

STATE OF NEW YORK SUPREME COURT
COUNTY OF ERIE

WAYNE JONES, Individually and as
Administrator of the Estate of CELESTINE
CHANNEY,

Plaintiff,

v.

Index No.:

JURY TRIAL DEMANDED

MEAN LLC; VINTAGE FIREARMS, LLC;
RMA ARMANENT, INC.; ALPHABET
INC., GOOGLE, LLC; YOUTUBE, LLC;
REDDIT, INC.; PAUL GENDRON; AND
PAMELA GENDRON

Defendants,

COMPLAINT

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**Pro hac vice motions forthcoming*

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INTRODUCTION

1. The horrific and racist murders of Celestine Chaney and nine others at the Tops Friendly Markets store (“Tops”) in Buffalo on May 14, 2022, was the product of unlawful and irresponsible actions taken by numerous bad actors, all of whom enabled Payton Gendron (“the Shooter”) to commit a hateful massacre.

2. Just as the Shooter is being held to account criminally for his actions, the defendants named in this lawsuit must answer for the critical roles they played in facilitating this reprehensible mass shooting.¹

3. Three of the Defendants—MEAN LLC, Vintage Firearms, and RMA Armament—unlawfully and/or negligently equipped the Shooter with the weapon and armor he needed and used to conduct an offensive combat operation designed to kill Black civilian residents of Buffalo.

4. Defendant MEAN LLC illegally offered the Shooter a way to circumvent New York laws prohibiting assault weapons and large-capacity magazines²—laws designed to prevent the type of mass shooting that occurred at Tops. MEAN LLC designed, marketed, and sold a gun lock that provided a fake veneer of compliance with New York law, while simultaneously assuring consumers that simple removal of the lock restores the gun to its status as a highly lethal, fully functioning assault weapon.

5. Defendant Vintage Firearms sold the Shooter the illegal assault weapon he used in his murderous attack. It sold him an AR-15-style rifle with the MEAN LLC lock attached despite

¹ MEAN LLC, Vintage Firearms LLC, RMA Armament, Inc., Alphabet, Inc., Google LLC, YouTube LLC, Reddit, Inc., Paul Gendron, and Pamela Gendron are the defendants in this case (collectively, the “Defendants”).

² See N.Y. Penal Law § 265.00(22) and (23) (defining “assault weapon” and “large capacity ammunition feeding device”); N.Y. Penal Law § 265.02 (prohibiting the possession of assault weapons and large capacity ammunition feeding devices).

knowing that the lock could be removed in minutes, rendering the weapon a fully functioning assault weapon that is banned in New York.

6. Defendant RMA Armament negligently supplied the Shooter with the combat-style body armor he wanted to prevent himself from being killed or wounded by defensive fire during the attack. After communicating with the Shooter in shady online forums, RMA Armament sold the Shooter ceramic plate body armor without reasonable vetting, despite knowing that body armor has been used in more than a dozen high-profile mass shootings.

7. Social media companies YouTube (and parent companies Alphabet and Google) and Reddit were instrumental in preparing the Shooter to commit his heinous attack. Their unreasonably dangerous and negligent design choices resulted in the Shooter's addiction to their products, and caused him to develop the mentality required to target and kill Black people who were innocently shopping at their local market. In addition to facilitating the Shooter's radicalization, the design of these social media platforms provided the Shooter with knowledge regarding the tools, products, and skills he needed to commit the mass shooting at Tops.

8. The Shooter's parents, Paul and Pamela Gendron, could and should have prevented this tragedy. Despite knowing that the Shooter had threatened to commit a murder-suicide less than a year before the Tops massacre, was in the possession of at least one gun, was spending an unhealthy amount of time on social media, had brutalized and decapitated a cat, and was acquiring combat gear, the Shooter's parents failed to take any meaningful action, including investigating and/or seeking to preclude the Shooter's access to guns.

9. The mass shooting at Tops was not inevitable. Without Defendants' unlawful and/or negligent actions and failures to act, the Shooter would not have had the motivation, skills, and equipment to commit one of the worst racist attacks in modern U.S. history. Without

Defendants' actions and failures, Celestine Chaney would not have been brutally murdered in an aisle of her local grocery store.

PARTIES

A. PLAINTIFF WAYNE JONES, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF CELESTINE CHANEY

10. Plaintiff Wayne Donnel Jones, Sr. ("Plaintiff" or "Mr. Jones") is the only child of Celestine Chaney, deceased, and has been appointed by the Erie County Surrogate's Court as Administrator of her estate for the purpose of initiating this lawsuit. Mr. Jones is a resident of Buffalo, New York, as was Ms. Chaney prior to her death.

11. Ms. Chaney, a 65-year-old Black woman, was murdered by the Shooter at Tops on May 14, 2022. She was a long-time resident of Buffalo's East Side neighborhood—the location of Tops. She was a pillar of her family and her church, a devoted mother, and a beloved grandmother of nine. She overcame countless challenges in her life and was a source of warmth and resilience to those who knew her. Ms. Chaney is pictured below.



12. On the afternoon of the shooting, Ms. Chaney was shopping with her sister at Tops. They were looking for ingredients for strawberry shortcake—her favorite dessert—when the Shooter began his racist massacre.

13. Upon hearing shots fired, Ms. Chaney and her sister tried to flee. Ms. Chaney, who had difficulty running, fell to the ground. As the shooting became louder, signaling the gunman's approach, Ms. Chaney selflessly ordered her sister to leave her behind and run for safety. The Shooter found Ms. Chaney on the ground when he entered the store. He aimed at her and shot her multiple times, reloading with another large-capacity magazine in the middle of brutally murdering her. Ms. Chaney died as a result of the catastrophic injuries caused by the Shooter's bullets.

14. Ms. Chaney's sister waited anxiously for her at the back of the store, only to learn that she had been killed.

15. Nine other innocent people lost their lives as part of that mass shooting at Tops, and many additional people were seriously wounded, injured, and traumatized.

B. DEFENDANT MEAN LLC

16. Defendant MEAN LLC is a manufacturer of custom products relating to firearms. It conducts business as MEAN Arms (hereinafter "MEAN Arms"). The company was organized in Georgia in 2012 and maintains its principal place of business there.

17. MEAN Arms manufactures and sells the MEAN MA Lock ("MEAN Arms Lock"), which at all relevant times it marketed as a device capable of bringing firearms into compliance with New York laws prohibiting assault weapons. MEAN Arms marketed and sold its products, including the MEAN Arms Lock, to customers in New York, through its website and third-party sellers. Its marketing materials targeted New York customers, among others. Upon information and belief, until early May 2023, MEAN Arms regularly shipped the MEAN Arms Lock to purchasers in New York.

18. On May 11, 2023, the New York Attorney General sued MEAN Arms for multiple violations of New York law in connection with its marketing and sales of the MEAN Arms Lock to New York residents.

19. MEAN Arms purposefully availed itself of New York law by manufacturing and selling products, including the MEAN Arms Lock, that are (or were at all relevant times) sold in this State.

23. The MEAN Arms Lock was attached to the Shooter's gun when he purchased it in New York.

24. Plaintiff's injuries arise out of MEAN Arms' purposeful availment of New York law and its targeting of customers located in New York.

C. DEFENDANT RMA ARMAMENT, INC.

25. Defendant RMA Armament, Inc. (hereinafter "RMA Armament") manufactures, markets, sells, and distributes body armor and tactical gear to law enforcement, the military, and civilians. The company was incorporated in Iowa in 2013 and maintains its principal place of business there.

26. RMA Armament markets and sells its products to customers in New York through its website, online communications, and third-party sellers. Upon information and belief, at all times relevant to this lawsuit, RMA Armament regularly shipped products, including body armor, to purchasers in New York. RMA Armament purposefully availed itself of New York law by manufacturing and selling body armor that is sold in this State and by engaging in specific communications with New York customers, such as the Shooter, to encourage him to purchase the company's body armor.

27. RMA Armament marketed, sold, and shipped combat-style body armor directly to the Shooter, a civilian, in New York.

28. The Shooter wore ceramic body armor plates manufactured and sold by RMA Armament when he committed his racist attack at Tops.

29. Plaintiff's injuries arise out of RMA Armament's purposeful availment of New York law and its targeting of customers located in New York.

D. DEFENDANT VINTAGE FIREARMS, LLC

30. Defendant Vintage Firearms LLC (hereinafter “Vintage Firearms”) is a firearms distributor located in Endicott, New York. It was incorporated in Broome County, New York in 1997. It holds a Federal Firearms License (“FFL”).

31. Vintage Firearms sold the Shooter the gun that he used to conduct his attack at Tops.

32. Plaintiff’s injuries arise out of this activity in New York.

E. DEFENDANTS ALPHABET INC., GOOGLE, LLC and YOUTUBE, LLC (Collectively “YouTube Defendants”)

33. Defendant Alphabet Inc. (“Alphabet”) is a holding company that owns and operates, through various subsidiaries, a variety of computer and internet-based services and technology products such as Google Search, YouTube, Gmail, Chrome web browser, and Android operating systems. Alphabet is a Delaware limited liability company headquartered in Mountain View, California.

34. Alphabet, through one or more of its subsidiaries, is the owner and operator of Google Brain, an artificial intelligence software that deploys unsupervised machine learning algorithms in order to draw inferences about consumers’ preferences. YouTube’s video recommendations rely on Google Brain.

35. Defendant Google LLC (“Google”) is a technology company that owns and operates a variety of computer and internet-based services, such as Google Search and YouTube, in conjunction with and as a subsidiary to Alphabet. Google is a Delaware limited liability company headquartered in Mountain View, California. Google maintains an office and employs personnel in New York.

36. Defendant YouTube, LLC is a Delaware limited liability company with its principal place of business in San Bruno, California, and has been a wholly owned subsidiary of Alphabet/Google since 2006. YouTube, LLC maintains an office and employs personnel in New York.

37. The YouTube Defendants transact business in New York and throughout the United States though the dissemination of YouTube to users located throughout the country, including the Shooter, who used the product in New York. The YouTube Defendants purposefully availed themselves of New York law by targeting users in the state, transacting business in the State, and profiting from their activities here.

38. This Court has personal jurisdiction over the YouTube Defendants. The YouTube Defendants, individually and collectively, acting alone and in concert, do continuous and systematic business in New York and maintain offices and employ personnel in New York, and therefore are domiciliaries of New York within the meaning of New York Civil Practice Law and Rules (“CPLR”) § 301.

39. This Court also has personal jurisdiction over the YouTube Defendants pursuant to CPLR § 302. Individually and collectively, acting alone and in concert, the YouTube Defendants transact business in New York and supply goods and services in New York within the meaning of CPLR § 302(a)(1) by permitting users who reside in New York to upload and view videos frequently, among other things. The YouTube Defendants committed tortious acts in New York during the course of such business within the meaning of CPLR § 302(a)(2). Alternatively, the YouTube Defendants committed tortious acts outside of New York, which caused injury within New York within the meaning of CPLR § 302(a)(3). Furthermore, the YouTube Defendants regularly do and solicit business within New York and derive substantial

revenue from their services within New York under CPLR § 302(a)(3)(i). Finally, the YouTube Defendants derive substantial revenue in interstate commerce and should reasonably expect their tortious acts to have consequences in New York. CPLR § 302(a)(3)(ii).

40. At all times material to this Complaint, the YouTube Defendants formulated, directed, controlled, had the authority to control, or participated in the acts and practices related to their products that are described in this Complaint.

41. Plaintiff's injuries arise out of the YouTube Defendants' purposeful availment of New York law and targeting of customers located in New York.

F. DEFENDANT REDDIT, INC.

42. Defendant Reddit, Inc. ("Defendant Reddit") is a social media company incorporated in Delaware and headquartered in San Francisco, California. Defendant Reddit operates the online platform "Reddit."

43. Defendant Reddit transacts business in New York and throughout the United States though the dissemination of its product to users located throughout the country, including the Shooter, who used the product in New York. Defendant Reddit purposefully availed itself of New York law by transacting business in the State, and profiting from its activities here.

44. Defendant Reddit has a place of business, maintains an office and employs personnel in New York.

45. This Court has personal jurisdiction over Defendant Reddit. Defendant Reddit conducts continuous and systematic business in New York and maintains one or more offices and employs personnel in New York, and therefore is a domiciliary of New York within the meaning of CPLR § 301.

46. This Court also has personal jurisdiction over Defendant Reddit pursuant to CPLR § 302. Defendant Reddit transacts business within New York and supplies goods and services in New York within the meaning of CPLR § 302(a)(1) by permitting users who reside in New York to consume its website/product and post comments and content frequently. Defendant Reddit committed tortious acts within New York during the course of such business within the meaning of CPLR § 302(a)(2). Alternatively, Defendant Reddit committed tortious acts outside of New York, which caused injury within New York within the meaning of CPLR § 302(a)(3). Furthermore, Defendant Reddit regularly does and solicits business within New York and derives substantial revenue from its services within New York under CPLR § 302(a)(3)(i). Finally, Reddit derives substantial revenue in interstate commerce and should reasonably expect its tortious acts to have consequences in New York. CPLR § 302(a)(3)(ii).

47. At all times material to this Complaint, Defendant Reddit formulated, directed, controlled, had the authority to control, or participated in the acts and practices related to its product that are described in this Complaint.

48. Plaintiff's injuries arise out of Defendant Reddit's purposeful availment of New York law.

G. DEFENDANTS PAUL AND PAMELA GENDRON

49. Defendants Paul and Pamela Gendron are the Shooter's parents. They reside in Conklin, New York. They raised the Shooter in their home, where he continued to reside until his arrest on May 14, 2022, in connection with the massacre at Tops.

50. The Shooter planned the attack from his parents' home and maintained his cache of weapons, ammunition, and combat equipment there.

51. Plaintiff's injuries arise from Paul and Pamela Gendron's activities in New York.

JURISDICTION AND VENUE

52. Jurisdiction is proper under CPLR §§ 301 and 302. All Defendants live or conduct business in the State of New York and/or have purposefully availed themselves of the jurisdiction of this Court by residing in and/or transacting business in this State.

53. Upon information and belief, MEAN LLC, Vintage Firearms, RMA Armament, the YouTube Defendants, and Reddit registered to do business within the State of New York, conducted business in New York, and/or profited off of their activities directed toward the State of New York.

54. The events giving rise to this Complaint, including the Shooter's social media use, his weapons and body armor purchases, and the shooting at Tops, occurred in New York. The combination of events and actions by Defendants give rise to Plaintiff's claims.

55. The non-domiciliary Defendants transacted business within the state, committed tortious acts within the state, and/or committed tortious acts outside of the state that foreseeably resulted in injury to Ms. Chaney and Plaintiff Jones. These Defendants persistently targeted the New York consumer market with knowledge that their products would likely be misused in New York and/or engaged in another persistent course of conduct directed at New York. These Defendants should reasonably have expected their conduct to have consequences in New York.

56. Venue is proper in Erie County pursuant to CPLR § 503 because it is the county where a substantial part of the events—specifically the shooting at Tops—occurred. It is also the county where Plaintiff Jones resides.

GENERAL ALLEGATIONS

57. Each Defendant facilitated and enabled the Shooter to commit the massacre on May 14, 2022.

58. *First*, MEAN Arms facilitated the Shooter’s acquisition and use of an assault weapon that is banned in New York. By deceptively marketing and falsely advertising the MEAN Arms lock as a device that brings assault weapons into compliance with New York law, MEAN Arms enabled the Shooter to acquire a type of gun that would not have been available to him—a Bushmaster XM-15 assault weapon—and equip it with removeable large-capacity magazines, which he used to inflict maximum carnage during his racist attack. While claiming that its product helps customers comply with New York law, MEAN Arms knowingly created the mere illusion of compliance and offered New Yorkers a way to circumvent the law. Revealing its true intentions, the company publicly acknowledged that its MEAN Arms lock was a workaround developed in response to the “trampling” of the rights of U.S. citizens to bear arms in “non-free states” that have assault-weapons bans, such as New York.

59. *Second*, RMA Armament provided the Shooter—a civilian—with combat-style body armor that was critical to the execution and prolongment of his massacre at Tops. Indeed, RMA Armament’s body armor prevented the Shooter from being killed or disabled during the attack as a result of defensive fire from the Tops security guard. Despite knowing that previous mass shooters have used armor during their deadly attacks and that law-abiding civilians do not require combat-style body armor, RMA Armament marketed its products directly to civilians, including via online message boards and chat groups that appeal to delusional and racist young men, without any reasonable vetting or verification process.

60. *Third*, the YouTube Defendants unleashed a harmful and addictive product that caused the Shooter to become consumed with an alternate reality and provided him with the knowledge and racism-fueled motivation to commit the attack at Tops. Upon information and

belief, YouTube’s features, such as its proprietary recommendation algorithm and autoplay functionality, were instrumental in that process.

61. *Fourth*, like the YouTube Defendants, Defendant Reddit unleashed a damaging product that caused the Shooter to become consumed with his online persona and provided him with the know-how and extremist encouragement he needed to commit the attack at Tops. Upon information and belief, Reddit’s features, including its algorithm, promoted extreme content to the Shooter. In addition, Reddit offered a specialized forum relating to tactical gear where the Shooter discussed and acquired combat gear for his offensive attack.

62. *Fifth*, Paul and Pamela Gendron—the Shooter’s parents—abdicated their duties. Despite knowing that the Shooter had a history of disturbing threats and violent behavior, Paul and Pamela Gendron enabled the Shooter to plan and equip himself for his racist attack from their home. Despite their awareness of the Shooter’s mental health problems and his access to at least one firearm, Paul and Pamela Gendron took no steps to limit the Shooter’s access to guns (as permitted by New York law) or otherwise intervene, investigate, or supervise him.

A. THE MASS SHOOTING AT TOPS WAS AMONG THE WORST RACIST ATTACKS IN MODERN U.S. HISTORY

63. Even in a country where shootings are an all-too-frequent occurrence, the Shooter’s murderous, racist rampage at Tops stands out as an especially horrific act.

64. Obsessed with an invidious conspiracy theory that white people are being systematically “replaced” by non-white people, the Shooter targeted the Plaintiff’s neighborhood in the East Side of Buffalo after discovering from census data that one of its ZIP Codes—14208—had the highest percentage of Black residents in Upstate New York.

65. By targeting Buffalo’s East Side neighborhood because of its high concentration of Black people, the Shooter perpetuated a shameful legacy of racial inequality and

mistreatment. Indeed, Buffalo is one of the most racially segregated cities in the United States as a result of discriminatory policies and unfair treatment dating back generations.

66. Approximately 85% of Buffalo's Black residents live on the East Side of the city. As is all too common in predominately Black neighborhoods, residents of Buffalo's East Side have few grocery store options. In fact, the Tops Friendly Markets store on Jefferson Avenue is one of the only grocery stores with fresh produce serving the local community.

67. For the people that call Buffalo's East Side home, the area is steeped in community, faith, and neighborliness. And the Tops Friendly Markets store has played an important role in that for two decades—both as a source of food for the community and as a place where East Side residents connect with one another.

68. Against that backdrop, the brutal and racist attack of May 14, 2022, was all the more devastating. Armed with a military-style assault weapon emblazoned with racial slurs, names of previous mass shooters, and other offensive writings, the Shooter terrorized the people who were onsite, reignited deep-seated fears of racism-fueled violence, and shattered the sense of community that existed at Tops and in Buffalo's East Side more generally.

B. DEFENDANTS FACILITATED THE SHOOTER IN MYRIAD WAYS

1. Social Media Products, Including YouTube and Reddit, Transformed and Addicted the Shooter, Preparing Him for his Murderous Attack

69. Before the Shooter murdered 10 people at Tops, he became addicted to social media, embraced racist conspiracy theories, and developed an obsession with guns and tactical gear—all foreseeable consequences of design choices made by online platforms such as YouTube and Reddit.

70. In their pursuit of financial gain, these (and other) social media companies designed and chose to program, distribute, and operate their products in a manner that prioritizes

engagement over user safety, including without regard to use by minors. The YouTube Defendants and Reddit made their defective and unreasonably dangerous products available to users like the Shooter, who consumed the products in ways that materially developed and advanced his plans to murder innocent members of the Black community.

71. Algorithms and design features used by the YouTube Defendants and Reddit maximized the Shooter's engagement with their products by systematically promoting extreme and harmful content and giving him an unending supply of it. As is the case with many young users of social media, the Shooter became transfixed with and addicted to this online world. He accessed his social media accounts virtually nonstop, including during the night. Through use of YouTube, Reddit, and other sites, the Shooter gained the mindset, knowledge, and motivation he needed to commit his racist attack.

72. Beginning in 2020, as a result of his near-constant use of social media, the Shooter became a believer in the racist conspiracy theory called "the Great Replacement"—a theory that is amplified and promoted on sites such as Reddit.

73. The Shooter's indoctrination into a racist, online community was evident in his contemporaneous writings.³ For example, he wrote: "Humanity will cease to develop if the White race is eliminated[.] ... I will carry out an attack against the replacers."⁴ "Replacers" is a term used by adherents to "the Great Replacement" conspiracy theory, which posits that elite "replacists" systematically facilitate the mass migration of non-white "replacers" to majority

³ Beginning in approximately November 2021, the Shooter kept a private diary on Discord (hereinafter "Discord Diary" or "Diary") and added entries regularly. He also drafted a separate document, which he called a manifesto (hereinafter the "Shooter's Document"). He made both available to other users on Discord shortly before he commenced his attack.

⁴ Discord Diary, 12/13/2021 ("The Great Replacement theory is real, at the current rate whites will be the minority. This is white genocide.").

white countries in order to usher in a “white genocide” that will destroy European race and culture.⁵

74. He ascribed his adherence to this and many other white supremacist and anti-government conspiracy theories to material he started consuming online, including on Reddit, “a few months after covid started.”⁶ Upon information and belief, information the Shooter viewed on YouTube contributed to his adoption of these radical beliefs and groomed him to consume hard-core racist content on other sites.

75. Increasingly isolated, alone, and obsessed with white supremacist online content, the Shooter developed plans for a violent, racist attack using detailed information he obtained from social media sources. The Shooter compiled information on his computer and in his Discord Diary with the plan to make them public shortly before carrying out his attack, so that his accumulated knowledge of firearms, body armor, and tactical gear—as well as his violent, racist ideas—would be disseminated to motivate others to carry out similar racist terrorist attacks.

76. Taking advantage of the 18-year-old Shooter’s insecurities and the incomplete development of the frontal lobe of his brain, YouTube maintained his product engagement by targeting him with increasingly extreme and violent content. Because YouTube’s algorithm was designed with the singular goal of maximizing users’ product engagement over psychological, emotional, and ethical well-being, it directed him to material promoting hate and equipping him for carrying out acts of violence. This was how YouTube was designed and intended to function.

⁵ Replacement Theory, Encyclopedia Britannica Online (2023), <https://www.britannica.com/topic/replacement-theory> (last visited Aug. 10, 2023).

⁶ Discord Diary, 01/30/2022.

77. The Shooter was a frequent user of YouTube and, by 2022, was viewing hundreds of YouTube videos promoting racism, antisemitism, and racial violence. On information and belief, the Shooter did not begin his YouTube experience by watching hateful and violent videos; rather, YouTube's defective and unreasonably dangerous algorithm progressively recommended and directed him to such malign content. The YouTube Defendants, through their algorithm, chose a very substantial portion of this content for him.

78. Reddit similarly promoted extreme and disturbing content to the Shooter as a result of its algorithm and through the functionality of its site. The Shooter spent large amounts of time on Reddit and was transformed as a result of its website structure. Upon information and belief, Reddit's defective and unreasonably dangerous functionality progressively recommended and directed him to disturbing and extreme content and fostered his connections with individuals that supplied him with combat gear for use in an offensive attack.

79. Over time, as a result of his exposure to violent and hateful content, the Shooter became a racist who was desensitized to the human suffering and death depicted in the materials he viewed on these platforms. This facilitated his attack. This reaction was a foreseeable consequence of the design and operation of YouTube and Reddit.

2. Aided by Social Media, the Shooter Learned How to Equip Himself for and Carry Out an Offensive Combat Operation, and Easily Obtain the Gear He Needed

80. Motivated by his racist views and fueled by what he viewed online, the Shooter identified and easily acquired the dangerous products that he needed for his attack, including an assault weapon, large-capacity magazines, ammunition, and combat-style body armor.

81. Using YouTube, Reddit, and other online sources, the Shooter investigated how to equip himself with military-grade armaments. He learned that MEAN Arms provided a way to

circumvent New York laws precluding access to assault weapons. And he easily purchased combat-style body armor from RMA Armament online (with no reasonable vetting) after directly engaging with the company's representatives on message boards, including on Reddit and websites catering to a hard-core, militaristic audience.

82. To carry out his attack and increase the number of casualties, the Shooter set his sights on a Bushmaster XM-15 assault weapon that could accept detachable 30-round magazines. The Shooter wrote that he required a firearm that “can fire ammunition as quickly as needed [and] can hold many rounds of ammunition without reloading.”⁷

83. The Bushmaster XM-15 is an AR-15-style rifle that fires bullets at high velocity, inflicting extreme damage to the human body. When equipped with a detachable large-capacity magazine, the gun can fire dozens of rounds without having to reload and can accept another magazine with ease after ejecting the previous one.

84. But New York's gun laws prohibited the Shooter from acquiring such a weapon. As the Shooter learned, New York law bans assault weapons including certain semi-automatic rifles capable of accepting detachable large-capacity magazines (as well as prohibiting large-capacity magazines that hold more than 10 rounds), like the Bushmaster that the Shooter set out to acquire.

85. After initially being stymied in his attempt to obtain an assault weapon for his attack, the Shooter discovered a solution: he could buy an assault weapon in New York so long as it had a MEAN Arms Lock installed. He learned that he could “illegally modify” this “cucked version” of the firearm by removing the lock, which fixed a 10-round magazine to the gun.⁸ By

⁷ Shooter's Document at 58.

⁸ Shooter's Document at 61.

removing the lock, the gun was a fully functional assault weapon ready to accept large-capacity magazines.

86. The Shooter cited YouTube videos as a significant source of his knowledge regarding how to remove the magazine lock from the gun and prepare it to accept large-capacity magazines. He posted links to videos showing “[h]ow to Install an AR-15 Magazine Release,” how to remove a fixed magazine from an AR-15 and install a new magazine, and a “quick video showing a cheap and easy way to make your AR-15 NY and CA compliant...for now.” With respect to the last video, the Shooter commented: “Same fixed mag release at vintage firearms, says you have to drill it out to get it,” referring to the removability of the MEAN Arms Lock.⁹ The video also notes that the MEAN Arms Lock packaging includes instructions regarding removal of the lock.

87. The Shooter scouted out various gun stores, pawn shops, and flea markets—including Vintage Firearms—in an effort to locate the “locked” gun he sought, as well as the ammunition for it.

88. He visited Vintage Firearms on at least four occasions—twice in late December 2021 and twice in January 2022.¹⁰

89. By his third visit (on January 11, 2022), the Shooter found what he sought—a Bushmaster XM-15 with a 10-round magazine and a MEAN Arms Lock. As a result of information he learned from YouTube and, upon information and belief, from personnel at Vintage Firearms, the Shooter understood that he could “take the fixed mag[azine] out [with] a

⁹ Discord Diary, 12/24/2021; 01/11/2022.

¹⁰ Discord Diary, 12/21/2021; 12/30/2021; 01/11/2022; 01/19/2022.

screw extraction kit.”¹¹ The Shooter concluded that the “bushmaster at Vintage Firearms will do very nicely,” because it “has the mean arms fixed mag release.”¹²

90. The Shooter described the process of removing the lock as “easy enough,” referencing YouTube videos demonstrating how to remove such devices.¹³ Through one or more of these videos and, upon information and belief, after discussing the subject with personnel at Vintage Firearms, the Shooter learned how to remove a MEAN Arms Lock with a simple drill bit meant for extracting stripped screws, writing that the lock “will come right out.”¹⁴

91. The Shooter went to Vintage Firearms again on January 19, 2022—his fourth visit in less than a month. He reexamined the Bushmaster XM-15 with the MEAN Arms Lock and purchased it. Upon information and belief, personnel at Vintage Firearms did not engage in reasonable vetting of the Shooter before selling him—an 18-year-old—a highly lethal assault weapon that he planned to modify to accept large-capacity magazines.

92. The owner of Vintage Firearms later told the press that guns, such as the one his store sold the Shooter, could be easily modified. Upon information and belief, personnel at Vintage Firearms knew that it was simple to remove the MEAN Arms Lock so that the gun accepted large-capacity magazines.¹⁵

93. After purchasing the gun at Vintage Firearms, the Shooter took the weapon home and removed the lock that same day.

¹¹ Discord Diary, 01/11/2022.

¹² Discord Diary, 01/18/2022.

¹³ Discord Diary, 12/24/2021.

¹⁴ Discord Diary, 01/11/2022.

¹⁵ Ashley Southall, Chelsia Rose Marcius, and Andy Newman, *Before the Massacre, Erratic Behavior and a Chilling Threat*, N.Y. Times (May 15, 2022), <https://www.nytimes.com/2022/05/15/nyregion/gunman-buffalo-shooting-suspect.html> (quoting the owner of Vintage Firearms: “gun[s] can be easily modified if you really want to do it.”) (last visited Aug. 10, 2023).

94. The presence of a MEAN Arms Lock affixing a 10-round magazine to the Bushmaster XM-15 was critical to the Shooter. The Shooter knew *both* that the lock had to be in place for a New York-licensed FLL to project the veneer of compliance with New York law in conjunction with selling it to him *and* that he could easily remove the lock, thereby allowing the rifle to accept detachable large-capacity magazines that would enable him to fire more rounds more quickly without having to pause for as long as it takes to reload a fixed magazine. The fact that the Bushmaster XM-15 was equipped with the MEAN Arms Lock enabled him to purchase his weapon of choice in New York.

95. After he obtained the gun and removed the MEAN Arms Lock, the Shooter posted a link to a now-defunct YouTube video that appears to have provided tips regarding how to carry a large number of magazines and ammunition on his person for the apparent purpose of conducting an attack.¹⁶ By removing the MEAN Arms Lock, the Shooter could use detachable magazines and reload with ease. This meant that he could increase the firepower and lethality of his attack by carrying (and using) multiple large-capacity magazines loaded with ammunition.

96. Meanwhile, the Shooter assembled combat-style gear for use in the attack. He acquired multiple items that he described as “military gear,”¹⁷ including a combat helmet and combat-style body armor, specifically armor plates worn in a plate carrier.

97. It was essential to the Shooter that he wear armor that would protect him from defensive fire by law enforcement, the Tops security guard, and members of the Black community he intended to target. The Shooter wrote that he required body armor “to minimize the chance of instant death” from defensive fire.¹⁸

¹⁶ Discord Diary, 01/28/2022

¹⁷ Shooter’s Document at 5, 156.

¹⁸ *Id.* at 58.

98. Body armor manufactured and sold by RMA Armament fit the bill. The Shooter learned about the company's products from online groups catering to extremists and those with militarist fantasies, such as a Reddit community dedicated to discussing tactical gear.

99. RMA Armament's online marketing and social media outreach targeted the Shooter. The company promoted its body armor on message boards and online forums known for their proliferation of violent, racist, and extremist conspiracy theories. As a result of his online interactions, the Shooter focused on the company's body armor and communicated directly with RMA Armament employee or agent Cory Clark on at least four occasions. Clark, who acted on behalf of RMA Armament, encouraged the Shooter to purchase RMA Armament's body armor plates, touting their effectiveness at protecting the wearer from defensive fire. Upon information and belief, RMA Armament promoted and sold the ceramic body armor plates to the Shooter without conducting any reasonable inquiry, including asking about the Shooter's intended use of the ceramic body armor plates, his desire for Level III+ protection, and his background, such as his mental health or criminal record. Had RMA Armament made a reasonable inquiry prior to the sale, it would have confirmed that the Shooter had no lawful use for the ceramic body armor plates and could have revealed the Shooter's mental health issues and plan to use the ceramic body armor plates to undertake a mass shooting or other criminal attack.

100. RMA Armament's marketing to the Shooter earned it a sale and promotion of its products by the Shooter. The Shooter expressed enthusiasm for RMA Armament's body armor plates, posting that the company was his "go to for armor plates" and had "quite high standards when it comes to armor."¹⁹ RMA Armament's response was a (now deleted) online post expressing appreciation for the Shooter.

¹⁹ Discord Diary, 01/08/2022.

101. Given RMA Armament's apparent willingness to sell body armor to anyone able to pay for it, the Shooter had no trouble acquiring ceramic body armor plates from the company. The Shooter ordered the armor online, without having to answer questions about his intended use of the armor, his age, or his mental health. RMA Armament promptly shipped it to him directly at his address in New York.

102. So enthralled was the Shooter with RMA Armament's marketing and the online interactions he had with RMA Armament personnel that he requested that Cory Clark, the RMA Armament employee with whom he interacted online, be given a bonus.

3. Showing the Effects of His Overexposure to Social Media, the Shooter Became Increasingly Threatening and Violent Before He Committed the Tops Attack

103. The Shooter's increasingly violent and dangerous proclivities became evident before his attack at Tops.

104. On or around June 2021, shortly before his high school graduation, the Shooter (then 17) threatened to commit a murder-suicide. After a teacher reported the incident, police investigated, and the Shooter was taken into custody and transported to the hospital for a mental health evaluation. After falsely disclaiming his intention to commit acts of violence, the Shooter was released to his parents.

105. Despite this murder-suicide threat, the Shooter had unfettered access to a gun from the time he turned 16. Defendant Paul Gendron gave him a Savage Axis SP bolt-action rifle as a birthday gift that year. From then on, Paul and Pamela Gendron were aware that the Shooter had access to a firearm. Indeed, Defendant Paul Gendron regularly took his son shooting at Skyline Drive State Forest. The Shooter later practiced for his attack there.

106. In early 2022, the Shooter settled on the location of his racist attack. He chose the Tops in Buffalo's East Side Neighborhood because of the high percentage of Black residents. He made several trips to Buffalo to scout out this location.

107. In the lead up to the attack, it was or should have been apparent to Paul and Pamela Gendron that the Shooter was addicted to social media, dangerous, and capable of senseless violence. In addition to the Shooter's murder-suicide threat in 2021, they observed or knew of violent behavior by him in March 2022. This time, the Shooter brutalized a cat in the garage of the family home. He stabbed it repeatedly, smashed its head on concrete, and finally decapitated it with a hatchet. The Shooter then posted photos of the decapitated cat on social media and told his mother what he had done.

108. Paul and Pamela Gendron discussed the Shooter's violent behavior with him. Upon information and belief, they confronted him regarding his decapitation of the cat, and also discussed his receipt of a speeding ticket during a trip to Buffalo.²⁰ Despite acting in their capacity as parents with the continuing ability to control and/or influence their son's conduct, they took no further action.

109. At no time prior to May 14, 2022, did Paul and Pamela Gendron investigate further, including by searching the room the Shooter occupied in their house, looking through his belongings elsewhere on their property, and/or reviewing material stored or accessible on the Shooter's electronic devices (which were located inside their house). Had Paul and Pamela Gendron acted responsibly and reasonably, they would have discovered additional information and acted to prevent the Shooter from carrying out his planned attack.

²⁰ See Discord Diary, 3/29/22.

110. In addition, despite knowing that the Shooter had access to one or more firearms and that he had acquired gear suitable for a combat operation, Paul and Pamela Gendron did not take any steps to limit or restrict his access to guns or combat-related gear. For example, they did not seek an extreme risk protection order pursuant to CPLR §§ 6340, *et. seq.* With such an order in place, the Shooter would have been prohibited from possessing firearms for up to a year and the police would have taken possession of the Shooter's firearms, by searching his room and other locations.

111. By early 2022 (if not earlier), Paul and Pamela Gendron knew or should have known that the Shooter was a danger to himself and others.

112. Even the Shooter knew, by April 2022, that his parents were aware of his troubling behavior. On April 15, he wrote that his parents knew something was wrong.²¹ Still, they did not take any meaningful action.

C. RADICALIZED AS A WHITE SUPREMACIST, EQUIPPED WITH THE DANGEROUS PRODUCTS HE NEEDED, AND WITHOUT ANY INTERVENTION THAT WOULD HAVE DERAILED HIS PLANS, THE SHOOTER CARRIED OUT HIS HIGHLY LETHAL, RACIST ATTACK

113. Armed with his Bushmaster XM-15 (from which he had removed the MEAN Arms Lock) as well as multiple large-capacity magazines and protected from defensive fire by RMA Armament's ceramic body armor plates, the Shooter acted on his delusional, militaristic, and racist plans. He was emboldened to carry out the attack because he had the assault weapon (with multiple, loaded large-capacity magazines) and combat-style body armor he desired. He knew that he would have lethal and plentiful firepower and would be protected from defensive fire.

²¹ Discord Diary, 04/15/2022.

114. The Shooter adorned his Bushmaster with references to his racist ideology. Among other references, he wrote “here’s your reparations!,” the names of previous mass shooters, and various racial epithets.

115. At or around 2:30 p.m. on May 14, 2022, the Shooter opened fire at Tops. After killing three people and injuring one in the parking lot, he fired several shots through the glass windows at the front of the store and approached it. After entering, he fatally shot two shoppers, including Ms. Chaney, who had fallen on the floor while attempting to flee. The Shooter was able to quickly and easily reload his gun by inserting another magazine before shooting Ms. Chaney again. A store security guard—Aaron Salter, Jr., a retired police officer—returned fire, striking the Shooter, but the shot did not impede the Shooter because he was wearing RMA Armament’s combat-style ceramic body armor plates and was armed with the illegal Bushmaster XM-15. The Shooter killed the security guard.

116. The Shooter shot, killed, wounded, and injured additional victims inside the store.

117. In total, eleven of the 13 people shot were Black; two were white.

118. In addition to the victims the Shooter killed, many others were wounded or injured by him. Shoppers, employees, and bystanders suffered injuries and were terribly traumatized as they hid and fled in terror from a hail of gunshots both inside and outside the store.

119. When police arrived at the store and confronted the Shooter, he put his rifle to his own neck, but the officers convinced him to drop the gun.

D. DEFENDANTS ACTED NEGLIGENTLY AND UNLAWFULLY

1. *Defendant MEAN LLC/MEAN Arms*

120. New York’s SAFE Act makes it a felony to possess, manufacture, transport, or dispose of an assault weapon.²² An “assault weapon” is defined, in relevant part, as: “a semiautomatic rifle that has an *ability to accept a detachable magazine*” and has at least one of the other characteristics listed in the definition.²³

121. New York State’s SAFE Act website has provided guidance about how to bring an assault weapon into compliance: For a weapon to no longer qualify as an illegal assault weapon, modifications that render it compliant “must be permanent” and must not be “revers[ible] through reasonable means.”²⁴ Local ordinances promulgated by cities throughout New York, including Buffalo, have similar requirements. Pursuant to those ordinances, a firearm no longer qualifies as an assault weapon if it “has been modified to render it permanently inoperable or *permanently make it a device no longer defined as an ‘assault’ weapon.*”²⁵

122. Defendant MEAN Arms was purposely duplicitous in its marketing of the MEAN Arms Lock. It (falsely) assured consumers, including many potential and actual purchasers in New York, that installation of the MEAN Arms Lock brought assault weapons into compliance with New York law while simultaneously touting how easily the lock can be removed (rendering the rifle operationally out-of-compliance with New York law).

²² N.Y. Penal Law §§ 265.02(7), 265.10.

²³ N.Y. Penal Law § 265.00(2)(a) (emphasis added).

²⁴ NY Safe Act, *Gun Owners* (Nov. 29, 2016), <https://web.archive.org/web/20161129092548/https://safeact.ny.gov/gun-owners?width=550&height=275&inline=true#rifle> (last visited Aug. 7, 2023).

²⁵ Buffalo, N.Y., City Code § 180-1(B) (emphasis added).

123. According to the MEAN Arms website, the MEAN Arms Lock was specifically “[d]eveloped for states with intrusive laws requiring fixed magazines,”²⁶ essentially as a workaround for people who want to possess prohibited weapons in states such as New York.

124. At all relevant times, the following post was featured in the “FAQS” section of the MEAN Arms website:

Are MA Loaders and MA Locks capable of being shipped to CA or NY?

Here is our most recent take with regards to CA DOJ and the NY Safe Act. After reading the most recent version of the new CA DOJ rules regarding assault rifles, it is our belief that by fixing your magazine in place with our MA Lock, you no longer possess an assault rifle. Therefore any “evil” features you keep on your rifle become a moot point. We designed our MA Lock product as a complete fixed magazine solution. Once installed, it cannot be removed with a tool, which satisfies CA and NY state law. We have no issue shipping to customers in CA or NY.²⁷

125. Defendant MEAN Arms marketed its locks to New York consumers by stating that the locks “satisf[y]” New York law and “cannot be removed with a tool.” MEAN Arms represented to New York consumers that the MEAN Arms Lock “provides a true solution to fixed magazine laws” by installing a fixed magazine “permanently” to a semiautomatic rifle.²⁸

126. In a social media post directed to “AR fans languishing in non-free states” (referring to residents of New York and a few other states), MEAN Arms promoted the MEAN Arms Lock

²⁶ MEAN Arms MA Lock Product Page, <https://www.meanarms.com/products/detail/ma-lock> (last visited Aug. 8, 2023).

²⁷ MEAN Arms FAQs (May 20, 2022), <https://web.archive.org/web/20220520193451/https://www.meanarms.com/faqs> (last visited Aug. 8, 2023).

²⁸ MEAN Arms MA Lock Product Page, <https://www.meanarms.com/products/detail/ma-lock> (last visited Aug. 8, 2023).

as “an innovative product that allows you to quickly lock your magazine in the firearm” and stating that installing the lock will “permanently mount the magazine catch.”²⁹

127. But an assault weapon equipped with a completely reversible lock—*i.e.*, one that can quickly and easily be removed—violates New York’s prohibition. Despite having a lock, such a weapon still “has an ability to accept a detachable magazine” with little effort and a minor modification and therefore remains an “assault weapon.”

128. In reality, the MEAN Arms Lock is an easily removable, non-permanent lock. In fact, when MEAN Arms began selling the MEAN Arms Lock, the company assured customers of that very fact. The company stated that the lock was “[a]bsolutely” removable and the company would be posting an instructional video demonstrating how to do so.³⁰ In another online interaction with a consumer, MEAN Arms explained that the MEAN Arms Lock “can be removed” “quickly and without any damage to your rifle” with “simple tools.”³¹ In interactions with consumers on YouTube, MEAN Arms assured them that the MEAN Arms Lock could be removed in minutes and promised to post an instructional video.³² On another occasion, MEAN Arms stated: “Also the MA Lock is completely reversible (with NO permanent changes required to your receiver).”³³

²⁹ MEAN Arms (@mean_arms), Instagram (Jan. 30, 2020), https://www.instagram.com/p/B79np2KJGO/?utm_source=ig_web_copy_link (last visited Aug. 8, 2023).

³⁰ MEAN Arms, Facebook (Mar. 29, 2017), <https://www.facebook.com/watch/?v=1021724514594396> (last visited Aug. 8, 2023).

³¹ MEAN Ma Lock Installation Video, YouTube (Mar. 29, 2017), <https://www.youtube.com/watch?v=EjJdMfuH9q4> (last visited Aug. 8, 2023).

³² *Id.*

³³ MEAN Arms, Facebook (Dec. 3, 2017), <https://www.facebook.com/meanarms/posts/pfbid0y24WuA5ELdh1Cjwqu21npFRFBbwXdnnfmTJheQa38fBACBXLgzxrXj3XnaXn7Ql> (last visited Aug. 8, 2023).

129. A YouTube video viewed by the Shooter referenced the fact that the MEAN Arms Lock was removeable with a drill and noted that the package contained instructions for removal.³⁴

130. The instructions on the packaging of the MEAN Arms Lock describe how to easily remove the lock with a screw extractor:

Removal Instructions:

1. Make sure the firearm chamber is CLEAR, UNLOADED and POINTED IN A SAFE DIRECTION!
2. Use any brand of screw extractor from your local hardware store (some brands may work better than others. We prefer a #2 Speed out).
3. To remove the threaded portion of the shear nut left in the MA LOCK sleeve, place the screw extractor into the center of the threaded portion of the shear nut and remove counter clockwise (Please refer to the screw extractor's instructions for best use).
4. Now you may remove the MA LOCK SLEEVE.

³⁴ See Discord Diary, 01/11/2022.



131. From the time it launched the MEAN Arms Lock in 2017, MEAN Arms has known that the product caters to its customers' desire for the lock to be removable with ease. It nonetheless marketed the MEAN Arms Lock as compliant with New York law due to customers' purported inability to remove the lock "with a tool."

132. The assertion by MEAN Arms that its lock could not be removed with a tool was deceptive and used to falsely market its product to consumers. That statement is demonstrably false and is belied by other statements and materials disseminated by the company.

133. In a Reddit thread for New York State gun owners, a user claimed to see the MEAN Arms Lock the “most often in stores,” adding that MEAN Arms Locks “seem to work quite well and hold a pretty good argument for it being a permanent lock.”³⁵ In a follow-up comment, the same user recognized that the MEAN Arms Lock was removable, noting that “[t]he recommended removal method is to get a specific drill bit designed to drill into stripped screws that will drill in and pull the screw/lock out.”³⁶

134. MEAN Arms knowingly facilitated and aided and abetted the illegal possession and restoration of fully functioning assault weapons in New York. It did so by selling an easily removable lock that does not effect a “permanent” change, by falsely marketing the lock as not easily removable and as New York-compliant, and by simultaneously providing instructions on how to quickly and easily remove the lock.

135. By selling its MEAN Arms Lock into New York, including by means of false and misleading marketing, MEAN Arms knowingly created and contributed to a secondary market in the state for illegal semi-automatic guns with easy-to-remove locks that, once removed, leave the purchaser with a plainly unlawful and operational assault weapon under New York law. The Shooter was keenly aware of New York law, and because of MEAN Arms’ marketing scheme, he knew he could work around it.

136. MEAN Arms engaged in duplicitous and false marketing of its MEAN Arms Lock. It advertised its product as bringing weapons like the Bushmaster XM-15 into compliance with New York law when it did not in fact do so. This behavior is consistent with the company’s

³⁵ *Best Fixed Mag Kit for AR-15?*, Reddit, https://www.reddit.com/r/NYguns/comments/a985q9/best_fixed_mag_kit_for_ar15/ (last visited Aug. 8, 2023).

³⁶ *Id.*

general disdain for gun safety legislation, such as New York’s SAFE Act. For example, the Company posted content on social media calling for the abolition of “all gun control laws:”



137. New York’s consumer protection laws prohibit “[d]eceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service” in the State,³⁷ and false advertising.³⁸

138. MEAN Arms knowingly violated these consumer protection laws by making false, duplicitous, and deceptive statements in its marketing materials, on its social media accounts, and on its website claiming that installation of its MEAN Arms Lock renders a firearm compliant with New York law. These statements, which were directed to consumers in New York and elsewhere, were materially misleading. These statements led consumers to believe that installation of the MEAN Arms Lock would bring a firearm into compliance with the SAFE Act. The statements also failed to disclose that the simple lock-removal process rendered the MEAN Arms Lock ineffective for New York consumers attempting to avoid SAFE Act violations.

139. Had MEAN Arms been truthful, it would not have been able to market its MEAN Arms Lock as sufficient to bring assault weapons into compliance with New York law and a licensed dealer in New York such as Vintage Firearms would not have joined in the false

³⁷ N.Y. Gen. Bus. Law § 349(a).

³⁸ N.Y. Gen. Bus. Law § 350.

narrative and sold the Shooter a Bushmaster XM-15 (or similar) rifle equipped with a MEAN Arms Lock.

140. MEAN Arms' deceptive claims about compliance, and Vintage Firearms' complicity with those deceptive claims, led Vintage Firearms to make the Shooter's allegedly New York-compliant Bushmaster XM-15 available for purchase. The Shooter searched for a rifle with a MEAN Arms Lock in place because he knew such rifles were commercially available in New York and he learned he could easily modify it to accept detachable magazines.³⁹

141. The Shooter removed the lock the same day he purchased the gun, thereby equipping himself with the gun he sought for his planned mass shooting despite its prohibition in New York. The Shooter referred to his weapon as a "dreaded military grade assault rifle-15."⁴⁰

142. If the Shooter had been unable to access a semiautomatic rifle with an easily removable MEAN Arms Lock, the Shooter more likely than not would not have obtained a "military-grade assault rifle" and would not have undertaken the attack at Tops. Without an assault weapon capable of accepting removable large-capacity magazines, the Shooter would not have been able to accomplish his mission to kill and terrorize as many Black people as possible.

143. Access to an assault weapon capable of accepting removable large-capacity magazines emboldened the Shooter to commit the attack, knowing he had the ability to fire 30 rounds continuously and quickly reload another 30-round magazine.

144. Even if the Shooter would have undertaken the shooting with the MEAN Arms Lock permanently affixed to his rifle, the Shooter would only have been able to fire 10 rounds of ammunition before stopping to partially disassemble his rifle in order to load more rounds into the fixed magazine. Had the Shooter needed to disassemble his rifle to reload, the shooting at the

³⁹ Discord Diary, 12/24/2021.

⁴⁰ Shooter's Document at 61.

Tops would not have unfolded as it did. With only 10 rounds of ammunition, the Shooter likely would have remained outside the store—and away from the security guard—until he was able to complete the manual reloading process. That would have allowed a window of time for eventual victims, including Ms. Chaney (who was shot inside the store), to potentially escape or find cover. It would also have provided a greater opportunity for a person to intervene to physically disable the Shooter.

145. With the lock removed, the Shooter was able to use a 30-round magazine and rapidly reload with another large-capacity magazine, which gave him enough firepower to shoot Ms. Chaney and numerous other victims during his brutal attack.

146. During the attack, the Shooter used at least two large-capacity magazines and was able to fire approximately 60 rounds in rapid succession.

2. *Defendant Vintage Firearms*

147. By selling the Shooter the Bushmaster XM-15 with the MEAN Arms Lock attached, Vintage Firearms knowingly armed the Shooter—an 18-year-old—with an illegal assault weapon that he used to carry out a mass shooting.

148. Vintage Firearms owner Robert Donald knew that the MEAN Arms Lock could be removed easily and did not permanently change the weapon’s capabilities.

149. Vintage Firearms also allowed the Shooter to “investigate” the gun and the MEAN Arms Lock. Upon information and belief, Vintage Firearms helped the Shooter understand that he could remove the lock and fixed magazine by simply extracting its screw and knew or was willfully blind to the Shooter’s objective of possessing and using an illegal assault weapon.

150. Vintage Firearms knew that New York law banned the sale of assault weapons with removeable large-capacity magazines at all relevant times, but it sold the Bushmaster XM-15 to the Shooter anyway. In doing so, it flouted compliance with applicable law.

151. By selling the Bushmaster XM-15 to the Shooter, Vintage Firearms equipped him with a weapon capable of semi-automatic firing using large-capacity magazines. As alleged above, access to this type of weapon emboldened the Shooter to carry out his planned massacre and increased the lethality and duration of his attack.

152. Had the Shooter had a less lethal weapon and been unable to use a weapon with large-capacity magazines, victims like Ms. Chaney more likely than not would have escaped or avoided injury.

3. *Defendant RMA Armament*

a) *Public Safety Concerns Associated With Combat-Style Body Armor*

153. Body armor, particularly the type of combat-style ceramic body armor plates that RMA Armament marketed and sold to the Shooter, threatens public safety by protecting perpetrators of violent crime, thereby facilitating and emboldening acts of armed violence. The purpose of wearing body armor is “to make it more feasible to go armed, [and] to enhance the advantage of doing so,” as the Court of Appeals has put it.⁴¹ The act of wearing body armor “thus suggests more than the presence of a deadly weapon—it demonstrates its owner’s *readiness and willingness to use a deadly weapon*.”⁴²

154. As body armor technology has developed and become commercially available over the last 50 years, law enforcement agencies and policymakers have recognized that body armor poses a risk of misuse for criminal or offensive purposes. Legislatures have addressed this

⁴¹ *People v. Carvey*, 89 NY2d 707, 712 [1997] (citation and quotation marks omitted).

⁴² *Id.* (italics in original).

threat to public safety with various measures, including restrictions on the possession of body armor by certain persons deemed likely to misuse it, the use of body armor for particular purposes, and the distribution of body armor. Legislatures have established these restrictions consistent with the perceived risks posed by the types of body armor known to be available to civilians at the time.

155. In recent years, there has been growing awareness by law enforcement agencies and policymakers that combat-style ceramic body armor is available to people who misuse it for criminal or offensive purposes.

b) *RMA Armament's Combat-Style Body Armor Plates*

156. RMA Armament originally developed its body armor products to be used by law enforcement agencies and the military. Its website acknowledges that body armor typically has been “known to protect military personnel.”⁴³

157. Motivated by profit and a desire to make body armor widely available, RMA Armament began promoting its products to civilians.

158. RMA Armament's flagship products are its body armor plates. The company's website describes them as “protective pieces of wearable equipment designed to defeat handgun and rifle rounds.”⁴⁴ These body armor plates are designed for use by military personnel and law enforcement officers.

159. RMA Armament's product marketing makes heavy use of body armor performance standards developed and maintained by the National Institute of Justice (an entity in the Office of Justice Programs within with the U.S. Department of Justice). Those standards are

⁴³ RMA Armament, *Body Armor*, <https://rmadefense.com/product-category/body-armor> (last visited Aug. 8, 2023).

⁴⁴ *Id.*

meant to inform law enforcement agencies about body armor options that meet the U.S.

Department of Justice's requirements. Level II body armor is rated to protect against handgun fire while Levels III and IV protect against rifle fire and armor-piercing rifle fire, respectively.

160. RMA Armament's website describes the types of plates purchased by the Shooter as "without a doubt, the new standard in the Level III+ body armor protection."⁴⁵ The company claims that the plate "stops many of the most common rifle rounds in the U.S.," and promises that "RMA Armament strives to keep you safe, regardless of the threat."⁴⁶

161. RMA Armament categorizes its Level III+ body armor as providing "Lightweight Combat Protection."⁴⁷ In an infographic, RMA Armament differentiates Level III+ armor from other types of armor by the type of bullets from which the armor will provide sufficient protection. The Level III+ body armor is distinguished by providing protection against "Semi-AP Intermediate Rifle Fire & Lead Core Rifle Fire."

⁴⁵ RMA Armament, *Level III+ Body Armor Multi-Curve (Models #1091-1094 Gen 2) Defeats m855a1*, <https://rma-defense.com/store/body-armor/level-iii-plus-body-armor/multi-curve-nij-07-tested/> (last visited Aug. 10, 2023).

⁴⁶ *Id.*

⁴⁷ RMA Armament, *Ballistic Chart*, <https://rma-defense.com/wp-content/uploads/2022/06/rma-ballistic-chart-big-scaled.jpg> (last visited Aug. 8, 2023).

165. Yet RMA Armament's marketing insists that *all* civilians should purchase body armor to protect against threats of attack. RMA Armament's website poses the question "Should Civilians Own Body Armor?" and answers that question by stating, "Yes, all civilians should own body armor. While individual reasons may vary, the plain fact is that you have a right to life, liberty, and the pursuit of happiness. Protecting yourself from violent attack is wholly part of your right to all three."⁴⁹

166. Instead of fulfilling a legitimate need for personal protection from ballistic threats, RMA Armament sells combat-style body armor products to civilian consumers to maximize profit while opportunistically exploiting many civilians' paranoid fears and appealing to persons intent on doing widespread harm, such as mass shooters.

167. In its quest to maximize profits and sell body armor to *all* civilians, RMA Armament uses no vetting or verification process to differentiate between legitimate and illegitimate purchasers. The company boasts about its no-questions-asked sales practices: "While many companies would require ID to purchase armor or restrict purchases, RMA has chosen to sell directly from the manufacturer to *all* civilians to own armor."⁵⁰

⁴⁹ RMA Armament, *Civilian Legal Body Armor: Frequently Asked Questions* (Dec. 12, 2021), <https://rmadefense.com/civilian-legal-body-armor-frequently-asked-questions/> (last visited Aug. 8, 2023).

⁵⁰ RMA Armament Inc. (@rma_defense), Instagram (Jan. 7, 2022), https://www.instagram.com/p/CYb6Rlgrj3q/?utm_source=ig_web_copy_link (last visited Aug. 8, 2023) (emphasis added).



168. RMA Armament markets its body armor products in a manner that foreseeably resulted in their use in facilitating violent crime. RMA Armament makes its combat-style products available to all civilian consumers through an internet sale without implementing reasonable safeguards or screening. It also markets its products in online forums, including social media platforms known to be frequented by extremists and criminals, that discuss using weapons and tactical gear to plan attacks. RMA Armament knows that its distribution practices—providing body armor directly to civilian customers—are unusual.⁵¹ (In a 2021 Instagram post, RMA Armament stated, “When buying from us, you're skipping the middle man and buying

⁵¹ RMA Armament Inc (@rma_defense), Instagram (Feb. 25, 2021), <https://www.instagram.com/p/CLuTfagFlgt/> (last visited Aug. 8, 2023).

directly from the manufacturer. We're one of the very few armor manufacturers that consumers can buy direct.""). Those distribution practices are also unreasonably dangerous.

169. RMA Armament does not employ procedures to reasonably ensure that it limits its civilian sales to law-abiding purchasers or to prevent sales to minors, felons or individuals who would be emboldened to carry out an attack with the protection that the company's combat-style body armor provides. In light of the significant and known risk that their body armor products would be used by a bad actor to commit criminal acts, many other body armor manufacturers do not sell their products—especially combat-style body armor plates—to civilians.

170. In marketing and selling body armor plates to civilian consumers, RMA Armament disregarded the risk that its combat-style body armor would be used to facilitate and prolong a violent attack. This was a known risk. Publicly available data from the Violence Project and elsewhere shows that, prior to May 14, 2022, 17 mass shootings since 2009 had involved a shooter wearing body armor, including the massacres in Sutherland Springs, Texas in 2017 that killed 26 people and the massacre of 14 people in San Bernadino, California, in 2015. It was unreasonable for RMA Armament to disregard this risk.

c) RMA Armament Marketed and Sold Combat-Grade Body Armor Directly to the Shooter Without Reasonable Vetting or Verification

171. The Shooter learned about RMA Armament's products in online forums, including those frequented by extremists and dangerous individuals (e.g., a Discord chat server called "Plate Land," a 4chan imageboard known as "/k/", and the Reddit thread r/Tactical Gear). Those forums provide a platform for discussions regarding the use of weapons and tactical gear to assist in planning an attack.

172. RMA Armament employee Cory Clark drove the company's social media and online marketing, including by using his personal handle, shorta07, in posting dozens of messages to the r/TacticalGear subreddit that promoted RMA Armament. He acted on behalf of RMA Armament at all relevant times.

173. Clark and RMA Armament knew or should have known that the stated purpose of the r/TacticalGear subreddit was to plan for offensive attacks. A prominent "open letter" on the subreddit, which was posted in August 2020, announced: "Tactical gear implies more than a simple home defense situation. . . . Tactical gear implies some sort of prolonged or premediated scenario."⁵² This point was reiterated later in the letter: "this isn't about a quick self-defense shooting, typically seven shots in seven yards in seven seconds. Anyone can do that. Tactical gear means prolonged confrontation."⁵³

174. The r/Tactical Gear wiki—a subreddit feature created by an r/TacticalGear moderator with the ability to delete content, ban users, and establish the purpose of the subreddit—highlighted this post. By posting the open letter to the wiki, the moderator accepted and promoted the letter as a guide to existing and potential users of the r/TacticalGear subreddit. Upon information and belief, Clark was aware of this post and understood that a purpose of the r/TacticalGear subreddit included preparation for offensive attacks, such as learning about and acquiring tactical gear for such operations.

175. Instead of reining in its marketing and distribution practices to account for the public safety risk presented by unfettered civilian use of its products, Clark interacted with the

⁵² @aviator94, *An open letter to r/tacticalgear, particularly new members*, Reddit, https://www.reddit.com/r/tacticalgear/comments/i4t192/an_open_letter_to_rtacticalgear_particularly_new/ (last visited Aug. 9, 2023).

⁵³ *Id.*

Shooter in the places online where he accumulated tactical knowledge for his attack. As described above, the Shooter communicated on at least four occasions with Clark.

176. In March 2022, the Shooter posted a message on Plate Land raising questions about RMA Armament's products and marketing. He quoted representations made by RMA Armament on its website about one of its body armor plates being "the strongest body armor in the world."⁵⁴ Clark responded to the Shooter with a detailed message designed to reassure him about the quality of RMA Armament's products, encourage him to buy them, and to make light of the Shooter's doubts about RMA Armament's marketing claims.⁵⁵

177. After further online communications with Clark, the Shooter fully embraced the company's marketing and received permission from the company to promote its armor plates. The Shooter's writings included lengthy discourses on body armor with explanations of the advantages of the RMA Armament combat-style plates. He listed the "threats" he anticipated facing in carrying out a racist massacre and proposed an armor "solution" to each, for example pairing the threat of "Police handgun threats with duty ammo" with "Solution: NIJ certified II or IIIa armor for helmet and vest."⁵⁶ The Shooter's Document included an "About Body Armor" section in which he explained that he chose the RMA Armament body armor plates specifically because the plates "should stop all expected handgun threats and even the unexpected rifle threats."⁵⁷

178. RMA Armament's marketing helped the Shooter determine that ceramic body armor plates and an armor carrier would best enable him to remain protected while killing as many Black people as possible. In other words, the Shooter was attracted to the utility of RMA

⁵⁴ Discord Diary, 03/16/2022.

⁵⁵ *Id.*

⁵⁶ Shooter's Document at 80.

⁵⁷ *Id.* at 105.

Armament’s ceramic body armor plates in his fantasized “total battlefield environment,” and RMA Armament made them readily available to him, with no questions asked, for whatever use he chose to make of them.

179. The Shooter noted approvingly that many of RMA Armament’s armor options were certified by the National Institute of Justice, information that the company touted. The Shooter saw his use of the RMA Armament plates as a test-run for their effectiveness in facilitating future racist mass shootings, advising other would-be mass shooters that “RMA has quite high standards when it comes to armor, so just like with my Hesco uncertified plates, I do trust the armor, if not and I die from M193 from my uncertified III plate than [sic] don’t use it.”⁵⁸

4. *YouTube Defendants*

180. YouTube, an online video-sharing product, is designed to keep users glued to their screen. YouTube’s former CEO admitted that the YouTube Defendants purposefully designed YouTube to maximize engagement by “play[ing] into the addiction capabilities of every human.”⁵⁹

181. YouTube includes specific, carefully calibrated features that are known and intended to exploit users’ mental processes and reward them for maintaining their engagement for as long, as frequently, and with as much intensity as possible. Minors who use the YouTube product are particularly susceptible to these defective product features.

182. YouTube allows users to search for specific video content and provides an endless stream of content to users. It also employs a powerful algorithm that leverages detailed user information to recommend and send large volumes of carefully targeted video content to each user.

⁵⁸ Discord Diary, 01/08/2022.

⁵⁹ Matthew B. Lawrence, *Addiction and Liberty*, 108 Cornell L. Rev. 259, 292 (2023).

183. A group of design experts and computer scientists created YouTube and launched the product for public use in December 2005.

184. YouTube primarily generates revenue by selling advertising time. The more people who use YouTube and the more time they spend on the site, the more time YouTube can sell to advertisers.

185. YouTube is a product that the YouTube Defendants placed into the stream of commerce. The YouTube Defendants distribute YouTube with the intent that it be consumed by the public. YouTube is uniform and generally available to consumers. It is mass marketed and consumed by hundreds of millions of active users. When installed on a consumer's device, it has a definite appearance and location and is operated by a series of physical swipes and gestures.

186. By 2012, YouTube users were watching close to four billion hours of video every month. Yet, the average YouTube user spent just fifteen minutes a day engaged with the product.⁶⁰ Users “were coming to YouTube when they knew what they were coming to look for.”⁶¹ To drive greater revenue, YouTube set a company-wide objective to reach one billion hours of viewing a day.

187. The YouTube Defendants decided that “the best way to keep eyes on the site” was to introduce a feature that would “recommend[] videos, alongside a clip [that was playing] or after one was finished.”⁶² The recommendation algorithm introduced by YouTube does just that:

⁶⁰ John Seabrook, *Streaming Dreams: YouTube Turns Pro*, New Yorker (Jan. 16, 2012), <https://www.newyorker.com/magazine/2012/01/16/streaming-dreams> (last visited Aug. 10, 2023).

⁶¹ Casey Newton, *How YouTube Perfected the Feed*, The Verge (Aug. 30, 2017), <https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed> (last visited Aug. 10, 2023).

⁶² Mark Bergen, *YouTube Executives Ignored Warnings, Letting Toxic Videos Run Rampant*, Bloomberg (Apr. 2, 2019), https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant?in_source=embedded-checkout-banner (last visited Aug. 10, 2023).

It identifies additional videos to play, then presents them through an “autoplay” function that automatically starts playing other videos as soon as a consumer finishes watching one video. YouTube also recommends a variety of videos upon entering the site and a side-panel for currently-playing videos continues to recommend additional videos even while a user is watching a video.

188. The recommendation algorithm and autoplay feature accomplished the YouTube Defendants’ objective. Today, YouTube users spend *much* more than one billion hours of viewing time each day.

a) *YouTube’s Features Are Designed and Intended to Hook Users*

189. The YouTube Defendants designed YouTube to exploit known cognitive processes to induce users to use the product more frequently, for more extended periods, and with more direct engagement. The YouTube Defendants know that these methods are particularly appealing to teens and young adults. Today, YouTube ranks as the world’s most popular social media product among teenagers.

190. YouTube’s computers execute algorithms that draw on collected data to direct users to its videos, both through its autoplay function and the recommendations displayed on users’ homepages and side-panels.

191. These algorithms rely on Google Brain, a deep-learning artificial intelligence program designed, created, and operated by the YouTube Defendants. This program engages in unsupervised machine learning of user preferences, drawing personalized inferences about what kind of videos and content individual users are most likely to spend time consuming, then auto-

playing or recommending those videos for them without the need for human intervention.⁶³

192. Introduction of Google Brain to YouTube in 2015 has led to a precipitous growth in the amount of time users spend on YouTube. After a four-year period of stagnation between 2011 and 2015—in which both videos watched per person and the amount of time spent watching videos remained flat—YouTube recorded a 50% growth in watch time annually in 2015, 2016, and 2017.

193. As of 2018, more than 70% of the time users spent watching videos on YouTube was driven by the site’s algorithmic recommendations. For mobile users who watched YouTube on their phone, the average watching session lasts more than 60 minutes “because of what [the company’s] recommendations engines are putting in front of [users].”⁶⁴ At this time, YouTube boasted an audience of roughly 2 billion visitors each month and 1 billion hours of video consumption from its users every day.

194. YouTube’s use of unsupervised algorithms continues to precipitate further consumption of its content at astronomical rates. In 2022, YouTube boasted 2.6 billion monthly active users. During the previous year (2021), YouTube capitalized on such viewership with an advertising revenue totaling \$28.8 billion.

195. Unsupervised algorithms like those used by YouTube and Google systematically promote angry, violent, and extremist content because that content has been shown to maximize user consumption of and engagement with content. A 2020 study that analyzed 330,925 videos

⁶³ Paul Covington, et al., *Deep Neural Networks for YouTube Recommendations*, Google Research (Sept. 7, 2016), <https://static.googleusercontent.com/media/research.google.com/en//pubs/archive/45530.pdf> (last visited Aug. 10, 2023).

⁶⁴ Joan E. Solsman, *YouTube’s AI Is the Puppet Master over Most of What You Watch*, CNET (Jan. 10, 2018), <https://www.cnet.com/tech/services-and-software/YouTube-ces-2018-neal-mohan/> (last visited Aug. 10, 2023).

and more than 2 million recommendations on YouTube concluded that YouTube “users consistently migrate from milder to more extreme content.”⁶⁵

196. YouTube’s business model, which is driven by advertising revenue, exacerbates a user’s preexisting biases in its video recommendations by personalizing recommendations based on a user’s past consumption and preferences, as well as those of similar users. In the case of political content, YouTube’s algorithmic recommendations reinforce users’ political biases, ultimately leading to radicalization.

197. More specifically, there is evidence to suggest that YouTube users’ exposure to right-leaning YouTube channels can serve as gateways to extremist or white supremacist channels.⁶⁶

198. Researchers who have studied YouTube’s algorithm have concluded that not only did watching political videos lead to “YouTube start[ing] to recommend and ‘autoplay’ videos ... that featured white supremacist rants [and] Holocaust denials[,]” the algorithm leads to more “extreme” or “hard core” content on virtually any topic on which one watched videos.⁶⁷

199. By prioritizing content that leads to high levels of user engagement, the algorithm promotes increasingly extreme and provocative content. This is inherent in the product’s design:

In a way, it’s common sense -- videos that make inflammatory claims or show explosive images tend to grab viewers’ attention. And attention-grabbing videos -- those that cause viewers to watch more and longer -- rise

⁶⁵ Manoel H. Ribeiro et al., *Auditing Radicalization Pathways on YouTube*, FAT* ’20: Proceedings of the 2020 Conference on Fairness Accountability, and Transparency, 131 (2020).

⁶⁶ Annie Y. Chen, et al., *Exposure to Alternative & Extremist Content on YouTube*, ADL (2022), <https://www.adl.org/resources/report/exposure-alternative-extremist-content-youtube> (last visited Aug. 10, 2023).

⁶⁷ Zeynep Tufekci, *Youtube, the Great Radicalizer*, The New York Times (Mar. 10, 2018), <https://www.nytimes.com/2018/03/10/opinion/sunday/youtube-politics-radical.html> (last visited Aug. 10, 2023).

up in the recommendation algorithm, leading more new viewers to see them in their list of recommended videos.

... [V]iewers who began by viewing content from mainstream news sources were frequently directed to conspiracy theory-oriented content that expressed politically extreme views. . .

Because YouTube's algorithm is heavily guided by what has already been watched, "once you see extremist content, the algorithm will recommend it to you again," [Guillaume] Chaslot, [a former Google engineer and creator of the YouTube algorithm analysis tool Algo Transparency] said.

The result is a tailor-made tool for radicalization. After all, once users have started exploring the "truth" about vaccines -- or 9/11, or Jews -- the site will continue feeding them similar content.⁶⁸

200. A 2023 study specifically demonstrated that YouTube's algorithm consistently recommends to boys with an interest in video games (like the Shooter) videos that gave "instructions on how to convert guns into automatic weapons" as well as depictions of "school shootings and other mass shooting events."⁶⁹

201. A former YouTube software engineer explained that such escalation was a design choice in devising YouTube's algorithms:

We know that misinformation, rumors, and salacious or divisive content drives significant engagement. Even if a user notices the deceptive nature of the content and flags it, that often happens only after they've engaged with it. By then, it's too late; they have given a positive signal to the algorithm. Now that this content has been favored in some way, it gets boosted, which causes creators to upload more of it. Driven by AI algorithms incentivized to reinforce traits that are positive for engagement, more of that content filters into the recommendation systems. Moreover, as

⁶⁸ Talia Lavin, *How YouTube Facilitates Right-Wing Radicalization*, Media Matters (Sept. 25, 2018), <https://www.mediamatters.org/ben-shapiro/how-youtube-facilitates-right-wing-radicalization> (last visited Aug. 10, 2023).

⁶⁹ *Dangerous by Design: YouTube Leads Young Gamers to Videos of Guns, School Shootings, Tech Transparency Project* (May 16, 2023), <https://www.techtransparencyproject.org/articles/youtube-leads-young-gamers-to-videos-of-guns-school> (last visited Aug. 10, 2023).

soon as the AI learns how it engaged one person, it can reproduce the same mechanism on thousands of users.⁷⁰

202. YouTube has been on notice since at least 2020 that its algorithmic recommendation process had contributed to and facilitated at least one mass shooting. Specifically, a 2020 report by the New Zealand Royal Commission concluded that YouTube's algorithmic recommendation process also helped radicalize the Christchurch Mosque shooter, whom the Shooter in the instant case cited as his main inspiration for his attack. The report further noted that the Christchurch shooter also learned how to modify the gun he used for the attack on YouTube.⁷¹

203. After the Christchurch shooting, the corporate account for YouTube posted on Twitter, "Our hearts are broken over today's terrible tragedy in New Zealand. Please know we are working vigilantly to remove any violent footage."⁷² YouTube made no mention of addressing its algorithm—which fueled the Christchurch Shooter's radicalization. Ben Collins, a reporter with NBC News specializing in extremism, responded, "Extremism researchers and journalists (including me) warned the company in emails, on the phone, and to employees' faces after the last terror attack that the next one would show signs of YouTube radicalization again, but the outcome would be worse. I was literally scoffed at."⁷³

⁷⁰ Guillaume Chaslot, *The Toxic Potential of YouTube's Feedback Loop*, Wired (July 13, 2019), <https://www.wired.com/story/the-toxic-potential-of-YouTubes-feedback-loop/> (last visited Aug. 10, 2023).

⁷¹ *Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain on 15 March 2019*, Volume 2, 239 (Nov. 26, 2020), <https://christchurchattack.royalcommission.nz/assets/Report-Volumes-and-Parts/Ko-to-tatou-kainga-tenei-Volume-2.pdf> (last visited Aug. 10, 2023).

⁷² YouTube (@YouTube), Twitter (Mar. 15, 2019), <https://twitter.com/YouTube/status/1106431532976074753> (last visited Aug. 10, 2023).

⁷³ Ben Collins (@oneunderscore__), Twitter (Mar. 15, 2019), https://twitter.com/oneunderscore__/status/1106517738468622337 (last visited Aug. 10, 2023).

204. Recommendation algorithms and user-feeds are designed to advance the specific goals of the company that deploys them. YouTube’s algorithmically generated user-feeds are designed with the primary goal of maximizing user engagement. It is feasible for the YouTube Defendants to design recommendation algorithms that do not affirmatively direct teenagers (and other users) to racist and extreme content. Such an improvement in user safety would be associated with a reduction in user engagement, which would diminish YouTube’s advertising revenue and profits.

b) As a result of the YouTube Defendants’ Design Choices, the Shooter Was Addicted to YouTube

205. Writings left by the Shooter reveal that he was addicted to social media, including YouTube, and that addiction was a substantial factor and motivating force in causing him to pursue the massacre at Tops.

206. Nine days before the shooting, the Shooter left an entry on Discord stating, “I’ve probably spent actual years of my life just being online. And to be honest I regret it. I didn’t go to friend’s houses often or go to any parties or whatever. Every day after school I would just go home and play games and watch [Y]ou[T]ube, mostly by myself.”⁷⁴

207. This pattern of spending excessive time on YouTube was present in the months leading up to the attack. In March 2022, the Shooter wrote, “I do this alot I always seem to stay up late because I am browsing [R]eddit or watching [Y]ou[T]ube. I think I do that like every day.”⁷⁵

⁷⁴ Discord Diary, 05/05/2022.

⁷⁵ Discord Diary, 03/15/2022.

208. Just days before his attack, the Shooter wrote, “I’ve just been sitting around watching YouTube and shit for the last few days. I think this is the closest I’ll ever be to being ready.”⁷⁶

209. Upon information and belief, the Shooter’s social media use contributed to his isolation and overexposed him to extremism, brutality, and militaristic fantasies, including during the time he was a minor.

210. Upon information and belief, the Shooter attempted to reduce his social media use and was unable to do so, leading him to spend more time online and to exhibit more addictive behaviors.

c) YouTube’s Algorithm Was Instrumental in Radicalizing the Shooter and Motivating Him to Commit his Racist Attack

211. Upon information and belief, YouTube’s algorithm directed the Shooter to progressively more radical videos. Through their product, the YouTube Defendants fed the Shooter increasingly extreme content, which, upon information and belief, promoted racism, antisemitism, the Great Replacement theory, and the elimination of non-whites.

212. From his early teens, the Shooter was a frequent user of YouTube and, by 2022, was viewing a multitude of YouTube videos promoting racism, antisemitism, and racial violence. On information and belief, he did not begin his YouTube experience by watching hateful and violent videos, but rather, YouTube’s defective and unreasonably dangerous algorithms progressively recommended and directed him to such malign content. The Shooter’s desensitization to, and search for, violent content was a foreseeable result of YouTube’s design choices and defective algorithm.

⁷⁶ Discord Diary, 04/27/2022.

213. On information and belief, the Shooter was directed to the fringe website 4chan by the racist and violent content and connections to which YouTube and other social media directed him. On 4chan, the Shooter was further radicalized through exposure to the hate groups and racists conspiracy mongers who flourish on that platform.

d) YouTube's Algorithm Was Instrumental in the Shooter's Preparation for and Execution of the Tops Shooting

214. Upon information and belief, YouTube's algorithm directed the Shooter to progressively more extreme videos regarding guns and offensive combat gear and operations.

215. Upon information and belief, YouTube's algorithm detected the Shooter's interest in firearms and directed him to more "hard core" gun videos concerning illegal modification of firearms, assault weapons banned under New York law, federally prohibited machineguns, and even instructional videos on conducting military-style assault operations with military-grade firearms, shooting through bulletproof glass, and winning gunfights.

216. As reflected in his writings, the Shooter went from being inexperienced with firearms to learning how to obtain an unlawful military-grade assault weapon, modify it, and use the unlawful weapon to murder ten people, including an armed security guard.

217. YouTube's algorithm selected disturbing videos for him, including many that he flagged in his writings as he prepared for his attack. For example, the Shooter posted a link to a YouTube video depicting an animated rendition of the Virginia Tech shooting of 2007 with the comment,

If this is how it went I think it would be more effective if he shot all people in the room instead of leaving and coming back[.] The yom kippur attack was a joke, protip: actually test ya guns and bombs for function before making an attack, otherwise you look retarded[.] At least you tried retard lol⁷⁷

⁷⁷ Discord Diary, 02/27/2022.

218. As the date of the actual attack approached, the Shooter added links in his writings to YouTube videos that provided him with instructions on how to more effectively carry out his attack and kill a greater number of people.⁷⁸

219. The Shooter's writings evince the substantial influence of YouTube's algorithm over every step of his planning and preparation for his racist attack, and the actual execution of his plans at Tops.

220. Upon information and belief, and consistent with YouTube's own admissions about the high percentage of time its users spend watching videos driven by the site's algorithmic recommendations, YouTube's algorithm recommended and directed the Shooter to many if not most of the extreme videos that prepared and motivated him for the attack. YouTube and its algorithmic recommendations thereby helped and aided the Shooter with the attack in meaningful and substantial ways.

5. Defendant Reddit

221. Reddit is an online social networking and news site. The front page of Reddit's website lists posts and links uploaded by users. The website also contains "subreddits," which further categorize content into specialized areas of interest. Subreddits, which are referenced as *r/ "topic"*, also have front pages.

222. Like YouTube, Reddit has designed a proprietary algorithm and executes it in conjunction with the operation of its website. Reddit's algorithm populates its front pages (and the front pages of subreddits) and side panels with recommendations calculated to maximize user consumption of content. The system of upvoting and "karma" scores used by Reddit fosters users' sense of validation and engagement, creating a feedback loop that encourages users to

⁷⁸ Discord Diary, 01/22/2022; 01/30/2022; 02/18/2022; 02/27/2022; 03/12/2022; 04/02/2022.

spend more time on the platform to accumulate points and social recognition.

223. Reddit is a product that the company placed into the stream of commerce. Reddit distributes its product with the intent that it be consumed by the public. Reddit is uniform and generally available to consumers. It is mass marketed and consumed by hundreds of millions of active users. When installed on a consumer's device, it has a definite appearance and location and is operated by a series of physical swipes and gestures.

224. Reddit's website design and algorithmic recommendation system reward violent and extremist content. Many subreddits are infamous for being cesspools for racist conspiracy theories and violent extremism. An ongoing study launched in 2021 warns against possible psychological and behavioral risks associated with using these subreddits: For instance, joining a racist subreddit—like those frequented by the Shooter—increases the user's proclivity for hate speech.⁷⁹ Another ongoing study found that mere exposure to content from certain subreddits led users to "adopt extremist beliefs" as measured by their likelihood of "exhibiting intrinsic out-group hostility" and "rejecting egalitarian and democratic values."⁸⁰ Reddit's design, which allows users to remain anonymous, fuels use of the platform by racists and extremists.

225. A 2021 study specifically found that Reddit's website and algorithm design played a central role in promoting radical and vindictive content for its users: For instance, the algorithm—in the context of right-wing subreddits (like the communities that the Shooter

⁷⁹ Kaitlyn Ko, et al., *Enter at Your Own Risk: The Impacts of Joining a Hateful Subreddit*, Proceedings – 2021 IEEE 18th International Conference on Mobile Ad Hoc and Smart Systems, 657 (2021), <https://par.nsf.gov/servlets/purl/10309108> (last visited Aug. 8, 2023).

⁸⁰ Matheus Schmitz, et al., *Do User Adopt Extremist Beliefs from Exposure to Hateful Subreddits?* (2023), https://www.researchgate.net/publication/369614805_Do_Users_Adopt_Extremist_Beliefs_from_Exposure_to_Hateful_Subreddits (last visited Aug. 10, 2023).

frequented)—facilitated reinforcement of hostility towards Muslims and members of the political left.⁸¹

226. Like YouTube, Reddit is addictive to many users, especially teens and young males. Upon information and belief, the Shooter was addicted to Reddit in the time preceding his attack. He repeatedly described in his diary the consuming influence Reddit and YouTube had on him, including in the weeks leading up to his attack at Tops.⁸²

227. The Shooter's time on Reddit led him to embrace white supremacist conspiracy theories, as he acknowledged in his diary.⁸³ In this regard, he noted the influence of certain subreddits, including r/AgainstHateSubreddits (far-right communities that purports to mock political correctness by posting racist, xenophobic, and misogynist memes); r/4chan and r/greentext (both affiliates of the extremist right wing website 4chan); r/SocialJusticeInAction (a meme group dedicated to mocking liberal activists); and r/LoveForLandlords (a Maoist subreddit dedicated to memes about executing landlords).

228. Upon information and belief, the Shooter was directed to the fringe website 4chan by the racist and violent content and connections to which Reddit and other social media directed him. On 4chan, the Shooter was further radicalized through exposure to the hate groups and racist conspiracy mongers who flourish on that platform.

229. The Shooter also frequented Reddit communities dedicated to military and combat-style armaments to prepare for the shooting.

230. It was in one of these communities, r/TacticalGear, that the Shooter met Cory

⁸¹ Tiana Gaudette, et al., *Upvoting Extremism: Collective Identity Formation and the Extreme Right on Reddit*, 23 *New Media & Society* 12, 3491-3508 (2021), <https://journals.sagepub.com/doi/abs/10.1177/1461444820958123?journalCode=nmsa> (last visited Aug. 10, 2023).

⁸² See e.g., Discord Diary, 03/15/2022; 04/28/2022.

⁸³ Discord Diary, 1/30/2022 (“[M]any of my beliefs come from reddit . . .”).

Clark, the RMA Armament representative who helped him select and purchase the combat-style body armor that he used for his attack at Tops and which allowed him to withstand defensive fire from the store's security guard.

231. The Shooter also received guidance on Reddit that helped him plan his attack, writing, "I'm trying to find info on other mass shooters and see what they did and what to improve on" and that a community, "r/masskillers [wa]s very helpful" in this regard.⁸⁴

232. Upon information and belief, the Shooter's addiction to Reddit caused him to lose touch with reality, become obsessed with his online existence, and mentally conditioned him to become capable of conducting a heinous criminal act.

233. Reddit's website design is predicated on the proliferation of ideologically insular and extremist sub-communities. The design algorithmically rewards increasingly radical and hateful behavior and facilitates interpersonal networking among many extremists. Upon information and belief, Reddit, through the design of its website and its algorithm, played a central role in the Shooter's indoctrination into racist conspiracy theories and fringe communities. The Shooter desensitization to, and search for, violent content was a foreseeable result of Reddit's design choices and defective algorithm.

234. Upon information and belief, Reddit's website design and algorithm directed the Shooter to posts instructing him on combat-style tactical gear and illegal gun modification, which prepared him for his racist attack.

235. Upon information and belief, Reddit's website design and algorithm also facilitated the connection between the Shooter and Cory Clark, the RMA Armament

⁸⁴ Discord Diary, 03/31/2022.

representative who helped the Shooter select and acquire the body armor he wore for his racist attack.

236. Reddit facilitated the Shooter's radicalization and helped him acquire equipment and knowledge necessary for his attack at Tops. Reddit thereby helped and aided the Shooter in meaningful and substantial ways.

6. Defendants Paul and Pamela Gendron

237. Before their 18-year-old son committed a racist terrorist attack, Paul and Pamela Gendron knew that he spent unhealthy amounts of time online, had threatened a murder-suicide (when he was 17), that he had at least one gun—which they had given to him as a Christmas present (when he was 16)—and that he was collecting combat gear, including gear that he stored in the family home.

238. They also knew that their son had exhibited violent behavior, including savagely torturing and decapitating a cat.

239. By March 2022 at the latest, Paul and Pamela Gendron knew that the Shooter had dangerous tendencies and was acting in a way to prompt serious concern. In late March, they discussed the Shooter's troubling behavior with him.

240. Despite their knowledge of the Shooter's threats, violent behavior, mental health issues, and access to at least one firearm, Paul and Pamela Gendron took no measures to closely monitor the Shooter's activities or to restrict his access to firearms and combat gear. For example, they did not seek or obtain an extreme risk protection order pursuant to CPLR § 6340 *et seq.*

241. Ignoring the clear signs that the Shooter posed a risk to himself and others, Paul and Pamela Gendron took no steps to investigate further, obtain mental healthcare for him,

remove his firearms and combat gear, report his behavior, or seek an order cutting off his access to firearms. As a result of their conduct (and failure to act), the Shooter continued to plan his attack from their home, to acquire and store firearms and combat gear there, and to have unfettered access to those items for use in the attack. The foreseeable consequence of the behavior of Paul and Pamela Gendron was their son's commission of a dangerous and aggressive act, such as the murder/suicide he had previously threatened.

242. Had Paul and Pamela Gendron performed their duties as parents of a child displaying disturbing behavior, they would have taken steps to prevent the Shooter from carrying out the attack, including by investigating, searching his room, and limiting or precluding his access to firearms and combat gear. Their failure to exercise reasonable supervision and control over the Shooter was a cause of Plaintiff's injuries.

243. Paul and Pamela Gendron reasonably should have foreseen that their son's continued access to a firearm, coupled with his established record of aggressive behavior and threats of violence, might expose people in his vicinity to a foreseeable risk of harm.

CAUSES OF ACTION

COUNT I – NEGLIGENCE

(Against Defendant MEAN LLC (operating as MEAN Arms))

244. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

245. At all relevant times, Defendant MEAN Arms was subject to the general duty imposed on all persons and entities to act reasonably and to refrain from engaging in activities creating foreseeable risks of injury to others. A breach of such duty constitutes negligence.

246. In fact, as seller of a lock intended for a lethal firearm, Defendant MEAN Arms is subject to the highest duty of care because of the danger that its products pose in conjunction with a firearm.

247. Defendant MEAN Arms knowingly, intentionally, falsely, and deceptively claimed that it sold locks that permanently affixed removable magazines to rifles. It falsely and deceptively represented that use of the MEAN Arms Lock rendered a firearm compliant with New York law—while simultaneously instructing users regarding how to easily remove the lock and advising that its locks did *not* permanently affix removable magazines to rifles. Defendant MEAN Arms acted knowingly and duplicitously in disseminating false and misleading information regarding its product.

248. That individuals in New York would remove MEAN Arms Locks in order to possess functioning illegal assault weapons and use removable large-capacity magazines was a foreseeable consequence of its marketing and distribution model.

249. The Shooter purchased his Bushmaster XM-15 rifle specifically because it had an easily removable MEAN Arms Lock installed. He knew that, because his rifle had that lock, he could purchase a rifle that had the veneer of compliance with New York law and convert it to an operational illegal assault weapon in minutes.

250. New York's SAFE Act was intended to prevent and minimize tragedies like the shooting at Tops, including by limiting the number of rounds a rifle could fire before it had to be partially disassembled and reloaded.

251. MEAN Arms acted negligently and unlawfully by acting unreasonably and creating a foreseeable risk of harm to others. It knowingly violated New York's SAFE Act and consumer protection laws, and it facilitated and aided and abetted violations of those laws as well.

252. Defendant MEAN Arms' negligence was a direct and proximate cause of the shooting of Celestine Chaney. Due to the acts and omissions of Defendant MEAN Arms, the

Shooter was able to acquire an illegal assault weapon, which he easily modified into a fully functioning illegal assault weapon equipped with removable large-capacity magazines. By virtue of his possession of that weapon (and other combat-related gear), the Shooter was emboldened to carry out his racist attack and was able to murder ten people, wound three others, and traumatize countless more. His shooting spree was longer and more deadly than it would have been had he been limited to use of a single 10-round-capacity magazine before reloading. Had the Shooter not had access to an illegal assault weapon with removable large-capacity magazines, Ms. Chaney would not have been shot and killed. If the Shooter had to disassemble his rifle and manually reload, the Shooter would have ended his massacre earlier and/or Ms. Chaney would have had time to escape.

253. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from her initial injury until her death. He is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

254. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

255. Accordingly, Plaintiff is entitled to recovery against Defendant MEAN Arms in an amount to be determined at trial.

COUNT II – NEGLIGENCE PER SE
(Against Defendant MEAN LLC (operating as MEAN Arms))

256. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

257. Defendant MEAN Arms committed violations of sections 349(a) and 350 of the New York General Business Law in marketing the MEAN Arms Lock to New York consumers in a deceptive manner that materially misled consumers to believe that installation of the MEAN Arms Lock renders an AR-15-style rifle, including the Bushmaster XM-15, compliant with the SAFE Act’s prohibition on the possession of assault weapons.

258. Section 349(a) of the New York General Business Law declares unlawful any “[d]eceptive acts or practices in the conduct of any business, trade or commerce” Section 350 of the New York General Business Law declares that false advertising in the conduct of any business, trade, or commerce in New York is unlawful.

259. Sections 349(a) and 350 of the New York General Business Law impose a duty on MEAN Arms not to engage in any act or practice that is materially misleading to New York consumers, including firearm purchasers and owners.

260. Defendant MEAN Arms violated sections 349(a) and 350 of the New York General Business Law by misleadingly marketing the MEAN Arms Lock to New York consumers in a manner that, at all relevant times, led them to believe that installing the MEAN Arms Lock changed an AR-15-style rifle in a way that brought it into compliance with the SAFE Act. MEAN Arms’ misleading marketing also encouraged New York retailers to be complicit in the company’s unlawful conduct and facilitate violations of New York’s SAFE Act.

261. Plaintiff’s injuries were proximately and substantially caused by MEAN Arms’

violations of sections 349(a) and 350 of the New York General Business Law. Had MEAN Arms been truthful in its marketing of the MEAN Arms Lock, the Shooter would not have been able to access the weapon he used to carry out his attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon that accepted detachable magazines, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Celestine Chaney would not have been killed.

262. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from her initial injury until her death. He is also entitled to damages for funeral expenses of the decedent paid by the Estate of Celestine Chaney.

263. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

264. Accordingly, Plaintiff is entitled to recovery against Defendant MEAN Arms in an amount to be determined at trial.

COUNT III – PUBLIC NUISANCE
(Against Defendant MEAN LLC (operating as MEAN Arms))

265. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

266. Defendant MEAN Arms created a public nuisance by knowingly or recklessly creating, maintaining, or contributing to a condition in New York state that endangers the safety and health of the public through the sale, manufacturing, importing, or marketing of the MEAN Arms Lock.

267. Defendant MEAN Arms created a public nuisance by marketing and distributing the MEAN Arms Lock in New York, even though it knew or should have known that use of the MEAN Arms Lock on an assault weapon creates the superficial appearance of compliance with New York law while the rifle remains non-compliant. This conduct allowed for the transfer and possession of prohibited firearms (*i.e.*, firearms that are categorized as assault weapons and can be easily modified to accept detachable magazines) into and within New York.

268. Upon information and belief, MEAN Arms has distributed or caused to be distributed a significant number of MEAN Arms Locks that are currently fixed onto assault weapons in New York. Without the MEAN Arms Lock, those firearms would not have been obtained or transferred within New York.

269. Through its duplicitous, false, and misleading marketing of the MEAN Arms Lock, MEAN Arms violated sections 349(a) and 350 of the New York General Business Law, and those violations allowed for the distribution of the MEAN Arms Lock (and non-compliant firearms) into and within New York.

270. The nuisance created by Defendant MEAN Arms proximately caused direct and special injuries to Celestine Chaney, a victim murdered in a mass shooting perpetrated by a Shooter who was able to acquire his illegal assault weapon because it was fitted temporarily with a MEAN Arms Lock. Plaintiff Jones brings this claim as administrator of the Estate of Celestine

Chaney. These injuries are different in kind from the above-described injuries to the general public.

271. In addition, Plaintiff Jones is entitled to wrongful death damages, including pecuniary harm and punitive damages.

272. As a result of the actions, inactions, and omissions of Defendant MEAN Arms, Plaintiff has suffered and will continue to suffer general, compensatory, and consequential damages.

COUNT IV – VIOLATION OF N.Y. GEN. BUS. LAW § 349

(Against Defendant MEAN LLC (operating as MEAN Arms))

273. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

274. Section 349(a) of the New York General Business Law declares that deceptive acts or practices in the conduct of any business, trade, or commerce in New York are unlawful.

275. Section 349(h) of the New York General Business Law provides a cause of action for injunctive relief and damages to any person who has been injured by reason of any violation of section 349(a) of the New York General Business Law.

276. MEAN Arms committed violations of Section 349(a) of the New York General Business Law by directing advertising towards New York consumers that was materially misleading regarding whether the installation of the MEAN Arms Lock would bring an assault weapon into compliance with the SAFE Act. Plaintiff suffered an injury as a result of those violations.

277. MEAN Arms' violations of section 349(a) of the New York General Business Law caused harm to the public interest because its deceptive marketing had the effect of allowing the receipt, sale, and transfer of semiautomatic rifles that properly are classified as assault weapons, thereby thwarting effective enforcement of New York law by state and local

law enforcement agencies and threatening public safety by allowing for the proliferation of these dangerous and unlawful firearms.

278. The shooting of Celestine Chaney occurred as a proximate result of those violations because, had MEAN Arms been truthful in its marketing of the MEAN Arms Lock, the Shooter would not have been able to access the weapon he used to carry out his attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon that accepted detachable magazines, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Ms. Chaney would not have been killed.

279. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to actual damages for MEAN Arms' violations of Section 349(a) of the New York General Business Law.

280. In addition, because MEAN Arms' violations of Section 349(a) of the New York General Business Law were willful or knowing, Plaintiff is entitled to treble damages and attorney's fees.

COUNT V – VIOLATION OF N.Y. GEN. BUS. LAW § 350
(Against Defendant MEAN LLC (operating as MEAN Arms))

281. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

282. Section 350 of the New York General Business Law declares that false advertising in the conduct of any business, trade, or commerce in New York is unlawful.

283. Section 350-e(3) of the New York General Business Law provides a cause of action to any person who has been injured by reason of any violation of section 350 of the New

York General Business Law and allows that person to recover the greater of actual damages or five hundred dollars.

284. MEAN Arms committed violations of section 350 of the New York General Business Law by directing advertising towards New York consumers that was materially misleading regarding whether the installation of the MEAN Arms Lock would bring an assault weapon into compliance with the SAFE Act.

285. MEAN Arms' violations of section 350 of the New York General Business Law caused harm to the public interest because its false advertising had the effect of allowing the receipt, sale, and transfer of semiautomatic rifles that are properly classified as assault weapons, thereby thwarting effective enforcement of New York law by state and local law enforcement agencies and threatening public safety by allowing for the proliferation of these dangerous and unlawful firearms.

286. New York consumers relied on MEAN Arms' false advertising regarding the MEAN Arms Lock to decide to purchase and possess assault weapons with the MEAN Arms Lock installed, causing those consumers to violate New York law. MEAN Arms' false advertising regarding the MEAN Arms Lock also influenced New York retailers, some of which relied on that false advertising when deciding to install, take into inventory, receive, sell, or transfer assault weapons with the MEAN Arms Lock installed, causing those businesses to violate New York law. Other retailers were complicit with MEAN Arms' plan to unlawfully circumvent New York's SAFE Act by selling non-compliant firearms.

287. The shooting of Celestine Chaney occurred as a proximate result of those violations because, had Defendant MEAN Arms been truthful in its advertising of the MEAN Arms Lock, the Shooter would not have been able to access the weapon he used to carry out his

attack. In addition, (a) the Shooter would not have been able to acquire and use a weapon that accepted detachable magazines, (b) the Shooter would not have undertaken his attack for lack of a sufficiently deadly firearm, or, (c) if the Shooter had nevertheless undertaken the attack, the Shooter's attack would have been shorter and less deadly and Ms. Chaney would not have been killed.

288. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is therefore entitled to the greater of actual damages or \$500 for MEAN Arms' violations of section 350 of the New York General Business Law.

289. In addition, because MEAN Arms' violations of section 350 of the New York General Business Law were willful or knowing, Plaintiff is entitled to treble damages and attorney's fees.

COUNT VI – NEGLIGENCE
(Against Defendant Vintage Firearms LLC)

290. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

291. At all relevant times, Vintage Firearms was subject to the general duty imposed on all persons and entities to act reasonably and to refrain from engaging in activities creating foreseeable risks of injury to others. A breach of such duty constitutes negligence.

292. In fact, as a seller of lethal weapons, Vintage Firearms is subject to the highest duty of care because of the danger that its products pose.

293. Vintage Firearms knowingly and intentionally sold the Shooter an illegal assault weapon in violation of New York's SAFE Act.

294. At all relevant times, including when Vintage Firearms sold the Bushmaster XM-15 to the Shooter, the gun did not comply with the SAFE Act's provisions defining an illegal assault weapon to include a semiautomatic rifle with the ability to accept a detachable magazine

and which require that all modifications to render assault weapons compliant with the law be “permanent” and not “revers[ible] through reasonable means.”

295. New York’s SAFE Act was intended to prevent and minimize tragedies like the shooting at Tops, including by limiting the number of rounds a rifle could fire before it had to be partially disassembled and reloaded.

296. Vintage Firearms’ negligence was a direct and proximate cause of the shooting of Celestine Chaney. Due to the acts and omissions of Vintage Firearms, the Shooter was able to acquire an illegal assault weapon, which he easily modified into a fully functioning illegal assault weapon equipped with removable large-capacity magazines. By virtue of his possession of that weapon (and other combat-related gear), the Shooter was emboldened to carry out his racist attack and was able to murder ten people, wound three others, and traumatize countless more. His shooting spree was longer and more deadly than it would have been had he been limited to use of a single 10-round-capacity magazine before disassembling and reloading. Had the Shooter not had access to an illegal assault weapon with removable large-capacity magazines, Ms. Chaney would not have been shot and killed. If the Shooter had to disassemble his rifle and manually reload, the Shooter would have ended his massacre earlier and/or Ms. Chaney would have had time to escape.

297. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

298. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and

future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

299. Accordingly, Plaintiff is entitled to recovery against Defendant Vintage Firearms in an amount to be determined at trial.

COUNT VII – NEGLIGENT ENTRUSTMENT
(Against Defendant Vintage Firearms LLC)

300. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

301. Defendant Vintage Firearms knew that the Shooter—an 18-year-old—had visited the store four times in a short period of time and had examined, and then purchased, a Bushmaster XM-15 assault weapon with a non-permanent lock that, upon information and belief, he indicated his interest in removing in discussions with store personnel.

302. Defendant Vintage Firearms sold and transferred the Bushmaster XM-15—an illegal assault weapon—to the Shooter even though it knew or reasonably should have known that the Shooter was likely to use the weapon in a manner involving an unreasonable risk of bodily harm to others.

303. Because the Bushmaster XM-15 sold by Vintage Firearms to the Shooter was an illegal weapon under New York's SAFE Act at all relevant times, it was unlawful and negligent to entrust it to a New York resident or otherwise transfer it in New York.

304. New York's SAFE Act was intended to prevent and minimize tragedies like the shooting at Tops, including by limiting the number of rounds a rifle could fire before it had to be

partially disassembled and reloaded.

305. Upon information and belief, Vintage Firearms knew or reasonably should have known the Shooter's plan to remove the MEAN Arms Lock and use the Bushmaster XM-15 in an unlawful and dangerous manner.

306. Vintage Firearms' negligent entrustment of the Bushmaster XM-15 to the Shooter was a direct and proximate cause of the massacre, including the shooting of Celestine Chaney. Due to the acts and omissions of Vintage Firearms, the Shooter was able to acquire an illegal assault weapon, which he easily modified into a fully functioning illegal assault weapon equipped with large-capacity magazines. He used that weapon to murder ten people, wound three others, and traumatize countless more. His shooting spree was longer and more deadly than it would have been had he been limited to use of a single 10-round-capacity magazine before reloading. Had the Shooter not had access to an illegal assault weapon that accepted removable large-capacity magazine, Celestine Chaney would not have been shot and killed. If the Shooter had to disassemble his rifle and manually reload, the Shooter would have ended his massacre earlier and/or Ms. Chaney would have had time to escape.

307. It was foreseeable that an illegal assault weapon capable of accepting removable large-capacity magazines that was entrusted to a young man in violation of New York law would be used to kill, wound, or injure others, including in a mass shooting.

308. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to damages for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

309. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

310. Accordingly, Plaintiff is entitled to recovery against Defendant Vintage Firearms in an amount to be determined at trial.

COUNT VIII – VIOLATION OF N.Y. GEN. BUS. LAW § 898
(Against Defendant Vintage Firearms LLC)

311. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

312. Defendant Vintage Firearms violated section 898-b of the New York General Business Law, which requires that gun retailers establish and use reasonable controls and procedures to prevent firearms from being possessed, used, marketed, or sold unlawfully in New York.

313. Vintage Firearms is a gun industry member pursuant to section 898-b of the New York General Business Law and it sells qualified products within the meaning of the statute.

314. Vintage Firearms knew or was willfully blind to the fact that the sale of the Bushmaster XM-15 to the Shooter equipped him with a weapon capable of semi-automatic firing using removable large-capacity magazines, which was illegal in New York at all relevant times, and endangered the health, safety, and comfort of members of the public.

315. Vintage Firearms also knowingly violated the requirement that it establish and use reasonable controls and procedures to prevent the sale and possession of firearms that are unlawful in New York. Vintage Firearm's duty under the law included, for example, the duty to establish reasonable controls and procedures to ensure that it sold legal, compliant products and refrained from selling assault weapons with easily removeable locks. Vintage Firearms knew that many locks installed on assault weapons are easily removable, and accordingly do not render those weapons compliant under New York law. However, it continued to display and sell illegal weapons with easily removable locks without any reasonable controls or procedures. It sold such a weapon to the Shooter without using reasonable controls or procedures in conjunction with that sale and more generally.

316. As a result of its conduct, Vintage Firearms, individually and acting through its employees and agents, and in concert with each other, acted unlawfully, unreasonably and in a way that resulted in harm to people who reside in New York, and in particular, to Celestine Chaney and Plaintiff Jones. The harm suffered by Ms. Chaney and Plaintiff Jones is different from that suffered by the general public. Vintage Firearms' failure to comply with its obligations under section 898-b of the New York General Business Law was a proximate and substantial cause of those injuries.

317. Plaintiff Jones brings this claim as administrator of the Estate of Celestine Chaney.

318. In addition, Plaintiff Jones is entitled to wrongful death damages, including pecuniary harm and punitive damages.

COUNT IX – NEGLIGENT ENTRUSTMENT
(Against Defendant RMA Armament, Inc.)

319. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

320. Defendant RMA Armament marketed, sold, and supplied combat-style, ceramic body armor plates to the Shooter without any reasonable vetting or verification process even though RMA Armament knew or should have known that the Shooter was likely to use the body armor plates in a manner involving an unreasonable risk of bodily harm to others.

321. RMA Armament, through its employee or agent, communicated with the Shooter on social media sites and message boards specializing in discussion of firearms and tactical gear, including a subreddit dedicated to discussing premeditated, prolonged, armed confrontation. In his communications with RMA Armament and on the online platforms the company frequented, the Shooter made troubling inquiries about the use and effectiveness of combat-style body armor against specific threats. The communications involving RMA Armament's employee or agent and the Shooter should have caused RMA Armament to inquire further regarding the Shooter's intended use of the company's combat-style products. RMA Armament knew or should have known that the Shooter was a young civilian seeking body armor for protection in an offensive combat operation.

322. The combat-style, ceramic body armor plates that RMA Armament supplied to the Shooter have a specific use: they protect against bullets ranging from small caliber handguns to larger caliber rifles and thus provide the wearer with a better chance of surviving or prolonging a gunfight against armed opponents. The ceramic body armor plates' potential for unsafe use was readily apparent to a reasonable person in RMA Armament's position under the circumstances given the ceramic body armor plates' utility in an offensive firearm attack, including a mass shooting. In fact, RMA Armament knew or should have known that body armor has been used by many mass shooters to facilitate their deadly attacks.

323. In his attack at Tops, the Shooter wore the combat-style ceramic body armor plates that were supplied by Defendant RMA Armament without any reasonable vetting. Wearing them emboldened the Shooter and enabled him to prolong his attack and cause additional harm. They served the purpose envisioned by the Shooter—preventing his “instant death” as a result of defensive fire.

324. RMA Armament’s entrustment of the combat-style, ceramic body armor plates to the Shooter proximately caused and contributed to the shooting and death of Ms. Chaney.

325. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. Plaintiff Jones is also entitled to an award for funeral expenses of the decedent paid by the Estate of Celestine Chaney.

326. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff’s loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff’s family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff’s family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff’s family member; and punitive damages.

327. Accordingly, Plaintiff is entitled to recovery against Defendant RMA Armament in an amount to be determined at trial.

COUNT X – NEGLIGENCE
(Against Defendant RMA Armament, Inc.)

328. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

329. At all relevant times, RMA Armament was subject to the general duty imposed on all persons and entities to act reasonably and to refrain from engaging in activities creating foreseeable risks of injury to others. A breach of such duty constitutes negligence.

330. RMA Armament had a duty to exercise reasonable care, including in marketing and selling combat-style body armor plates to civilians, and to refrain from engaging in affirmative activity creating reasonably foreseeable risks of injury to others as a result of its actions.

331. RMA Armament knew or should have known that its body armor, particularly its Level III+ ceramic body armor plates, would be used in criminal attacks.

332. RMA Armament knew or should have known that body armor has been used by multiple mass shooters to facilitate their deadly attacks.

333. RMA Armament knew or should have known that marketing and selling its combat-style body armor plates to civilians without any reasonable vetting or verification of the purchaser would result in the use of its body armor by a criminal during an offensive attack.

334. RMA Armament knew or should have known that its marketing and sales practices, including communications with individuals on Reddit and other sites and message boards focused on premediated and prolonged armed confrontation, would result in the injury of innocent persons such as Celestine Chaney at the hands of a criminal wearing its combat-style body armor while conducting an offensive attack.

335. RMA Armament breached its duty to exercise reasonable care in marketing and selling its armor plates by selling combat-style body armor plates to civilian consumers without any reasonable vetting of purchasers, by promoting the use of Level III+ ceramic body armor plates by civilians, and by directly engaging with the Shooter to market its products to him

despite indications that he might use the products for an unlawful purpose. RMA Armament's marketing contributed to the Shooter's choice to purchase the company's Level III+ ceramic body armor plates that he used to facilitate and prolong his racist attack.

336. RMA Armament marketed its products to civilians without taking reasonable precautions to prevent the sale or distribution of its products to those individuals who might use the products to commit a mass shooting or other violent criminal act.

337. RMA Armament's marketing misleads consumers to believe that everyday life requires preparing for threats that include taking fire from firearms, up to and including bullets fired from handguns and AR-15 rifles.

338. In shipping combat-style body armor plates directly to the Shooter without reasonable vetting, RMA Armament acted negligently. RMA Armament knew or should have known (through its employee/agent's individual communications with the Shooter on social media sites and message boards) that providing Level III+ ceramic body armor plates to him posed an unacceptably high risk that the Shooter could be planning to use RMA Armament's products for a criminal purpose.

339. RMA Armament's breach of its duty of reasonable care was a proximate and substantial cause of the shooting and death of Celestine Chaney because its combat-style body armor plates provided the Shooter with the protection he sought to carry out his racist attack and prevented the Shooter's incapacitation during the attack by shielding him from one or more defensive bullets fired by a security guard, thereby saving him from "instant death."

340. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to

an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

341. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

342. Accordingly, Plaintiff is entitled to recovery against Defendant RMA Armament in an amount to be determined at trial.

COUNT XI – PUBLIC NUISANCE
(Against Defendant RMA Armament, Inc.)

343. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

344. RMA Armament, individually and acting through its employees and agents, and in concert with each other, knowingly, intentionally, recklessly, or negligently engaged in conduct or omissions that unreasonably interferes with the public health, safety, peace, comfort, convenience, or quality of life in New York.

345. RMA Armament knows or should know that the marketing and distribution of combat-style body armor to civilians in New York State without any reasonable safeguards or vetting procedures endangers the health, safety, and comfort of members of the public.

346. The public nuisance RMA Armament created by distributing its combat-style body armor products to the civilian market without any reasonable vetting of purchasers, was a substantial and proximate cause of direct and special injuries to Celestine Chaney and Plaintiff

Jones, which are different from those suffered by the general public. RMA Armament's creation and maintenance of this public nuisance were a direct, legal, proximate, and substantial cause of those injuries.

347. Plaintiff Jones brings this claim as administrator of the Estate of Celestine Chaney.

348. In addition, Plaintiff Jones is entitled to wrongful death damages, including pecuniary harm and punitive damages.

COUNT XII – STRICT LIABILITY *(Against YouTube Defendants)*

349. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

350. Plaintiff expressly disclaims any and all claims seeking to hold the YouTube Defendants liable as the publisher or speaker of content posted by third parties. Rather, Plaintiff seeks to hold the YouTube Defendants liable for their own acts and omissions. Plaintiff's claims arise from the YouTube Defendants' status as designers and marketers of a social media product—YouTube—that is not reasonably safe and is unreasonably dangerous for its intended use, as well as their own statements and actions.

351. The underlying design, programming, and engineering of YouTube by the YouTube Defendants was and is inherently and purposefully defective, which forms a predicate for the claims asserted against them. A safer design exists, but the YouTube Defendants have failed to modify their product to make it less dangerous because they seek to maximize user engagement and profits.

352. The YouTube Defendants' product is defective and not reasonably safe because there was (and is) a substantial likelihood that it would cause harm and it was feasible to design YouTube in a safer manner. The foreseeable risks of harm posed by YouTube's design could

have been reduced or avoided by the adoption of a reasonable alternative design (such as the removal of the AutoPlay feature and alteration/limitation of the algorithmic recommendation functionality, among other modifications). The omission of the alternative design renders YouTube not reasonably safe.

353. As designed and distributed, YouTube's recommendation algorithm and other product features are not reasonably safe because they affirmatively connect users—including minors—to racist, antisemitic, violent, and extreme information while failing to deploy feasible safeguards. It is feasible to design YouTube without recommendation and autoplay features or in a way that uses such features in a manner that prioritizes user safety over engagement and revenue.

354. As designed and distributed, YouTube is addictive to teenager users.

355. The YouTube Defendants' advertising profits from YouTube are directly tied to the quantity of time users spend using the product, and YouTube's features are designed to maximize the amount of time users spend using the product through product design that addicts them to the platform. Reasonable users would not expect that YouTube is psychologically and neurologically addictive, as it has been shown to be.

356. The YouTube Defendants know that these product features cause significant risks to users, including minors, such as addiction, radicalization, and violence, yet it disregards these risks and continues to employ features that precipitate overuse of YouTube and actively promote violence.

357. It is feasible for the YouTube Defendants to make products that reduce the risk of addiction, particularly for minor users, such as by turning off or slowing the recommendation algorithm and/or imposing limitation of total access time.

358. As a proximate result of the dangerous and defective design attributes of YouTube, the Shooter became addicted to YouTube and other social media products and experienced a deterioration of his mental health. Users like the Shooter becoming addicted to Youtube was foreseeable to the YouTube Defendants.

359. As a proximate result of the dangerous and defective design attributes of YouTube, the Shooter became radicalized, motivated, instructed, and equipped to commit the racist massacre at Tops.

360. Plaintiff suffered harm as a result of the unreasonably dangerous and defective design attributes of YouTube, which were a substantial factor in the Shooter's planning and commission of his racist attack.

361. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

362. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

363. Accordingly, Plaintiff is entitled to recovery against the YouTube Defendants in an amount to be determined at trial.

COUNT XIII – NEGLIGENCE
(Against YouTube Defendants)

364. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

365. At all relevant times, the YouTube Defendants were subject to the general duty imposed on all persons and entities to act reasonably not to expose others to reasonably foreseeable risks of injury.

366. At all relevant times, the YouTube Defendants had a duty to exercise reasonable care and caution to design and operate YouTube in a way that prevent users, including minors and teenagers, from becoming addicted, radicalized, and committing violent acts as a result of their engagement with YouTube.

367. The YouTube Defendants were negligent, grossly negligent, reckless and/or careless in that they failed to exercise ordinary care to ensure that they were not actively facilitating extremism, violence, violation of gun laws, and other unlawful acts.

368. The YouTube Defendants were negligent, grossly negligent, reckless and/or careless in that they failed to exercise ordinary care to prevent minors and young adults from becoming addicted, radicalized, and violent as a result of their engagement with YouTube.

369. The YouTube Defendants were negligent, grossly negligent, reckless and/or careless in designing and distributing YouTube in a form that was (and is) not reasonably safe. A reasonable person would have concluded that the utility of YouTube, in its current form and with the features discussed above, does not outweigh the risks inherent in it to minors and young adults. The YouTube Defendants' advertising profits from YouTube are directly tied to the quantity of time users spend using the product, and YouTube's features are purposefully designed

to maximize the amount of time users spend using the product through product design that addicts them to the platform. Reasonable users would not expect that YouTube is psychologically and neurologically addictive, as it has been shown to be.

370. The YouTube Defendants know that these product features cause significant risks to users, including minors, such as addiction, radicalization, and violence, yet they disregard these risks and continue to employ features that promote overuse of YouTube.

371. The YouTube Defendants also know that YouTube's product features algorithmically promote extremism, violation of gun laws, violence, and unlawful acts, yet they disregard these risks and continue to use these unreasonably dangerous features for the sake of profit. The YouTube Defendants could have implemented safety features that would have mitigated, reduced, or eliminated the above-described hazards, but they have failed to do so.

372. As a proximate result of the negligence of the YouTube Defendants, the Shooter became radicalized, motivated, prepared, and equipped to commit the racist massacre at Tops.

373. The Shooter's conduct was a reasonably foreseeable consequence of the YouTube Defendants' decision to design and execute a product that encouraged addiction and desensitization and algorithmically promoted extreme and violent content.

374. Plaintiff suffered harm as a result of the unreasonably dangerous and defective design attributes of YouTube, which were a substantial factor in the Shooter's planning and commission of his racist attack.

375. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

376. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

377. Accordingly, Plaintiff is entitled to recovery against the YouTube Defendants in an amount to be determined at trial.

COUNT XIV – STRICT LIABILITY
(Against Defendant Reddit, Inc.)

378. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

379. Plaintiff expressly disclaims any and all claims seeking to hold Defendant Reddit liable as the publisher or speaker of content posted by third parties. Rather, Plaintiff seeks to hold Defendant Reddit liable for its own acts and omissions. Plaintiff's claims arise from Defendant Reddit's status as a designer and marketer of a social media product—Reddit—that was not reasonably safe and was unreasonably dangerous for its intended use, as well as Defendant Reddit's own statements and actions.

380. The underlying design, programming, and engineering of Reddit by Defendant Reddit was and is inherently and purposefully defective, which forms a predicate for the claims asserted against it. A safer design exists, but Defendant Reddit has failed to modify its product to make it less dangerous because it seeks to maximize user engagement and profits.

381. Defendant Reddit's product is defective and not reasonably safe because there was (and is) a substantial likelihood that it would cause harm and it was feasible to design Reddit in a safer manner. The foreseeable risks of harm posed by Reddit's design could have been reduced or avoided by the adoption of a reasonable alternative design (such as reduced reliance on Reddit's algorithm and alternative website design choices, among other modifications). The omission of an alternative design renders Reddit not reasonably safe.

382. As designed and distributed, Reddit's recommendation and other product features are not reasonably safe because they affirmatively connect users—including minors—to racist, antisemitic, violent, and extreme information while failing to deploy feasible safeguards. It is feasible to design Reddit without such features or in a way that uses such features in a manner that prioritizes user safety over engagement and revenue.

383. As designed and distributed, Reddit is addictive to teenager users.

384. Defendant Reddit's advertising profits from its product are directly tied to the amount of engagement that users generate using the product, and Reddit's features are designed to maximize such user engagement through product design that addicts them to the platform, including use of its algorithm, upvotes and downvotes. Reasonable users would not expect that Reddit is psychologically and neurologically addictive, as it has been shown to be.

385. Defendant Reddit knows that its product features cause significant risks to users, including minors, such as addiction, radicalization, and violence, yet it disregards these risks and continues to employ features that promote overuse of Reddit.

386. Defendant Reddit also knows that its product features algorithmically promote extremism, acquisition of military-grade armaments, violence, and unlawful acts, yet they

disregard these risks and continue to employ these unreasonably dangerous features for the sake of profit.

387. It is feasible for Defendant Reddit to reduce the risk of addiction, particularly for minor users, by altering the design of its product, such as by turning off or slowing the recommendation algorithm and/or imposing a limitation of total access time.

388. As a proximate result of the dangerous and defective design attributes of Reddit, the Shooter became addicted to Reddit and other social media products and experienced a deterioration of his mental health. The addiction of a user like the Shooter was foreseeable to Reddit.

389. As a proximate result of the dangerous and defective design attributes of Reddit, the Shooter became radicalized, motivated, prepared, and equipped to commit the racist massacre at Tops.

390. Reddit's dangerous and defective design attributes, including its maintenance of a subreddit devoted to discussion of premeditated, prolonged combat operations, also facilitated the Shooter's connection to a representative of the body armor company RMA Armament on Reddit and led to the Shooter's ability to equip himself with the body armor he wore during his commission of the racist massacre at Tops to prevent his "instant death."

391. Plaintiff suffered harm as a result of the unreasonably dangerous and defective design attributes of Reddit, which were a substantial factor in the Shooter's planning and commission of his racist attack.

392. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and

suffering she experienced from her initial injury until her death. He is also entitled to an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

393. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

394. Accordingly, Plaintiff is entitled to recovery against Defendant Reddit in an amount to be determined at trial.

COUNT XV – NEGLIGENCE
(Against Defendant Reddit, Inc.)

395. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

396. At all relevant times, Defendant Reddit was subject to the general duty imposed on all persons and entities to act reasonably not to expose others to reasonably foreseeable risks of injury.

397. At all relevant times, Defendant Reddit had a duty to exercise reasonable care and caution to design and operate its platforms to prevent users, including minors and teenagers, from becoming addicted, radicalized, and committing violent acts as a result of their engagement with Reddit.

398. Defendant Reddit was negligent, grossly negligent, reckless and/or careless in that they failed to exercise ordinary care to ensure that they were not actively facilitating extremism, acquisition of military-grade armaments, violence, and other unlawful acts.

399. Defendant Reddit was negligent, grossly negligent, reckless and/or careless in that it failed to exercise ordinary care to prevent minors and young adults from becoming addicted, radicalized and violent as a result of their engagement with Reddit.

400. Defendant Reddit was negligent, grossly negligent, reckless and/or careless in designing and distributing Reddit in a form that was (and is) not reasonably safe. A reasonable person would have concluded that the utility of Reddit, in its current form and with the features discussed above, does not outweigh the risks inherent in it to minors and young adults.

401. Defendant Reddit's advertising profits from its product are directly tied to user engagement, and Reddit's features are designed to maximize the amount of such user engagement through product design that addicts them to the platform, including use of its algorithm, upvotes and downvotes. Reasonable users would not expect that Reddit is psychologically and neurologically addictive, as it has been shown to be.

402. Defendant Reddit knows that these product features cause significant risks to users, including minors, such as addiction, radicalization, and violence, yet it disregards these risks and continues to employ features that promote overuse of Reddit.

403. Defendant Reddit also knows its own product features algorithmically promoted extremism, acquisition of combat-style armaments, violence, and other unlawful acts, yet it disregards these risks and continues to use these unreasonably dangerous features for the sake of profit.

404. Defendant Reddit could have implemented safety features that would have mitigated, reduced, or eliminated the above-described hazards, but it has failed to do so.

405. As a proximate result of the negligence of Reddit, the Shooter became radicalized, motivated, prepared, and equipped to commit the racist massacre at Tops.

406. The Shooter's conduct was a reasonably foreseeable consequence of Defendant Reddit's decision to design and execute a product that encouraged addiction and desensitization and algorithmically promoted extreme and violent content.

407. Plaintiff suffered harm as a result of the unreasonably dangerous and defective design attributes of Reddit, which were a substantial factor in the Shooter's planning and commission of his racist attack.

408. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

409. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

410. Accordingly, Plaintiff is entitled to recovery against Defendant Reddit in an amount to be determined at trial.

COUNT XVI – NEGLIGENCE
(Against Defendants Paul and Pamela Gendron)

411. Plaintiff incorporates and realleges the above paragraphs as if stated fully herein.

412. At all relevant times, Defendants Paul and Pamela Gendron were subject to the general duty imposed on all persons and entities to act reasonably and to refrain from exposing others to reasonably foreseeable risks of injury. A breach of such duty constitutes negligence.

413. As the parents of the Shooter, and by virtue of the fact that the Shooter continued to reside in the family home and depend on his parents for support and guidance, Defendants Paul and Pamela Gendron had a special relationship with the Shooter, the ability to exercise care and control over the Shooter, and a corresponding heightened duty of care to prevent third parties from being harmed by the Shooter. Upon information and belief, Defendants Paul and Pamela Gendron continued to exercise the same degree of control and supervision over the Shooter that they had prior to him turning 18.

414. Upon information and belief, despite knowing that the Shooter (1) expressed an intention to commit a murder-suicide, which resulted in his transfer to a hospital by police, (2) was acquiring combat gear, (3) had been stopped by police on at least one unexplained trip to Buffalo, (4) had savagely tortured and decapitated a cat, (5) had at least one firearm (the one they bought for him), and (6) had behaved in ways that caused them concern in the months before the shooting, Defendants Paul and Pamela Gendron took no steps to investigate further, to seek mental health treatment for their son, to disarm him, or to seek an order removing his access to firearms. Defendants Paul and Pamela Gendron knew of, but disregarded, the Shooter's dangerous tendencies. Had they addressed them and complied with their duty of care, they would

have investigated and known that the Shooter had adopted radical, white supremacist views, was planning a massacre, and had acquired an arsenal of weapons and combat gear.

415. Through their own conduct, including their decision to allow the Shooter to continue to have access to and store firearms in their home, Defendants Paul and Pamela Gendron created a particularized foreseeable danger: the danger that he would use a firearm to commit a violent act, such as the murder/suicide he had threatened less than a year before the shooting at Tops.

416. Defendants Paul and Pamela Gendron's negligence was a direct and proximate cause of the shooting and death of Celestine Chaney. Had they acted to address the reasonably foreseeable risk of harm posed by the Shooter, the Shooter would have been unable to commit the massacre at Tops, because they would have investigated, discovered and seized his weapons and combat gear, had him placed in a mental health treatment center (or receive mental health treatment in a different setting) or taken steps to legally preclude him from having access to a firearm.

417. As administrator of the Estate of Celestine Chaney, Plaintiff Jones is entitled to damages recoverable for the shooting and death of Ms. Chaney, including the conscious pain and suffering she experienced from the time of her initial injury until her death. He is also entitled to an award for the funeral expenses of the decedent paid by the Estate of Celestine Chaney.

418. Plaintiff Jones also brings this claim for the wrongful death of Celestine Chaney and is entitled to damages including: lost future income, lost earning capacity, and past and future medical expenses and related expenses; grief and anguish caused by the death of Ms. Chaney; Plaintiff's loss of love, society, protection, comfort, companionship, and consortium resulting from the death of Plaintiff's family member; pecuniary injuries, including loss and

diminishment of inheritance, resulting from the death of Plaintiff's family member; loss of nurture, guidance counsel, advice, training, and education resulting from the death of Plaintiff's family member; and punitive damages.

419. Accordingly, Plaintiff is entitled to recovery against Defendants Paul and Pamela Gendron in an amount to be determined at trial.

REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and that the Court award the following relief:

- a. Economic damages according to proof at trial;
- b. Noneconomic damages according to proof at trial;
- c. Joint and several liability on the grounds that one or more exemptions set forth in CPLR § 1602 apply, including:
 - i. § 1602(5) (Plaintiff has alleged a cause of action requiring proof of intent);
 - ii. § 1602(7) (Defendants acted with reckless disregard for the safety of others);
 - iii. § 1602(10) (product liability exception applies);
 - iv. § 1602(11) (Defendants acted knowingly or intentionally, and in concert, to cause the acts or failures upon which liability is based)
- d. Pre-judgment and post-judgment interest in accordance with New York law;
- e. Punitive and exemplary damages in an amount sufficient to punish and deter Defendants' conduct;
- f. Costs of suit, attorneys' fees, and expert/consultant fees to the fullest extent permitted by law;

- g. Injunctive relief, including, but not limited to, orders:
- i. prohibiting Defendant MEAN LLC from falsely or deceptively advertising that its MEAN Arms Locks render assault weapons compliant with New York law;
 - ii. requiring Defendants MEAN LLC and RMA Armament, Inc. to abate the public nuisances described in this Complaint and to deter and/or prevent the resumption of those public nuisances; and
 - iii. directing the YouTube Defendants and Defendant Reddit to remedy the unreasonably dangerous and harmful features of their respective products.
- h. Grant such other relief as the Court may deem just and proper.

PLEASE TAKE NOTICE THAT PLAINTIFF DEMANDS A TRIAL BY JURY.

DATED: August 15, 2023

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Respectfully submitted,

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**Pro hac vice motions forthcoming*
Attorneys for Plaintiff