

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

ALVINO CRAWFORD and  
BEVERLY CRAWFORD,  
individually, and as the parents of decedent  
ALVINO DWIGHT CRAWFORD

Plaintiffs,

v.

JIMENEZ ARMS, INC., a Nevada Corporation;  
GREEN TIP ARMS LLC, a Missouri Company;  
GREEN TIP ARMS LLC, an Arizona Company;  
CHRISTOPHER BENDET, an individual; and  
JAMES SAMUELS, an individual,

Defendants.

Case No: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PETITION FOR DAMAGES AND INJUNCTIVE RELIEF**

COME NOW Plaintiffs Alvino Crawford and Beverly Crawford, individually and as wrongful death beneficiaries pursuant to RSMo. § 537.080, and on behalf of all wrongful death beneficiaries, of Alvino Dwight Crawford, for their causes of action against Jimenez Arms, Inc., Green Tip Arms LLC (Missouri), Green Tip Arms LLC (Arizona), Christopher Bendet, and James Samuels.

**SUMMARY OF ACTION**

1. This case is about a gun trafficking ring that injected a steady supply of unlawfully obtained firearms into the Kansas City area over a five-year period. To date, of the 77 firearms known to have been illegally trafficked, six have been recovered as part of criminal investigations in Kansas City, Mo., and Chicago. One of these six guns was used to murder Alvino Dwight Crawford, who went by Dwight, in Kansas City, Mo., on July 5, 2016. Others were recovered at the scenes of drug crimes and a domestic violence incident. The whereabouts of still dozens more of these illegally trafficked guns remain unknown.

2. This lawsuit is brought by Dwight Crawford's parents, Alvino and Beverly Crawford, who seek to hold accountable the actors that conceived, participated in, facilitated, and profited from the illegal gun trafficking ring (the "Trafficking Scheme") that supplied the firearm used to murder their son. The Crawfords also hope that by imposing accountability on the defendants for their recklessness and repeated violations of law, they might prevent future gun violence and future gun deaths in Kansas City and beyond.

3. At the center of the Trafficking Scheme was defendant James Samuels and Co-conspirator #1. From 2013 to 2018, Samuels acted as an unlicensed gun dealer, illegally acquiring firearms and selling them to individuals he knew could not legally possess them. In many instances, Samuels transferred guns to people he knew had been previously convicted of felonies, including individuals who told him they intended to use the firearms to commit crimes – including murder. Co-conspirator #1 served as a conduit between Samuels and his real customers, helping to conceal the true ownership of the guns, much like a shell corporation in a money laundering scheme. Samuels is facing federal criminal charges for his role in the Trafficking Scheme. Co-conspirator #1 recently pled guilty to conspiring to make false statements during the purchase of firearms.

4. The firearms of choice for this illegal trafficking conspiracy were handguns made by defendant Jimenez Arms, which manufactured 57 of the 77 firearms known to be trafficked by the Trafficking Scheme, including the gun used to murder Dwight Crawford. Jimenez Arms knowingly participated in and profited from the Trafficking Scheme and broke federal firearms laws in the process. From 2013 to 2015, Jimenez Arms sold 32 guns to Samuels, even though it knew – as further described below – that Samuels did not have a federal firearms license and that he intended to re-sell these guns. Jimenez Arms even mailed some of these guns directly to



Samuels' home. After Jimenez Arms stopped selling guns directly to Samuels, and as further described below, it helped conceal the Trafficking Scheme and continued to profit from its illegal sales.

5. Jimenez Arms was not the only company that conspired with Samuels to violate federal gun laws. Samuels conducted numerous "multiple sale" and "straw purchase" transactions at stores in and around Kansas City, Mo., leading some of these dealers to eventually tell federal law enforcement that it was obvious that Samuels had been trafficking. Yet, during the course of the Trafficking Scheme, and despite its open and obvious nature, these dealers chose not to report Samuels' suspicious and illegal behavior and profited from the transactions.

6. One of the federally licensed dealers ("FFLs") that assisted the Trafficking Scheme was defendant Green Tip Arms, located in the suburban Missouri home of defendant Christopher Bendet. The Trafficking Scheme conducted numerous transactions through Green Tip Arms, including an April 2016 transaction in which Samuels purchased multiple firearms, including at least two Jimenez Arms handguns. One of these Jimenez Arms guns was recovered in Kansas City, Mo., with two other guns, a stash of cocaine, and \$775 in cash. The second Jimenez Arms gun, a J.A. 380 bearing serial number 361229, was used to murder Dwight Crawford (the "Murder Weapon").

7. To be sure, the individuals who killed Dwight Crawford should be held accountable, and that is happening through their criminal prosecutions. But each defendant in this case broke the law and/or acted recklessly and therefore each defendant is legally responsible for Dwight Crawford's tragic and preventable death.

8. By facilitating the distribution of a stream of cheap, disposable guns into the hands of persons previously convicted of felonies and other individuals who are prohibited from possessing firearms, each defendant in this action contributed to the problem of gun violence in Kansas City, Mo., and, specifically, to the chain of events that resulted in Dwight Crawford's murder. This lawsuit seeks to ensure that the participants in the Trafficking Scheme are held to account for the grievous harm that their actions contributed to causing.

### **JURISDICTION AND VENUE**

9. This Court has both subject matter jurisdiction over this action and personal jurisdiction over all the defendants, who are doing, or have done, business within Missouri.

10. Venue is proper in the Circuit Court of Jackson County because Alvino Dwight Crawford was shot and killed in Jackson County, Missouri.

### **PARTIES**

11. Plaintiffs Alvino Crawford and Beverly Crawford are the parents and next of kin of Alvino Dwight Crawford ("Dwight Crawford"). Dwight Crawford was born in Kansas City, Missouri, on February 7, 1987. He was adopted by the plaintiffs at the age of three and grew up in Kansas City, and Grandview, with his parents and two older sisters, LaToya and LaTonya. The plaintiffs are entitled to bring a cause of action for the wrongful death of Dwight Crawford pursuant to RSMo. § 537.080. The plaintiffs were, at the time of the acts herein mentioned, individual citizens and residents of Jackson County, Missouri.

12. Defendant Jimenez Arms, Inc. ("Jimenez Arms") is a business located in Henderson, Nevada. It was incorporated under the laws of Nevada on April 22, 2005, after Paul Jimenez, the current owner, president, secretary, treasurer, and director of Jimenez Arms purchased the assets of Bryco Arms in bankruptcy proceedings. Until its bankruptcy, Bryco



Arms manufactured and sold small, cheap handguns similar to the type that Jimenez Arms currently manufactures, and Paul Jimenez was the plant manager at Bryco. At all relevant times, Jimenez Arms conducted business in Missouri; according to its website there are 49 authorized Jimenez Arms dealers in Missouri. Service of process can be made on Jimenez Arms at 7390 Eastgate Road, Suite 150, Henderson, NV 89011 or by serving its registered agent, Paul Jimenez, at 5550 Reference Street, Las Vegas, NV 89122.

13. Defendant Green Tip Arms LLC (“Green Tip Arms”) was a limited liability company located in Raytown, Missouri. It filed a Notice of Winding Up with the Missouri Secretary of State on December 18, 2017, and transferred its records and inventory to its successor limited liability company of the same name, located in Fountain Hills, Arizona. Green Tip Arms is sued in its company name pursuant to RSMo. § 347.139. Service of process can be made on Green Tip Arms at the following address: c/o Christopher Bendet, 12022 N. Chama Dr., Unit A, Fountain Hills, AZ 85268.

14. Defendant Green Tip Arms LLC (“Green Tip Arms Successor”) is a limited liability company located in Fountain Hills, Arizona, and is a mere continuation and therefore the successor entity of Green Tip Arms, operating under the same name and directed by the same individual. Service of process can be made on Green Tip Arms Successor at the following address: c/o Christopher Bendet, 12022 N. Chama Dr., Unit A, Fountain Hills, AZ 85268.

15. Defendant Christopher Bendet was the sole organizer and member of Green Tip Arms and is the sole organizer and member of Green Tip Arms Successor. He ran Green Tip Arms out of his home. At all relevant times, Bendet resided in Raytown, Missouri. Service of process can be made on Christopher Bendet at the following address: 12022 N. Chama Dr., Unit A, Fountain Hills, AZ 85268.

16. Defendant James Samuels is a resident of Missouri. In October 2018, Samuels was criminally charged in the United States District Court for the Western District of Missouri with numerous violations of federal gun laws, including engaging in the business of dealing in firearms without a federal license, conspiring to make false statements during the purchase of firearms and selling guns to prohibited individuals. Service of process can be made on James Samuels at the following address: U.S. Probation and Pretrial Services, Leavenworth Detention Center, 100 Highway Terrace, Leavenworth, KS 66048.

### **GENERAL ALLEGATIONS**

17. In order to keep the public safe, both federal and state laws regulate firearm possession and transfers. These laws are designed to keep guns out of the hands of prohibited persons, such as minors, people with felony convictions, and domestic abusers, as well as to assist law enforcement if a firearm is used in a crime. *See generally* 18 U.S.C. § 921 *et seq.*; *see also* RSMo. § 571.070 (prohibiting certain persons from possessing firearms); *id.* § 571.060 (prohibiting the unlawful transfer of a firearm).

18. One important way that this regulatory framework works to keep guns out of the hands of prohibited persons is by requiring anyone who intends to “engage in the business” of dealing in firearms to first obtain a federal firearms license. *See* 18 U.S.C. §§ 922(a)(1), 923(a). Without a federal firearms license, it is illegal for anyone to buy and sell guns repeatedly for the purpose of making a profit. It is also illegal for anyone to aid and abet or conspire to deal in firearms without a license. *See* 18 U.S.C §§ 2, 371.

19. In order to cut down on illegal gun trafficking, federal law generally prohibits the inter-state transfer and shipment of handguns from licensed manufacturers and dealers to unlicensed individuals. *See* 18 U.S.C. §§ 922(a)(2), 922(b)(3); 27 C.F.R. §§ 478.29; 478.99(a).



For this reason, before selling a firearm to another licensee, a licensed manufacturer or dealer must verify the identity and licensed status of the transferee. 27 C.F.R. § 478.94. A manufacturer must also keep a record of all transactions to other licensees. *Id.* § 478.123(b).

20. Prior to transferring a gun to an unlicensed individual, a dealer or manufacturer must conduct a background check, examine the individual's identification, and record the transaction on a firearms transaction record ("ATF Form 4473"). 18 U.S.C. § 922(t)(1), 27 C.F.R. §§ 478.102, 478.124(a). The licensee seller must also keep a record of all transactions to non-licensees in an acquisition and disposition book. 27 C.F.R. §§ 478.123(d), 478.125(e).

21. Prior to any transfer to an unlicensed individual, the true purchaser of the firearm must fill out ATF Form 4473, which asks the following question with the following bolded warning: "Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the dealer cannot transfer the firearm(s) to you.**" It is unlawful for a buyer to inaccurately fill out this form and for any seller to accept this form if they know or have reason to believe that it is inaccurate.

22. Licensees must also complete a portion of ATF Form 4473 prior to transferring a firearm, certifying that it is their "belief that it is not unlawful [ ] to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A." Licensees must truthfully complete this portion of the form.

23. The notices and instructions on ATF Form 4473 explain that "[t]he transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction." The form also explains that a gun dealer "must stop the

transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm[.]” The form contains a clear warning:

**WARNING:** Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the transferor/seller has complied with the Federal background check requirements.

24. In addition, because the purchase of multiple handguns in a short period of time is an indicator of gun trafficking, if multiple handguns are purchased by the same individual within a short timeframe, the licensee must also complete a multiple-sale form and send it to the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and local law enforcement. 18 U.S.C. § 923(g)(3)(A); 27 C.F.R. § 478.126a.

25. It is unlawful for licensed manufacturers and dealers to knowingly make false statements or misrepresentations, to fail to make appropriate entries in, or to fail to properly maintain, the records described above. 18 U.S.C. §§ 922(m), 924(a)(3); *see also* 18 U.S.C. § 924(a)(1)(A) (applying to licensees and non-licensees). These laws are intended to prevent trafficking and straw purchasing. Straw purchasing occurs when a person buys a gun on someone else’s behalf while falsely claiming that it is for himself.

26. After a sale, if a gun is recovered as part of a criminal investigation, it is traced by the ATF’s National Tracing Center. Tracing is a systematic process of tracking the movement of a firearm from its manufacturer through the distribution chain to the last retail purchaser. Manufacturers and dealers generally receive trace requests if one of their firearms is recovered at a crime scene and must respond to them within 24 hours. 18 U.S.C. § 923(g)(7).

27. Gun dealers and manufacturers are trained on how to spot traffickers and straw purchasers through multiple publications and programs sponsored by both the ATF and the gun industry, including the “Don’t Lie for the Other Guy” program, FFL newsletters and reference



guides, regulatory updates, and ATF seminars. ATF agents also review the applicable laws and regulations with licensees when they initially receive their license and during ATF audits.

28. During the course of the Trafficking Scheme, defendants Jimenez Arms, Green Tip Arms and Christopher Bendet certified to the ATF that they had reviewed the federal laws and regulations on: (i) completing and maintaining firearm transaction records; (ii) conducting transfers between licensees; (iii) engaging in the business of firearms dealing; and (iv) straw purchasing.

### **The Gun Trafficking Scheme**

29. In violation of federal and state gun laws described above, the defendants in this action participated in the Trafficking Scheme, in concert with known and unknown conspirators, at various times from November 2013 through September 2018.

30. The Trafficking Scheme's *modus operandi* was simple and deadly. It often proceeded in three steps. First, Samuels would purchase the firearms either directly from defendant Jimenez Arms or from a licensed gun dealer. Next, Samuels would transfer the gun to a straw purchaser at a local gun dealer, frequently Co-conspirator # 1. The gun would later be provided to the intended purchaser. Finally, on numerous occasions, Co-conspirator # 1 would report the guns lost or stolen to disassociate the Trafficking Scheme from the guns in the event those guns were later recovered by law enforcement.

31. The first known transaction conducted by the Trafficking Scheme occurred on November 13, 2013, when Samuels purchased a Jimenez Arms gun online for \$100.00 and had it shipped to a local gun dealer named Conceal & Carry. Samuels later transferred the firearm to Co-conspirator # 1, who reported it stolen. The firearm was later recovered in Kansas City, in the

possession of an individual previously convicted of a felony (who was ultimately convicted for illegally possessing the firearm).

32. The last known transaction conducted by the Trafficking Scheme occurred on September 5, 2018, when Samuels sold two firearms, two 30-round magazines, and ammunition to an undercover agent and a criminal informant, who Samuels knew had been previously convicted of a felony and who told Samuels he intended to use these firearms to kill four people. During this transaction, Samuels also gave the felon advice on how to construct a Molotov cocktail that could be used to set fire to the house of the people the felon intended to kill.

33. During the course of the conspiracy, a number of firearms dealers located in and around Kansas City provided assistance to the Trafficking Scheme. For example:

- a. In November and December 2013, Conceal & Carry, an FFL formerly located in Kansas City, Mo., received at least 17 handguns for Samuels. 16 out of the 17 guns were mailed to Conceal & Carry by Jimenez Arms for Samuels. From February through November 2014, Conceal & Carry transferred at least five of these 17 guns from Samuels to third parties, including four guns to Co-conspirator # 1 (who reported all four of the guns stolen that same year).
- b. Between June 2015 and November 2016, Samuels purchased at least six Jimenez Arms handguns that were transferred to him at CR Sales Firearms, an FFL located in Independence, Mo. CR Sales then assisted Samuels to transfer two of these guns to third parties. In addition, during the same timeframe, Samuels transferred eight more guns to third parties at CR Sales. When federal law enforcement contacted CR Sales in 2018, during the course of ATF's investigation into Samuels, an employee told agents that he thought he would be contacted at some point about Samuels because he knew that Samuels was acting as an unregistered gun seller. The employee told the ATF that he told Samuels that Samuels was acting as a firearms dealer without a license.
- c. Between December 2015 and April 2016, Samuels purchased or transferred at least five firearms at defendant Green Tip Arms, formerly located in Raymore, Mo. These transactions included transferring a Jimenez Arms handgun to Co-conspirator # 1 in February 2016 and a multiple-sale transaction in April 2016 that included at least two Jimenez Arms handguns, both of which were later recovered in crimes – including the Jimenez Arms handgun used to murder Dwight Crawford.
- d. Between January and November 2017 Samuels purchased 16 guns that were transferred to him at Mission Ready Gunworks, an FFL in North Kansas



City, Mo. Ten out of those 16 guns were Jimenez Arms pistols. Three of those firearms were transferred to a third party at Mission. In addition, that same year Samuels transferred at least three other guns to third parties at Mission. At least one of these guns was a Jimenez Arms pistol that Samuels transferred to Co-conspirator # 1, which she reported stolen later that year. When contacted by ATF agents in 2018, an employee at Mission told ATF agents that Samuels would have firearms shipped there by other FFLs and ask the dealer to transfer the guns to either Samuels or other people Samuels brought in. The Mission employee told ATF that Samuels dealt mostly with “cheaper pistols.”

34. Notwithstanding the apparent nature of Samuels’ illegal gun business, the FFLs that facilitated the transfer of firearms to Samuels and his straw purchasers allowed the Trafficking Scheme to use their status as licensed dealers to lend an air of legitimacy to unlawful gun transfers and to help the traffickers avoid detection. Indeed, while speaking with an ATF informant in 2018, Samuels discussed the importance of using FFLs to transfer firearms to his co-conspirators so that, in the event a gun he had trafficked was recovered in a criminal investigation, Samuels would not be the last person on record as having owned it. Samuels explained that his process of documenting his firearms transactions was “paper to cover me.” And Samuels explained to the ATF informant that by going through the FFL “at least you’ll have something that’s clean. Ain’t nothing on that [gun]. Guaranteed.” After leaving an FFL and unlawfully engaging in straw purchasing, Samuels remarked, “see how easy that is?”

35. When Samuels was arrested on October 4, 2018, a search of his premises uncovered 28 firearms. This means that dozens of other firearms illegally trafficked by Samuels and the other defendants are still unaccounted for.

#### *The Role of Jimenez Arms*

36. Jimenez Arms began selling firearms to Samuels in November 2013. During the course of the 2018 investigation into Samuels, 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.

According to the employee, Samuels said that he was a firefighter and that he worked part-time with Conceal & Carry, an FFL in the Kansas City area. The Jimenez Arms employee told ATF agents that she called Conceal & Carry and was advised that Samuels could order guns and have them shipped to the store. In fact, the company that ran Conceal & Carry, Mike and Sue Enterprises Inc., had been administratively dissolved by the State of Missouri in February 2013. A company that has been administratively dissolved cannot carry on any business in the state.

37. On November 22, 2013, Samuels placed an order with Jimenez Arms for six handguns and had them shipped to Conceal & Carry. Upon information and belief, Samuels used his personal credit card to consummate the transaction. Samuels later transferred at least two of these guns to Co-conspirator # 1, who reported both of the guns stolen. One of these guns was recovered in Chicago as a part of a criminal inquiry, pursuant to a search warrant during which cocaine and marijuana were also seized. The other four guns may still be in public circulation.

38. A couple of weeks later, on or about December 12, 2013, Samuels ordered another seven Jimenez Arms handguns directly from Jimenez Arms and had them shipped to Conceal & Carry. Upon information and belief, Samuels once again used his own credit card. Samuels transferred at least one of these firearms to Co-conspirator # 1 and she reported it stolen along with a second Jimenez Arms gun. All six of these guns may still be in public circulation.

39. On December 23, 2013, Samuels ordered three more guns directly from Jimenez Arms, and again they were shipped to Conceal & Carry. Upon information and belief, Samuels also paid for these guns with his personal credit card. One of these guns was ultimately recovered by police in 2015 during the service of a domestic violence *ex parte* order of protection on a third party, after a complainant told police that the third party had threatened to kill her. The others may still be in public circulation.



40. In March 2014, ATF agents arrived at Jimenez Arms' factory to conduct an inspection for the period of March 2013 to March 2014. The ATF needed to conduct this inspection because a 2012 audit had revealed numerous violations of federal firearms regulations, including failure to maintain records as required, failure to report lost firearms, and failure to timely record acquisitions and dispositions of firearms. As a result of the 2012 inspection, the ATF held a warning conference with Jimenez Arms, during which agents would have explained that future violations could result in the revocation of Jimenez Arms' license.

41. When ATF agents arrived at the Jimenez Arms factory in March 2014, the company would have known that it needed to present its best face and not give the agents any reason to revoke its license. According to the ATF, Paul Jimenez told the agents during the inspection that it did not sell firearms to non-licensees (even though Jimenez Arms had sold 16 guns to Samuels by that time). As a result, the ATF wrote that: "[n]o trafficking issues were disclosed during this inspection relating to the acquisition and disposition of firearms." The ATF inspection did note that "the licensee does not have any written internal controls in maintaining accurate records of acquisitions and dispositions of firearms."

42. Following the 2014 inspection, Jimenez Arms continued to sell guns to Samuels. On December 31, 2014, Samuels ordered eight more guns from the company. By this time, at least three of the firearms that Samuels had purchased directly from Jimenez Arms had been reported stolen by Co-conspirator # 1. This time, Jimenez Arms shipped the eight guns directly to Samuels' home. Jimenez Arms represented to the ATF that it had been advised that Conceal & Carry had changed its address.

43. As a licensed firearms manufacturer, Jimenez Arms is obligated to know that an FFL cannot change its address without amending its firearms license. If Conceal & Carry had

actually changed its address, it would have provided a new, certified license to Jimenez Arms. In addition, the ATF provides a simple online tool, called "E-Z Check," to verify a dealer's licensed status and address. During its 2014 inspection, Jimenez Arms told the ATF that it uses E-Z Check before shipping firearms to any licensee. If Jimenez Arms followed its standard practice, then it would have known that the address provided by Samuels for his December 31, 2014 purchase was not Conceal & Carry's address. Upon information and belief, Jimenez Arms did not use E-Z Check because it knew that the firearms were actually being sent to Samuels for his own gun trafficking business. All eight of the firearms shipped to Samuels' home in December 2014 may still be in public circulation.

44. On January 28, 2015, Jimenez Arms mailed three more guns to Samuels' home. For this transaction Samuels used a new credit card, but upon information and belief, this card was also Samuels' personal credit card. These three firearms may still be in public circulation.

45. A Jimenez Arms employee told the ATF in 2018 that, on April 28, 2015, Samuels called Jimenez Arms and stated that he "was now ordering through Blue Steel," another FFL in the Kansas City area licensed as Blue Steel Guns & Ammo. The explanation that Samuels purportedly gave was that the owner of Conceal & Carry had lost a leg to diabetes and closed the shop. By this point, in addition to the guns reported stolen by Co-conspirator # 1, another gun purchased by Samuels from Jimenez Arms had been recovered by law enforcement. Upon information and belief, this resulted in a trace request being sent to Jimenez Arms, adding further to the list of red flags present in the Samuels transactions.

46. On April 28, 2015, Samuels placed an order with Jimenez Arms for an additional five firearms, paying with the same credit card he had used for the January 2015 shipment to his home. In 2018, an employee of Jimenez Arms told the ATF that she had contacted Blue Steel at



the time and that an employee at the store stated that “Samuels already had buyers for the firearms.” In other words, by Jimenez Arms’ own admission, the company was explicitly told that Samuels, who was not a licensed seller, was buying guns for the purpose of re-sale.

47. Notwithstanding this knowledge, Jimenez Arms shipped the five firearms to Blue Steel. When the guns arrived on April 30, 2015, an employee at Blue Steel recognized the unlawfulness of the transaction and returned the firearms. The Blue Steel employee called Jimenez Arms and explained that Samuels was not authorized to make the purchase, a fact that Jimenez Arms either knew prior to the delivery or would have known had it taken even the most basic steps to comply with federal firearms laws.

48. The Jimenez Arms employee told the ATF in 2018 that she called Samuels on May 1, 2015 and purportedly questioned him on how he was “conducting business.” According to the employee, Samuels apologized for the mishap and explained how he operated his business—namely, that he would order guns, have them shipped to a dealer, and then would take his own customers into the FFL and have those customers buy the firearms “legitimately.” There is nothing legitimate about this type of “business.” In order to deal in firearms, an individual is required to have a license, which Jimenez Arms knew Samuels did not have.

49. Despite the fact that Jimenez Arms knew that it had sold 32 firearms to a person who was operating an illegal gun business, it took no action to mitigate the situation that it had helped create. For instance, upon information and belief: It did not call federal or state law enforcement and advise them about the Trafficking Scheme. It did not contact Conceal & Carry, the FFL that had been on the receiving end of 16 of the unlawfully purchased guns. It did not alert any of the dealers listed on its own website – some of whom sold guns to Samuels – that

they should not conduct transactions with Samuels. It did not take any action to put an end to the conspiracy. It merely refunded the money to Samuels and allowed the conspiracy to proceed.

50. The transactions between Samuels and Jimenez Arms were replete with red flags. From the very first transaction with Samuels in November 2013, Jimenez Arms knew that Samuels was not himself a licensed dealer, nor was he purchasing pistols on behalf of Conceal & Carry. When ATF agents called Jimenez Arms as part of their investigation into Samuels in 2018, the Jimenez Arms employee was able to remember the details of that four-year-old conversation, suggesting it stood out even at the time. In addition, Samuels began having the guns shipped directly to his home and, upon information and belief, he even used his own credit card. Furthermore, Jimenez Arms knew, or consciously avoided knowing, that Samuels was purchasing the firearms for re-sale, something that only a licensee can do. Jimenez Arms either knew or was willfully ignorant that it was shipping handguns directly to an unlicensed firearms dealer and therefore was a participant in the Trafficking Scheme, in violation of 18 U.S.C §§ 2, 371, 922(a)(1), 922(a)(2), 922(b)(3), 922(m), 922(t)(1), 923(a), 924(a)(1), 924(a)(3), 27 C.F.R. §§ 478.29; 478.99(a), 478.102, 478.123(b), 478.123(d), and 478.124(a).

51. When the ATF came to the Jimenez Arms factory in 2017 to conduct another inspection, Jimenez Arms once again concealed its participation in the Trafficking Scheme. Even though the ATF was looking for indicators of trafficking and suspicious purchasers, Jimenez Arms did not make the ATF aware of Samuels' illegal purchases. To the contrary, Jimenez Arms represented to the ATF that it did not sell to non-licensees.

52. Jimenez Arms had a financial motive not to report Samuels' purchases to the ATF. It knew that Samuels had acquired Jimenez Arms guns through other sources before Jimenez Arms started shipping directly to Samuels. And it knew that even after it stopped selling



to Samuels directly, he could continue to purchase Jimenez Arms guns through other sources for his unlawful business. By failing to report the Trafficking Scheme to law enforcement or taking any other action to put an end to the Trafficking Scheme, the foreseeable result was that the Trafficking Scheme would continue to traffic Jimenez Arms guns and that crimes would be committed with those guns. And that is exactly what happened. After April 2015, the Trafficking Scheme continued to buy Jimenez Arms guns through other sources – at least 19 of them. At least two of those 19 guns were used in crimes, including the murder of Dwight Crawford. Others may still be in public circulation.

53. Jimenez Arms' actions were instrumental in helping to establish and supply the Trafficking Scheme. By illegally selling firearms to Samuels, Jimenez Arms helped Samuels acquire a reputation as a gun trafficker in the Kansas City area. Prohibited individuals, including a person previously convicted of a felony who purchased numerous guns from the trafficking ring, knew that Samuels was a source of new, "out-of-the-box" guns and that Samuels sold these guns to felons and other individuals who were not allowed to possess them. One such individual told federal investigators in 2018 that "Samuels was known to have many firearms new in the box at his residence." In total, out of the 77 guns known to be purchased by Samuels, 57 were Jimenez Arms pistols.

54. Jimenez Arms has been on notice for years – through criminal investigations, trace requests, and federal studies – that a significant portion of its guns are being diverted into the illegal stream of commerce and used in crimes. Its predecessor company, Bryco Arms, was listed by the ATF as having some of the most popular firearms among criminals, particularly youthful offenders. In recent years, Jimenez Arms has been repeatedly cited by the ATF for

violations of federal firearms regulations related to its business practices and, as of November 2017, Jimenez Arms was operating under a warning letter from the ATF.

55. A warning letter is issued by the ATF if an audit reveals serious violations of firearms regulations by a licensee. Warning letters remind licensees that compliance with federal firearms regulations is “essential” to protecting the public and “[e]nsuri[ing] that criminals do not gain access to firearms.” These letters provide notice to licensees that violations of federal firearms laws and regulations could result in the revocation of their licenses.

56. While there are certainly legal users of these cheap and unreliable guns, evidence from the federal government and experts indicates that a sizable portion of Jimenez Arms’ production is intended for a market that does not care about reliability, accuracy and durability. As the ATF explained in the criminal case against Samuels, Jimenez Arms guns “are frequently used by criminals” in part because they are inexpensive and “a profit can be made by buying them at a low cost and selling them at a marked-up price to prohibited individuals.” Samuels typically purchased Jimenez Arms guns for around \$100-\$150 and illegally resold them for \$200-\$300. According to ATF agents and other experts, these guns are not valued by collectors. That they are not valued by collectors is significant, because if someone is purchasing multiple Jimenez Arms handguns, it is an indicator that they do not intend to keep them for themselves and instead intend to re-sell them. Upon information and belief, Jimenez Arms knew that its guns are frequently used by criminals.

#### *The Path of the Murder Weapon*

57. After Jimenez Arms illegally sold 32 guns to Samuels and concealed the Trafficking Scheme from law enforcement, one of the Jimenez Arms guns trafficked by the



Trafficking Scheme was foreseeably used in a crime – specifically, the murder of Dwight Crawford.

58. As described above in Paragraph 6, Samuels bought the Murder Weapon on April 7, 2016, along with multiple other pistols, from defendant Green Tip Arms, run out of the home of defendant Christopher Bendet. Prior to receiving his federal gun license, Bendet repeatedly sold guns on Facebook and out of his car. Bendet advertised his gun business as a “small, private FFL” which took special orders, selling guns to friends and family and at gun shows.

59. There were multiple red flags that should have alerted Green Tip Arms that Samuels was engaged in firearms trafficking when he bought the Murder Weapon. In the months preceding this transaction, Samuels had acquired and offloaded other weapons at Green Tip Arms. In December 2015, Samuels ordered a pistol to be shipped to Bendet’s home and picked it up later that month. Less than two months later, Samuels came back to Bendet with Co-conspirator # 1 and transferred a Jimenez Arms handgun to her. On April 7, 2016, Samuels came back to Green Tip Arms again, and this time purchased at least three (and possibly as many as seven)<sup>1</sup> firearms, including at least two Jimenez Arms handguns.

60. Purchasing multiple cheap handguns (of the sort favored by criminals) in one transaction should have been a major red flag; multiple purchases over a short time span also should have been a red flag. In this context, the fact that Samuels also used Green Tip Arms to transfer a firearm to his co-conspirator – to “paper over” the transaction – should have raised further questions about whether Samuels was the actual end user of these firearms.

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<sup>1</sup> The ATF affidavit used in the federal case against Samuels concludes that, as of October 1, 2018, Samuels is known to have purchased 77 firearms. Out of those 77 guns, 12 were sent directly to Samuels’ home, five were returned to Jimenez Arms by Blue Steel and 53 were purchased on other dates, leaving up to seven guns that may have been purchased from Green Tip Arms on April 7, 2016.

61. Green Tip Arms knew or reasonably should have known that under all the circumstances described above, someone purchasing and transferring multiple cheap, disposable handguns—such as those made by Jimenez Arms —was engaged in a gun trafficking scheme. Thus, upon information and belief, when Christopher Bendet signed and certified the ATF Form 4473 for the sale of the Murder Weapon, he had reason to know that the sale was unlawful.

62. After purchasing the Murder Weapon from Green Tip Arms, Samuels transferred it to Co-conspirator #1, who kept it at her home where it was accessible for others to use, including her husband, who had been convicted of a felony, his associate Jerome Walker, who had also been convicted of a felony, and 16-year-old Devon Davis, another occupant of the home. Davis used the Murder Weapon with the consent of Co-conspirator # 1 and her husband.

63. Davis had the Murder Weapon with him during the early morning of July 5, 2016. On that day, 89 days after it was sold, Davis is alleged to have used the gun to kill Dwight Crawford. According to court and police records, Walker and Davis attacked Dwight. Walker struck Dwight with a baseball bat, and as Dwight stumbled away, Davis drew the Murder Weapon and shot Dwight several times, killing him.

### **Gun Violence in Kansas City**

64. Dwight Crawford's murder is emblematic of a significant gun violence problem in Kansas City, Mo., which has been exacerbated by the defendants in this action and other dealers which operate their businesses carelessly.

65. Over the past several years, Kansas City, Mo., has had one of the highest homicide-per-capita rates in the United States, generally ranking in the top ten of American cities. According to Kansas City Police Department statistics, there were 82 murders in Kansas City, Mo., in 2014; 111 murders in 2015; 131 murders in 2016; 151 murders in 2017 and 135



murders in 2018. In 2018, a firearm was involved in 96 percent of murders, and handguns were the firearm most frequently used.

66. According to the latest available statistics, which cover murders from April 2018 to March 2019, Kansas City, Mo. had a rate of 32.33 murders per 100,000 people; this is a much higher murder rate than cities such as Chicago and Washington, D.C.

67. Jimenez Arms' business practices contribute to the severe gun violence problem in Kansas City, Mo. Jimenez Arms guns are frequently recovered at crime scenes in the Kansas City area. For example, federal prosecutors in the Western District of Missouri have brought cases against individuals who have used Jimenez Arms guns to carry out carjackings, high speed car chases, drug distribution schemes, and bank robberies (among numerous other crimes).

68. The State of Missouri as a whole, moreover, has one of the highest gun death rates in the nation. According to the CDC, data from 2013-2017 show that Missouri's age-adjusted gun-death rate per 100,000 residents was 17.5, eighth highest of any state in the nation and significantly higher than the overall U.S. average of 11.07. And according to a recent study by the Violence Policy Center, in 2016 – the year of Dwight Crawford's murder – Missouri ranked first as the state with the highest black homicide victimization rate in the country. Its rate of 46.21 per 100,000 was more than double the national average for black homicide victimization and more than nine times the overall national homicide rate. For those homicides in which the weapon used could be identified, 94 percent of victims were shot and killed with guns.

69. Gun trafficking substantially contributes to this problem. According to recent studies, most crime guns are obtained illegally. Many of these guns, however, start in the lawful stream of commerce, and then, through straw purchasing and unlawful gun dealing, find their way into the hands of prohibited persons. Defendants Jimenez Arms, Green Tip Arms and

Christopher Bendet knew or should have known that gun trafficking and straw purchasing are common methods used to place firearms into the hands of prohibited persons, who in turn foreseeably use them to commit crimes, yet they chose to sell numerous firearms to an individual who they knew was openly engaged in unlicensed gun dealing.

**Count I – Public Nuisance**  
*(Against Defendant Jimenez Arms)*

70. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

71. Jimenez Arms knowingly violated, conspired to violate, and aided and abetted the violation of numerous federal laws and regulations, including, but not limited to, 18 U.S.C §§ 2, 371, 922(a)(1), 922(a)(2), 922(b)(3), 922(m), 922(t)(1), 923(a), 924(a)(1), 924(a)(3), 27 C.F.R. §§ 478.29; 478.99(a), 478.102, 478.123(b), 478.123(d), and 478.124(a). It did so by, among other violations, taking part in the multi-year Trafficking Scheme with Samuels, Co-conspirator # 1, Green Tip Arms and others to unlawfully engage in the business of dealing in firearms, selling guns to unlicensed persons, failing to properly verify the identity of purchasers, making false statements in required records, failing to make appropriate entries in required records, and concealing these actions from federal law enforcement. As of its last known ATF audit in 2017, Jimenez Arms continues to violate federal regulations pertaining to the disposition of firearms.

72. Jimenez Arms' actions unjustifiably endanger, render insecure, interfere with, and obstruct the rights of the whole community in and around Kansas City, Mo., by knowingly placing a substantial number of small, cheap handguns often used in crimes into the community, including through unlawful means. Jimenez Arms' unlawful practices enable the acquisition of guns by persons prohibited by law from possessing them because of criminal history and age.

73. Jimenez Arms' conduct has created a public nuisance by unreasonable interference with the right of the general public to life, health, and the use and enjoyment of



property. The unlawful proliferation of handguns interferes with rights common to the general public; deprives Kansas City, Mo., residents and visitors of the peaceful use of public streets, sidewalks, parks, and other public places; interferes with commerce, travel, and the quality of daily life; and endangers the health, welfare, peace, safety, well-being, convenience, and property of considerable numbers of residents of, and visitors to, Kansas City, Mo.

74. Plaintiffs have suffered a special injury beyond the impairment to the general public caused by Jimenez Arms' nuisance. Their son, Dwight Crawford, was murdered with a gun manufactured by Jimenez Arms and trafficked by the Trafficking Scheme in which Jimenez Arms knowingly and willfully participated, and which Jimenez Arms concealed from law enforcement, enabling the Trafficking Scheme to continue for years. The plaintiffs continue to have anxiety that another member of their family or community, in and around Kansas City, will be victimized by the gun violence epidemic that has been exacerbated by Jimenez Arms.

75. The object of the Trafficking Scheme that Jimenez Arms helped create and participated in was to illegally traffic firearms. The foreseeable result of an illegal gun trafficking ring is that individuals convicted of felonies, minors and other individuals who cannot legally possess firearms, will obtain firearms and use them to commit crimes. One such prohibited individual shot Dwight Crawford.

76. Plaintiffs and the greater Kansas City, Mo., community have suffered harm and incurred substantial costs from Jimenez Arms' nuisance. They are entitled to costs incurred as a result of the nuisance, as well as injunctive relief to abate the nuisance.

**COUNT II – NEGLIGENCE**

*(Against Defendant Jimenez Arms)*

77. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

78. At all relevant times, Jimenez Arms was subject to the general duty imposed on all persons and entities not to expose others to reasonably foreseeable risks of injury.

79. Jimenez Arm had a duty to exercise reasonable care in manufacturing, distributing and selling firearms and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others. A breach of such a duty constitutes negligence.

80. Jimenez Arms knowingly violated, conspired to violate, and aided and abetted the violation of numerous federal laws and regulations, including, but not limited to, 18 U.S.C §§ 2, 371, 922(a)(1), 922(a)(2), 922(b)(3), 922(m), 922(t)(1), 923(a), 924(a)(1), 924(a)(3), 27 C.F.R. §§ 478.29; 478.99(a), 478.102, 478.123(b), 478.123(d), and 478.124(a). It did so by, among other violations, taking part in the multi-year Trafficking Scheme with Samuels, Co-conspirator # 1, Green Tip Arms, and others to unlawfully engage in the business of dealing firearms, selling guns to unlicensed persons, failing to properly verify the identity of purchasers, making false statements in required records, failing to make appropriate entries in required records and concealing these actions from federal law enforcement.

81. Jimenez Arms breached its duty by shipping firearms that it knew, or consciously avoided knowing, were destined for the illegal stream of commerce and into the hands of persons ineligible to possess a firearm.

82. Jimenez Arms is vicariously liable for the actions or inactions of its agents and/or employees while in the scope of their agency and/or employment.

83. Jimenez Arms is liable for the foreseeable actions taken by its co-conspirators, including defendant James Samuels.



84. Jimenez Arms' negligence and knowing violation of numerous federal statutes and regulations was a direct and proximate cause of Dwight Crawford's wrongful death.

85. Plaintiffs are entitled to recover damages including, but not limited to, the pain and suffering of Dwight Crawford prior to his death, medical expenses, pecuniary loss, funeral expenses, and the reasonable value of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of Dwight Crawford, against Jimenez Arms.

**COUNT III-NEGLIGENT ENTRUSTMENT**

*(Against Defendants Green Tip Arms LLC (Missouri) and James Samuels)*

86. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

87. On or before April 7, 2016, Green Tip Arms knew or reasonably should have known that James Samuels was engaged in unlawful gun selling, because Samuels' transactions involved numerous indicators that he was trafficking guns.

88. Green Tip Arms knew or should have known that illegally trafficked firearms create an unreasonable risk of harm to third parties because a foreseeable and likely consequence of gun trafficking is criminal gun violence resulting in serious injury or death.

89. Green Tip Arms knew or reasonably should have known that Samuels was likely to use the Murder Weapon in a manner involving unreasonable risk of physical injury to the public.

90. Green Tip Arms had possession and control of the Jimenez Arms handgun bearing the serial number 361229 and transferred it to Samuels on April 7, 2016, along with multiple other weapons.

91. Green Tip Arms knew or should have known that its employees and agents were well within their rights, and in fact, under an obligation, to use their individual judgment to refuse to sell a firearm to buyers who were known illegal gun traffickers.

92. Samuels purchased the Murder Weapon and had control of it after it was transferred to him by Green Tip Arms.

93. At some point between April 7, 2016, and July 4, 2016, Samuels transferred the Murder Weapon to Co-conspirator # 1, who had previously served as a straw purchaser for Samuels and his intended buyers. Upon information and belief, Co-conspirator # 1 permitted 16-year-old Devon Davis to use it, resulting in the murder of Dwight Crawford.

94. As a direct and proximate result of the negligent entrustments by Green Tip Arms and James Samuels, Dwight Crawford was killed. Plaintiffs are entitled to recover damages including, but not limited to, the pain and suffering of Dwight Crawford prior to his death, medical expenses, pecuniary loss, funeral expenses, and the reasonable value of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of Dwight Crawford.

#### **COUNT IV- NEGLIGENCE PER SE**

*(Against Defendants Green Tip Arms LLC (Missouri) and James Samuels)*

95. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

96. At all relevant times, defendants Green Tip Arms and James Samuels were subject to the general duty imposed on all persons not to expose others to reasonably foreseeable risks of injury and had a duty to exercise reasonable care in transferring firearms and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others.

97. Green Tip Arms and Samuels violated, conspired to violate, and aided and abetted the violation of numerous federal laws and regulations, including, but not limited to, 18 U.S.C §§ 2, 371, 922(a)(1), 922(m), 922(t)(1), 923(a), 924(a)(1), 924(a)(3), 27 C.F.R. §§ 478.29; 478.99(a), 478.102, 478.123(b), 478.123(d), and 478.124(a). They did so by, among other violations, unlawfully engaging in the business of dealing in firearms, participating in straw



purchasing, making material misrepresentations on forms, selling weapons to unqualified persons, and failing to properly maintain records.

98. Green Tip Arms is vicariously liable for the actions or inactions of its agents and/or employees while acting within the scope of their agency and/or employment.

99. The violations of law by Green Tip Arms and Samuels were a direct and proximate cause of Dwight Crawford's death. These laws are intended to protect public safety by preventing unlicensed and dangerous dealing of guns and the acquisition and misuse of guns by people with felony convictions, minors, and other irresponsible individuals.

100. The statutory purpose of these laws is to avoid and/or diminish the likelihood of harm that results from violations of these laws and to protect the plaintiffs from the particular type of harm that was suffered here. The violations committed by Green Tip Arms and Samuels, as listed above, caused harm of the kind these laws were intended to avoid. As a citizen and resident of the state of Missouri, Dwight Crawford was in the class of persons these laws were designed to protect.

101. Plaintiffs are entitled to recover damages including, but not limited to, the pain and suffering of Dwight Crawford prior to his death, medical expenses, pecuniary loss, funeral expenses, and the reasonable value of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of Dwight Crawford.

#### **COUNT V – CIVIL CONSPIRACY**

*(Against Defendants Jimenez Arms, Green Tip Arms (Missouri) and James Samuels)*

102. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

103. At various points from November 2013 through September 2018, defendants Jimenez Arms, Green Tip Arms, James Samuels, along with Co-conspirator #1 and others known or unknown, explicitly, implicitly, or tacitly conspired, collaborated or agreed to and/or

participated in a combination to accomplish an unlawful object. This conspiracy, explained in detail in Paragraphs 29 through 63, involved the intentional participation of the defendants with a view to the furtherance of a common design to disregard the law, including their obligations under common law.

104. Jimenez Arms, Green Tip Arms, James Samuels, and others, known and unknown, conspired to illegally distribute, traffic, and launder firearms in violation of state and federal firearms laws. The aim or object of the conspiracy was to profit from the unlicensed dealing in firearms. Each of the defendants had a stake in the outcome of the conspiracy.

105. Firearms are restricted commodities because they have an inherent capacity for harm and are especially susceptible to illegal use. Licensed firearms manufacturers, distributors, and dealers receive training on how criminals obtain firearms; they are obligated to know that criminals frequently obtain firearms in the illegal market from gun traffickers who buy and sell firearms for profit, especially cheap handguns like the type manufactured by Jimenez Arms.

106. Each defendant completed at least one act in furtherance of the conspiracy; these acts include, but are not limited to:

- a. Defendant Jimenez Arms sold 32 firearms to Samuels: (i) six firearms on or around November 22, 2013; (ii) seven firearms on or around December 12, 2013; (iii) three firearms on or around December 23, 2013; (iv) eight firearms on or around December 31, 2014; (v) three firearms on January 28, 2015; and (vi) five firearms on April 28, 2015.
- b. Defendants Green Tip Arms completed at least three transfers of firearms to Samuels and Co-conspirator # 1, including: (i) one firearm in December 2015; (ii) one firearm in February 2016; and (iii) at least three firearms on or around April 7, 2016.
- c. Defendant Samuels unlawfully purchased and distributed at least 77 firearms without a federal firearms license, including purchasing at least two Jimenez Arms handguns on April 7, 2016 from Green Tip Arms.



107. Defendant Jimenez Arms did not report the conspiracy to law enforcement, concealed it, and continued to profit from it even after Samuels stopped ordering firearms directly from the company, enabling the conspiracy to continue.

108. As a result of the conspiracy, Dwight Crawford was shot and killed. His death would not have occurred but for the conspiracy and was a foreseeable result thereof.

109. Plaintiffs are entitled to recover damages including, but not limited to, the pain and suffering of Dwight Crawford prior to his death, medical expenses, pecuniary loss, funeral expenses, and the reasonable value of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of Dwight Crawford.

110. This Court should hold Jimenez Arms, Green Tip Arms and James Samuels jointly and severally liable for any and all obligations or liabilities of their co-conspirators.

**COUNT VI – AIDING AND ABETTING (RESTATEMENT § 876)**  
*(Against Defendants Jimenez Arms and Green Tip Arms (Missouri))*

111. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

112. Jimenez Arms and Green Tip Arms knew or consciously avoided knowing that Samuels and Co-conspirator # 1 were engaging in tortious conduct by running an unlawful gun trafficking and laundering ring. Nevertheless, they gave them substantial assistance or encouragement allowing them to carry out their tortious conduct.

113. Separately considered, moreover, Jimenez Arms' and Green Tip Arms' own conduct constituted a breach of duty and provided substantial assistance and encouragement to Samuels and Co-conspirator # 1 in carrying out a tortious scheme.

114. Jimenez Arms and Green Tip Arms encouraged and substantially assisted Samuels in his tortious conduct by, among other things, facilitating gun laundering, unlawfully selling firearms to an unlicensed dealer, failing to make appropriate entries in required licensee

records and knowingly accepting and keeping government firearms forms with materially inaccurate information.

115. Without the assistance and encouragement of Jimenez Arms and Green Tip Arms, Samuels, and Co-conspirator # 1 would not have been able to traffic and launder firearms in the manner they did and would have been more likely to be detected at an earlier time.

116. As a direct and proximate result of the actions of Jimenez Arms and Green Tip Arms and the resulting death of Dwight Crawford, Plaintiffs are entitled to recover damages including, but not limited to, the pain and suffering of Dwight Crawford prior to his death, medical expenses, pecuniary loss, funeral expenses, and the reasonable value of services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of Dwight Crawford.

117. This Court should hold Jimenez Arms and Green Tip Arms jointly and severally liable for any and all obligations or liabilities of James Samuels.

**COUNT VII-SUCCESSOR LIABILITY**  
*(Against Defendant Green Tip Arms LLC (Arizona))*

118. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

119. In January 2015, defendant Christopher Bendet formed defendant Green Tip Arms LLC for the purpose of selling and transferring firearms. Bendet was the sole member of Green Tip Arms LLC and the business was registered at his home address in Raytown, Missouri.

120. In February 2015, Green Tip Arms LLC received a “Type 1- Dealer of Firearms” license from the ATF. Bendet was the sole “Responsible Person” for the license and the premises for the license was Bendet’s home. Bendet stated that Green Tip Arms LLC would conduct gun transfers for friends and family and sell firearms at local gun shows and through Gunbroker.com.

121. Upon information and belief, Bendet moved to Arizona in July 2016.



122. In August 2016, Green Tip Arms LLC applied for, and received, an amended federal firearms license in order to temporarily operate out of Bendet's friend's home in Missouri, so that it could continue to sell guns over the internet and at gun shows in Missouri, while Bendet finalized his move to Arizona.

123. In November 2016, Bendet registered Green Tip Arms LLC as a limited liability company in Arizona ("Green Tip Arms Successor"), run out of his home in Fountain Hills. The address of Green Tip Arms Successor was 14831 N. Greenhurst Ave, Fountain Hills, AZ 85268. Bendet is the sole member of Green Tip Arms Successor.

124. That same month, Green Tip Arms Successor applied for, and received, an amended federal firearms license to change locations to Bendet's new home in Fountain Hills, Arizona. Bendet represented to the ATF that all of Green Tip Arms' records and inventory would be transferred to the new FFL.

125. On December 18, 2017, Bendet filed "Articles of Termination" for Green Tip Arms LLC, with the Missouri Secretary of State. The stated reason for the termination was that the "[c]ompany relocated to Arizona [on] 11/1/2016." The same day, Bendet filed a "Notice of Winding Up for Limited Liability Company" with the Missouri Secretary of State, which noted that any claims against the company should be sent to Bendet at his Fountain Hills, Az., address. The Secretary of State issued a Certificate of Termination for Green Tip Arms LLC on December 26, 2017.

126. Upon information and belief, Green Tip Arms Successor did not make any changes to the way that it conducted its firearms business. Green Tips Arms Successor continues to sell guns at gun shows and over the internet, using Gunbroker.com. Bendet continues to be the

sole “Responsible Person” for the FFL. Upon information and belief, in late 2018 or early 2019 Bendet moved his home and business to 12022 N. Chama Dr., Unit A, Fountain Hills, AZ 85268.

127. Based on the foregoing, Green Tips Arms Successor is a mere continuation of Green Tip Arms LLC.

128. Defendant Christopher Bendet is the sole member of both Green Tip Arms LLC and Green Tip Arms Successor. Bendet formed both entities and operated both businesses identically. Upon information and belief, neither Green Tip Arms LLC nor Green Tip Arms Successor have employees other than Christopher Bendet.

129. Upon information and belief, Green Tips Arms Successor uses the same equipment as Green Tip Arms.

130. Upon information and belief, Green Tip Arms transferred or sold all or substantially all of its assets to Green Tip Arms Successor.

131. This Court should hold Green Tip Arms Successor jointly and severally liable for any and all obligations or liabilities of defendants Jimenez Arms, Green Tip Arms LLC, Christopher Bendet, and James Samuels.

**COUNT VIII – PIERCING THE CORPORATE VEIL**  
*(Against Defendant Christopher Bendet)*

132. Plaintiffs incorporate and re-allege the above paragraphs as if stated fully herein.

133. Upon information and belief, Green Tip Arms was the alter ego of Christopher Bendet and Green Tip Arms Successor is currently the alter ego of Christopher Bendet.

134. Bendet was the sole organizer and member of Green Tip Arms in Missouri, which was run out of his home, and continues to be the sole organizer and member of Green Tip Arms Successor in Arizona, which is run out of his current home. Upon information and belief, Bendet



was also the sole employee of Green Tip Arms and is currently the sole employee of Green Tip Arms Successor.

135. Christopher Bendet effectively controlled the operations of Green Tip Arms and effectively controls the operations of Green Tip Arms Successor. Bendet was the sole “Responsible Person” for Green Tip Arms, which means under federal firearms laws, he was the only individual who had “the power to direct or cause the direction of the management, policies, and practices of [Green Tip Arms] insofar as they pertain[ed] to firearms.” The same is currently true for Green Tip Arms Successor.

136. Christopher Bendet used Green Tip Arms as a vehicle for improper, negligent, and unlawful conduct, as detailed above. Despite numerous red flags, he sold multiple, cheap firearms to the Trafficking Scheme, including the Murder Weapon used to kill Dwight Crawford.

137. As described above, Christopher Bendet’s control and breach of duties in operating Green Tip Arms was a direct and proximate cause of Dwight Crawford’s death.

138. Christopher Bendet caused Green Tip Arms to be a defunct company and, upon information and belief, as a consequence Green Tip Arms is inadequately capitalized.

139. Christopher Bendet left the state of Missouri and opened up Green Tip Arms Successor, a firearms business using the same name, but organized under the laws of Arizona.

140. The Court should hold Christopher Bendet jointly and severally liable for any and all obligations or liabilities of Jimenez Arms, Green Tip Arms, Green Tip Arms Successor, and James Samuels.

REQUESTED RELIEF

WHEREFORE, the plaintiffs respectfully request that this Court enter judgment in their favor and that the Court:

a) Award judgment against the defendants for a reasonable sum of money in excess of Twenty-Five Thousand Dollars (\$25,000) that will fairly compensate the plaintiffs for the wrongful death of Dwight Crawford;

b) Award prejudgment interest in accordance with RSMo. 408.040;

c) Award exemplary damages;

d) Award the plaintiffs' costs and reasonable attorney's fees incurred in this action;

e) Award injunctive relief against Jimenez Arms requiring it to abate the nuisance it has created, as alleged in Count I above, by:

1) Ordering Jimenez Arms to take corrective action to identify and recover the remaining Jimenez Arms pistols that were sold to defendant Samuels;

2) Ordering Jimenez Arms to comply with state and federal firearms law;

3) Ordering Jimenez Arms to submit to supervision by a court appointed Special Master(s) for a period of 5 years, the responsibilities of whom shall include, *inter alia*, monitoring of Jimenez Arms' sales practices through observation, records monitoring, and random and repeated integrity-testing, and implementing corrective policies and procedures, the costs of such Special Master(s) to be borne by Jimenez Arms;

4) Ordering Jimenez Arms to require mandatory training of all sales personnel by a court-approved training entity, the costs of such training to be borne by Jimenez Arms;



5) Ordering Jimenez Arms to post a bond in an amount to be determined by the Court, which shall be forfeited in the event of future violations by Jimenez Arms; and

f) Grant such other relief as the Court may deem just and proper.

**PLEASE TAKE NOTICE THAT PLAINTIFFS DEMAND A TRIAL BY JURY.**

Dated June 24, 2019

Respectfully Submitted,

**EVERYTOWN LAW**

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*\*Pro hac vice application forthcoming*

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