

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

ALVINO CRAWFORD, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1916-CV17245
)	
JIMENEZ ARMS, INC., <i>et al.</i>,)	Division 10
)	
Defendants.)	

ANSWER OF DEFENDANT JIMENEZ ARMS, INC.

COMES NOW Defendant Jimenez Arms, Inc. (Jimenez), and for its Answer to Plaintiffs' Petition, states:

1. As to ¶1 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez denies the same.

2. As to ¶2 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, it is not a statement of fact. To the extent an answer is required, Jimenez denies the same.

3. As to ¶3 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be

simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶3, and therefore denies the same.

4. As to ¶4 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez denies the same.

5. As to ¶5 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez denies that it was party to any conspiracy. As to the remainder, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶5, and therefore denies the same.

6. As to ¶6 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as

practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without sufficient information to admit or deny the allegations of ¶6, as it never completed any transactions with Green Tip Arms, and the J.A. 380 bearing serial number 361229 was sold to National Wholesale Distribution, a FFL located in Alpharetta, Georgia.

7. As to ¶7 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, it is not a statement of fact. To the extent an answer is required, Jimenez denies the same.

8. As to ¶8 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, it is not a statement of fact. To the extent an answer is required, Jimenez denies the same.

Jurisdiction and Venue

9. As to ¶9 of Plaintiffs' Petition, Jimenez denies the same. In further answer, Jimenez disputes personal jurisdiction over it as it did not sell the gun at issue in the death Plaintiffs' Decedent to any person or entity in the state of Missouri, it is not incorporated in Missouri and its principal place of business is not in Missouri.

10. As to ¶10 of Plaintiff's Petition, Jimenez denies the same.

Parties

11. As to ¶11 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶11, and therefore denies the same.

12. As to ¶12 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Notwithstanding the same, Jimenez's answer to this paragraph demonstrates the problem with a prolix petition with multiple averments per paragraph:

- Jimenez admits the first sentence of ¶12.
- Jimenez admits its date of incorporation.
- Jimenez admits that Paul Jimenez holds officer positions at Jimenez.
- Jimenez states that the Bankruptcy pleadings are the best evidence of what they state, and Plaintiffs' recharacterization of the same is not permitted.
- Jimenez admits that it conducted business in Missouri but disputes any implication that the same provides a basis for personal jurisdiction over it for this action.

- Jimenez denies that it can be served with process at the location stated.
- Any other allegation or averment in ¶12 is denied.

13. As to ¶13 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶13, and therefore denies the same.

14. As to ¶14 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶14, and therefore denies the same.

15. As to ¶15 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶15, and therefore denies the same.

16. As to ¶16 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶16, and therefore denies the same.

General Allegations

17. As to ¶17 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

18. As to ¶18 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

19. As to ¶19 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim

be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

20. As to ¶20 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

21. As to ¶21 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

22. As to ¶22 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

23. As to ¶23 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be

simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

24. As to ¶24 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

25. As to ¶25 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

26. As to ¶26 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

27. As to ¶27 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required.

28. As to ¶28 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required. To the degree an answer is required, Defendant denies any participation in a "trafficking scheme".

29. As to ¶29 of Plaintiffs' Petition, the same contains no factual allegation. To the extent an answer is required, Jimenez denies the same.

30. As to ¶30 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, the same are legal conclusions to which no answer is required. To the extent an answer is required, Jimenez denies the same.

31. As to ¶31 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶31, and therefore denies the same.

32. As to ¶32 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶32, and therefore denies the same.

33. As to ¶33 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances.

- a. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶33a, and therefore denies the same.

- b. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶33b, and therefore denies the same.
- c. To the extent an answer is required, Jimenez denies the allegations of ¶33c.
- d. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶33d, and therefore denies the same.

34. As to ¶34 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶34, and therefore denies the same.

35. As to ¶35 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶35, and therefore denies the same.

36. As to ¶36 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be

simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, the first sentence of ¶36 is denied. Defendant admits that a Jimenez Arms employee told ATF agents that Samuels called the company on November 22, 2013 and explained that he had previously purchased Jimenez Arms guns at a gun show but now wanted to buy direct from the company. Defendant further admits that Samuels represented he was a firefighter and that he worked part-time with Conceal & Carry, and FFL in the Kansas City area. Defendant admits that the Jimenez Arms employee called Conceal & Carry, and was advised that Samuels could order guns on their behalf and have them shipped to the store. Defendant is without sufficient information to admit or deny the remaining allegations of ¶36, therefore the same are denied.

37. As to ¶37 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that on November 22, 2013, Samuels placed an order on behalf of Conceal & Carry with Jimenez Arms for six handguns, and that these handguns were shipped to Conceal & Carry. Defendant further admits that Samuels used a credit card to consummate the transaction. Defendant is without sufficient information to admit or deny the remaining allegations of ¶37, therefore the same are denied.

38. As to ¶38 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that on December 12, 2013 Samuels ordered seven more handguns on behalf of Conceal & Carry, and that these guns were shipped to Conceal & Carry. Defendant further admits that Samuels paid for this shipment with a credit card. Defendant is without sufficient information to admit or deny the remaining allegations of ¶38, therefore the same are denied.

39. As to ¶39 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that on December 23, 2013 Samuels ordered three more guns on behalf of Conceal & Carry, and that these guns were shipped to Conceal & Carry. Defendant further admits that Samuels paid for this shipment with a credit card. Defendant is without sufficient information to admit or deny the remaining allegations of ¶39, therefore the same are denied.

40. As to ¶40 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim

be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that ATF agents conducted an inspection at the Jimenez Arms factory in March of 2014, for the period of March 2013 to March 2014. Defendant further admits that a 2012 audit by the ATF had revealed certain violations of federal firearms regulations. Defendant denies the remaining allegations of ¶40 of Plaintiffs' Petition.

41. As to ¶41 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant is without sufficient information to admit or deny the allegations contained in ¶41, therefore the same are denied.

42. As to ¶42 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant denies that Jimenez Arms sold guns to Samuels. Defendant admits that on December 31, 2014 Samuels placed an order for eight guns from Jimenez Arms. Defendant further admits that Jimenez Arms

shipped the eight guns to Samuels home, in that they had been advised in writing by the FFL that guns could be shipped to this address. Defendant denies the remaining allegations of ¶42 of Plaintiffs' Petition.

43. As to ¶43 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant states that it does utilize ATF E-Z Check, to verify a dealer's license, status and address. Defendant further admits that Jimenez Arms has told the ATF that it uses E-Z Check before shipping firearms to any licensee. Defendant denies the remaining allegations of ¶43 of Plaintiffs' Petition.

44. As to ¶44 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that on January 28, 2015 Jimenez Arms mailed three more guns to Samuels home address. Defendant further admits that this transaction was consummated using a credit card. Defendant is without sufficient information to admit or deny the remaining allegations of ¶44, therefore the same are denied.

45. As to ¶45 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that a Jimenez Arms employee told the ATF in 2018 that, on April 28, 2015, Samuels advised Jimenez Arms that he was now ordering for Blue Steel, another FFL in the Kansas City area licensed as Blue Steel Guns & Ammo. Defendant further admits that Samuels stated that the owner of Conceal & Carry had lost a leg to diabetes and closed the shop. Defendant is without sufficient information to admit or deny the remaining allegations of ¶45, therefore the same are denied.

46. As to ¶46 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that on April 28, 2015, Samuels placed an order for Blue Steel with Jimenez Arms for an additional five firearms, and that he paid for the weapons with a credit card. Defendant further admits that in 2018, an employee of Jimenez Arms told the ATF that she had contacted Blue Steel at the time. Defendant denies the remaining allegations of ¶46 of Plaintiffs' Petition.

47. As to ¶47 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be

simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits shipping the five firearms to Blue Steel. Defendant further admits that Blue Steel returned the firearms. Defendant further admits that an employee of Blue Steel, Kelly, explained that Samuels was not authorized to make the purchase. Defendant Jimenez had previously been advised by an employee of Blue Steel, Casey, that Samuels did in fact have authority to make the purchase on behalf of Blue Steel. Defendant denies the remaining allegations of ¶47 of Plaintiffs’ Petition.

48. As to ¶48 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that an employee told the ATF in 2018 that she placed a call to Samuels on May 1, 2015. Defendant further admits that Samuels returned the call, apologized for the mishap, and that he never intended to leave with the firearms. Defendant denies the remainder of the allegations of ¶48 of Plaintiffs’ Petition.

49. As to ¶49 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as

practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant denies the allegations of ¶49 of Plaintiffs' Petition.

50. As to ¶50 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant admits that Samuels was not himself a licensed dealer. Defendant further admits that at some point, they received authorization by licensee for the transaction to ship the guns to Samuels home address. Defendant further admits that some of these transactions were paid for with a credit card. Defendant denies the remaining allegations of ¶50 of Plaintiffs' Petition.

51. As to ¶51 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Defendant denies the allegations of ¶51 of Plaintiffs' Petition.

52. As to ¶52 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim

be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

53. As to ¶53 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

54. As to ¶54 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

55. As to ¶55 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as

practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required.

56. As to ¶56 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

57. As to ¶57 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

58. As to ¶58 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without

information sufficient to form a belief as to the veracity of the allegations contained in ¶58, and therefore denies the same.

59. As to ¶59 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶59, and therefore denies the same.

60. As to ¶60 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶60, and therefore denies the same.

61. As to ¶61 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are

legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶61, and therefore denies the same.

62. As to ¶62 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶62, and therefore denies the same.

63. As to ¶63 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

64. As to ¶64 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are

legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶64, and therefore denies the same.

65. As to ¶65 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶65, and therefore denies the same.

66. As to ¶66 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶66, and therefore denies the same.

67. As to ¶67 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as

practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶67, and therefore denies the same.

68. As to ¶68 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶68, and therefore denies the same.

69. As to ¶69 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶69, and therefore denies the same.

Count I – Public Nuisance

70. As to ¶70 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses.

71. As to ¶71 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

72. As to ¶72 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

73. As to ¶73 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

74. As to ¶74 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be

simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

75. As to ¶75 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

76. As to ¶76 of Plaintiffs’ Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that “[e]ach averment of a pleading shall be simple, concise and direct”, and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

WHEREFORE, as to Count I, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs’ claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count II - Negligence

77. As to ¶77 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses.

78. As to ¶78 of Plaintiffs' Petition, the same is a legal conclusion to which no answer is required. To the extent an answer is required, Jimenez denies the same.

79. As to ¶79 of Plaintiffs' Petition, the same is a legal conclusion to which no answer is required. To the extent an answer is required, Jimenez denies the same.

80. As to ¶80 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

81. As to ¶81 of Plaintiffs' Petition, Jimenez denies the same.

82. As to ¶82 of Plaintiffs' Petition, the same is a legal conclusion to which no answer is required. To the extent an answer is required, Jimenez denies the same.

83. As to ¶83 of Plaintiffs' Petition, the same is a legal conclusion to which no answer is required. To the extent an answer is required, Jimenez denies the same, including an implication that there was a conspiracy.

84. As to ¶84 of Plaintiffs' Petition, the same is a legal conclusion to which no answer is required. To the extent an answer is required, Jimenez denies the same.

85. As to ¶85 of Plaintiffs' Petition, Jimenez denies the same.

WHEREFORE, as to Count II, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count III – Negligence Entrustment

86. As to ¶86 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses. Moreover, it does not appear as if Count III, ¶¶ 86-94, are directed at this answering defendant, such that no answer is required.

87. As to ¶87 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶87, and therefore denies the same.

88. As to ¶88 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶88, and therefore denies the same.

89. As to ¶89 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶89, and therefore denies the same.

90. As to ¶90 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶90, and therefore denies the same.

91. As to ¶91 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶91, and therefore denies the same.

92. As to ¶92 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶92, and therefore denies the same.

93. As to ¶93 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶93, and therefore denies the same.

94. As to ¶94 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶94, and therefore denies the same.

WHEREFORE, as to Count III, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count IV – Negligence Per Se

95. As to ¶95 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses. Moreover, it does not appear as if Count III, ¶¶ 95-101, are directed at this answering defendant, such that no answer is required.

96. As to ¶96 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶96, and therefore denies the same.

97. As to ¶97 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶97, and therefore denies the same.

98. As to ¶98 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶98, and therefore denies the same.

99. As to ¶99 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶99, and therefore denies the same.

100. As to ¶100 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶100, and therefore denies the same.

101. As to ¶101 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶101, and therefore denies the same.

WHEREFORE, as to Count IV, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count V – Civil Conspiracy

102. As to ¶102 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses.

103. As to ¶103 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

104. As to ¶104 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

105. As to ¶105 of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are

legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

106. As to ¶106, including subparagraphs a-c, of Plaintiffs' Petition, the same is prolix, to which no answer is required, as it is in violation of Rule 55.04, which requires that "[e]ach averment of a pleading shall be simple, concise and direct", and in violation of Rule 55.11, which requires all averments of claim be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. Moreover, to the extent the same are legal conclusions, no answer is required. To the extent an answer is required, Jimenez denies the same.

107. As to ¶107 of Plaintiffs' Petition, Jimenez denies the same.

108. As to ¶108 of Plaintiffs' Petition, Jimenez denies the same.

109. As to ¶109 of Plaintiffs' Petition, Jimenez denies the same.

110. As to ¶110 of Plaintiffs' Petition, Jimenez denies the same.

WHEREFORE, as to Count V, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count VI – Aiding and Abetting

111. As to ¶111 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses.

112. As to ¶112 of Plaintiffs' Petition, Jimenez denies the same.

113. As to ¶113 of Plaintiffs' Petition, Jimenez denies the same.

114. As to ¶114 of Plaintiffs' Petition, Jimenez denies the same.

115. As to ¶115 of Plaintiffs' Petition, Jimenez denies the same.

116. As to ¶116 of Plaintiffs' Petition, Jimenez denies the same.

117. As to ¶117 of Plaintiffs' Petition, Jimenez denies the same.

WHEREFORE, as to Count VI, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count VII – Successor Liability

118. As to ¶118 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses. Moreover, it does not appear as if Count VII, ¶¶ 118-131, are directed at this answering defendant, such that no answer is required.

119. As to ¶119 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶119, and therefore denies the same.

120. As to ¶120 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶120, and therefore denies the same.

121. As to ¶121 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶121, and therefore denies the same.

122. As to ¶122 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶122, and therefore denies the same.

123. As to ¶123 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶123, and therefore denies the same.

124. As to ¶124 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶124, and therefore denies the same.

125. As to ¶125 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶125, and therefore denies the same.

126. As to ¶126 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶126, and therefore denies the same.

127. As to ¶127 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶127, and therefore denies the same.

128. As to ¶128 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶128, and therefore denies the same.

129. As to ¶129 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶129, and therefore denies the same.

130. As to ¶130 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶130, and therefore denies the same.

131. As to ¶131 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶131, and therefore denies the same.

WHEREFORE, as to Count VII, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Count VIII – Piercing the Corporate Veil

132. As to ¶132 of Plaintiffs' Petition, the same requires no answer. To the extent an answer is required, Jimenez incorporates its prior responses. Moreover, it does not appear as if Count VII, ¶¶ 132-140, are directed at this answering defendant, such that no answer is required.

133. As to ¶133 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶133, and therefore denies the same.

134. As to ¶134 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶134, and therefore denies the same.

135. As to ¶135 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶135, and therefore denies the same.

136. As to ¶136 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶136, and therefore denies the same.

137. As to ¶137 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶137, and therefore denies the same.

138. As to ¶138 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶138, and therefore denies the same.

139. As to ¶139 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶139, and therefore denies the same.

140. As to ¶140 of Plaintiffs' Petition, Jimenez is without information sufficient to form a belief as to the veracity of the allegations contained in ¶140, and therefore denies the same.

WHEREFORE, as to Count VIII, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Denial

141. Any allegation of the Petition, not expressly admitted, is denied.

Jury Trial Demand

142. Jimenez demands a jury trial on all issues so triable.

Defenses

Without reference to any burden of pleading, proof or persuasion, Jimenez sets forth the following defenses to the Petition:

143. Plaintiffs' Petition fails to comply with Rule 55.04 and 55.11 as it is not simple, concise or direct, but relies on prolix and contains more than one factual circumstance per numbered paragraph; and therefore, should not be considered at all.

144. Jimenez satisfied all state and federal obligations as it relates to the firearm that purportedly was used to kill Plaintiff's Decedent, such that there can be no liability to Jimenez.

145. Even if Jimenez did not, the Federal Statutes Plaintiffs cite do not create a private cause of action.

146. Jimenez owed no duty to Plaintiffs' Decedent.

147. This Court lacks personal jurisdiction over Jimenez as the firearm at issue that was originally sold by Jimenez was sold to a buyer in a state other than Missouri, and Jimenez is not incorporated in Missouri, and does not have its corporate headquarters in Missouri.

148. As such, any discovery in the matter as to Jimenez must be limited to jurisdictional discovery only.

149. The entire matter should be stayed as there are three pending criminal matters, two of which are as to non-parties, where said defendants will likely take the 5th Amendment while said actions are pending, which would be unfair to this answering defendant.

150. There can be no public nuisance on the bases alleged in the Petition as the same is unconstitutional and/or void as against Missouri public policy of the unalienable rights to keep and bear arms as espoused in the Missouri Constitution at I, §2013 (2014), and the person from whom the fire arm was allegedly stolen is not a person prohibited from owning a fire arm.

151. Likewise, the right to bear arms set forth in the Second Amendment of United States Constitution precludes recovery in this matter.

152. Coupled with the two prior defenses, co-conspirator #1 also had a fundamental right to cohabit with whom she chose.

153. If a public nuisance, the same is alleged in ¶31 of the Petition to have started on November 13, 2013, such that the filing on the instant suit is time-barred by R.S.Mo. §516.120 and or §537.080, as Plaintiffs were first injured by the nuisance's existence, not the death of Decedent.

154. In the alternative, if a public nuisance, the firearm at issue is alleged in the Petition at ¶33, to have been purchased at the latest by April 2016, such that the filing on the instant suit is time-barred by R.S.Mo. §537.080, as Plaintiffs were first injured by the nuisance's existence, not the death of Decedent.

155. Plaintiffs lack standing to invoke the public nuisance doctrine.

156. The Protection of Lawful Commerce in Arms Act, 15 USC §§1501, *et seq*, and specifically including §§7902, 7903 preempts the causes of action alleged by the Plaintiffs, as the same prevents actions against sellers, such as Jimenez, for the criminal or unlawful misuse of their product by others.

157. Pursuant to R.S.Mo. §537.085, the conduct of the decedent is imputable to the wrongful death beneficiaries, such that his conduct should be used to compare fault, and reduce or bar any damages recoverable by the Plaintiffs.

- a. On information and belief, there is a justification defense being asserted in the criminal matter regarding the death of Decedent, including, but not limited to an altercation between Decedent and Jerome Walker and Devon

Davis; such that is the same is found to be true, then the death is not wrongful, and no recovery may be had in this matter.

- b. Decedent has an extensive criminal record for violence, including convictions for: Attempted Robbery in the First Degree, Theft, Burglary, Trespass and a civil injunction for domestic violence.

158. For the same reasons, Plaintiffs' Decedent assumed any risk such as to reduce or bar Plaintiffs' recovery.

159. Based on the allegations of the Petition, the fault of others including the other named defendants, the shooter, and alleged co-conspirator #1, should be used to compare the fault of Jimenez, if any, such to bar or reduce any recovery from Jimenez.

160. The conduct of co-defendants, the shooter and alleged co-conspirator #1 are intervening causes the preclude recovery as against Jimenez.

161. The conduct of co-defendants, the shooter and alleged co-conspirator #1 are the sole cause of Plaintiffs' injuries.

162. To the extent that any other party makes payment to Plaintiffs, Jimenez is entitled to a set-off or reduction in the amount of that settlement per R.S.Mo. §537.060.

163. Plaintiffs' Petition fails to state a claim for attorney's fees as they have failed to plead any statute or contract entitling them to attorney's fees.

164. Plaintiffs' Petition fails to state a claim for prejudgment interest as they have failed to plead any statute or contract entitling them to prejudgment interest, and have not plead or taken the actions in conformity with the strict compliance requirements of R.S.Mo. §408.040 necessary for the recovery of prejudgment interest.

165. Plaintiffs' Petition fails to state a claim for conspiracy as there is no underlying wrong.

166. Plaintiffs' Petition fails to state a claim for aiding and abetting, as it is merely a means of conspiracy, as there is no underlying wrong.

167. Plaintiffs' claims for punitive damages against Jimenez are barred by various provisions of the Constitution of the State of Missouri and the United States Constitution, to wit:

- a. the standards by which Jimenez's conduct is to be determined with regard to whether such damages may or should be awarded are vague and wholly arbitrary and, as such, deny due process in violation of Article I, Section 10 of the Constitution of the State of Missouri and the Fifth and Fourteenth Amendments to the United States Constitution;
- b. the standards by which the amount of any such damages is to be determined are vague and wholly arbitrary, supply no notice to Jimenez of the potential repercussions of any conduct, and are subject to the unbridled discretion of the jury, thereby denying due process in violation of Article I, Section 10 of the Constitution of the State of Missouri and the Fifth and Fourteenth Amendments to the United States Constitution;
- c. Plaintiffs' request for such damages constitutes a request for, and any award of such damages would constitute, an imposition of an excessive fine in violation of Article I, Section 21 of the Constitution of the State of Missouri and the Eighth Amendment to the United States Constitution;
- d. Plaintiffs' request for such damages constitutes, and any award of such damages would constitute, a denial of equal protection under the law in

violation of the Fifth and Fourteenth Amendments to the United States Constitution;

- e. Plaintiffs' request for such damages subjects, and any award of such damages would subject, Jimenez to multiple punishments for the same alleged wrong, thereby denying due process under Article I, Section 10 of the Constitution of the State of Missouri and the Fifth and Fourteenth Amendments to the United States Constitution;
- f. Plaintiffs' request for such damages subjects, and any award of such damages would subject, Jimenez to double jeopardy in violation of Article I, Section 19 of the Constitution of the State of Missouri and the Fifth Amendment to the United States Constitution; and
- g. Plaintiffs' request for such damages subjects, and any award of such damages would deny Jimenez of its right to a unanimous jury verdict pursuant to the Sixth Amendment of the United States Constitution and Article I, §22(a) of the Missouri Constitution and incidents thereto relating to criminal trials imposing punishment.

168. To the extent that Plaintiffs' claims did not exist at common law at the time the Missouri Constitution was adopted in 1820, *R.S.Mo.* §510.265 limits any punitive damages collectible in this action.

169. Plaintiffs' claims for punitive damages against Jimenez are barred and fail because they require strict proof and must be established by clear and convincing evidence, which is absent from Plaintiff's claim as a matter of law.

170. Any trial should be bifurcated pursuant to *R.S.Mo.* §510.263.

WHEREFORE, having fully answered Plaintiffs' Petition, Defendant Jimenez Arms, Inc. prays that this Court dismiss the Plaintiffs' claim, that Plaintiffs take nothing, that Defendant Jimenez Arms, Inc. be awarded its costs and expenses incurred herein, and for any other relief the Court deems just and proper.

Respectfully submitted,

**FOLAND, WICKENS, ROPER,
HOFFER & CRAWFORD, P.C.**

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of September 2019, the foregoing document was filed with the Clerk of the Court using the Court's E-Filing system which electronically sends notice to all counsel of record.

/s/ Joseph J. Roper

Attorney for Defendant