the United States Constitution and applicable state constitution.

e. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages under applicable state law by a jury that is not adequately instructed on the limits of punitive damages which may be imposed to further the applicable principles of deterrence and punishment would violate Defendants' due process rights under the applicable state's common law, public policies, and other applicable laws and statutes.

f. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages under applicable state law by a jury that is not expressly

prohibited from awarding punitive damages, or determining the amount of an award of punitive damages, in whole or in part, on the basis of invidiously discriminatory characteristics, including the residence, wealth, and corporate status of Defendants, would violate Defendants' due process rights under the United States Constitution and the applicable state constitution and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

g. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages, which is not subject to trial court or appellate court review for reasonableness and furtherance of legitimate purposes on the basis of objective standards, would violate Defendants' due process rights under the United States Constitution and the applicable state constitution and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

h. Plaintiffs' claims for punitive damages cannot be sustained because any award of punitive damages under applicable state law without proof of every element beyond a reasonable doubt would violate Defendants' rights under Amendments IV, V, VI, and XIV of the United States Constitution and the related provisions of the applicable state constitution and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes.

13. To the extent Plaintiff seeks recovery of punitive damages from Defendants, Plaintiffs' claim for punitive damages against Defendants cannot be maintained because any award of punitive damages based on anything other than Defendants' conduct in connection with the single transaction that is the subject of this lawsuit would violate the due process clause of the Fourteenth Amendment to the United States Constitution and the related provisions of the

applicable state constitution and would be improper under the applicable state's common law, public policies, and other applicable laws and statutes because any other judgment for punitive damages in this case cannot protect Defendants against impermissible multiple punishments for the same wrong and against punishment for extra-territorial conduct. In addition, any such award would violate principles of comity under applicable state law.

14. Defendants reserve the right to raise additional affirmative defenses as they become known upon the completion of discovery.

WHEREFORE, having fully answered, Defendants respectfully request this Court enter judgment in their favor against Plaintiffs and grant Defendants their costs, attorneys' fees, and such other relief as this Court deems proper.

Dated: September 19th, 2019.

Respectfully submitted,

By: /s/ Michael E. Brown

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ATTORNEYS FOR DEFENDANTS GREEN
TIP ARMS, LLC, GREEN TIP ARMS LLC,
AND CHRISTOPHER BENDET

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing *Answer* was filed with the Court on this 18th day of September, 2019, using the Court's ECF filing system, which will provide notice to all parties of record. In addition, a true and correct copy of this *Answer* was served on the following parties via first-class, postage prepaid U.S. mail:

Jimenez Arms, Inc.
c/o Paul Jimenez
7380 Eastgate Rd., Ste. 150
Henderson, NV 89011

JAMES SAMUELS *as Individual*
US Probation & Pretrial Svcs
Leavenworth Detention Center
100 Highway Terrace
Leavenworth, KS 66048

s/ Michael E. Brown

ATTORNEY FOR DEFENDANTS GREEN
TIP ARMS, LLC, GREEN TIP ARMS LLC,
AND CHRISTOPHER BENDET