

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOSHUA EVERETT BUSHMAN, ADMINISTRATOR FOR  
THE ESTATE OF CALVIN VAN PELT,

JOHN T. FREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

Plaintiff,

and

JOSHUA EVERETT BUSHMAN, ADMINISTRATOR FOR  
THE ESTATE OF ERSHEEN ELAIAISER,

Plaintiff,

v.

CASE NO: 2023 06260 -

Salvo Technologies, Inc. d/b/a 80P Builder

Serve:

Clerk of the State Corporation Commission  
1300 East Main Street  
Tyler Building, 1st Floor  
Richmond, VA 23219

and

BUL USA, LLC d/b/a 80P Builder

Serve:

Clerk of the State Corporation Commission  
1300 East Main Street  
Tyler Building, 1st Floor  
Richmond, VA 23219

Polymer80, Inc.

Serve:  
Clerk of the State Corporation Commission  
1300 East Main Street  
Tyler Building, 1st Floor  
Richmond, VA 23219

and

Zackary Burkard

Serve:  
Stacey Kincaid, Sheriff  
Fairfax County Adult Detention Center

Defendants

## **COMPLAINT**

1. This case is about a high-school social-media beef made lethal by irresponsible businesses that sell firearm-building kits to anyone with a credit card regardless of their criminal history, mental-health history, or age. Because of these reckless business practices, a high-school student brought a gun to a fistfight, and two teenagers were shot and killed.

2. On April 25, 2021, a group of four teenagers arrived at the Fairfax County, Virginia home of one of their South County High School classmates to settle a preexisting social-media squabble. The arriving teens and those waiting at the home had previously exchanged fighting words online.

3. The group of arriving teenagers included decedents Calvin Van Pelt, 17 years old, and Ersheen Elaiaiser, 17 years old—on behalf of whose families the administrator of their estates files this action.

4. One of the teens waiting at the house was then-18-year-old Defendant Zackary Burkard. In anticipation of the fight, Burkard retrieved a Polymer80 PF940C Glock-style handgun that he had purchased online as a gun-building kit sold by 80P Builder, a webstore operated by Defendants Salvo Technologies, Inc. and BUL USA, LLC (collectively, Salvo Technologies and BUL USA are referred to hereafter as “the 80P Builder Defendants”).

5. Federal law prohibits licensed dealers from selling firearms without background checks and also prohibits licensed dealers from selling handguns to persons it knows or has reasonable cause to believe are younger than 21 years old. Contrary to law, the then-18-year-old Defendant Burkard had no problems purchasing a complete handgun kit from the 80P Builder Defendants online without any background check or verification of his age.

6. The kit that the 80P Builder Defendants sold Defendant Burkard contained all the parts necessary to build a firearm, and only minimal work was required for Defendant Burkard to complete and assemble it into a fully

functioning firearm. The 80P Builder Defendants had sold Defendant Burkard a no-background-check, no-serial-number “ghost gun.”

7. The proliferation of ghost guns—untraceable firearms assembled from kits and sold without background checks—is a growing national crisis.

8. The problem posed by ghost guns is twofold: First, because sellers do not perform background checks, ghost guns are readily purchased by individuals who are legally prohibited from possessing firearms—including teenagers whom federal law prohibits from purchasing because of their age. Second, because ghost guns lack serial numbers, they can almost never be traced by law enforcement.

9. In recent years, tens of thousands of ghost guns have been recovered from crime scenes, including the scenes of 692 homicides or attempted homicides.<sup>1</sup>

10. The online sale of ghost-gun kits is particularly pernicious. Without a face-to-face interaction, or any attempt to verify the customer’s age, ghost guns can be easily obtained by individuals who are too young or otherwise forbidden by law to purchase firearms legally.

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<sup>1</sup> Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24656 (Apr. 26, 2022).



11. That is exactly what happened here. In or about February 2021, the 80P Builder Defendants sold Defendant Burkard a firearm-building kit online—including a Polymer80 PF940C pistol frame kit, a slide, and all the other parts he needed to quickly assemble a handgun—and shipped the kit directly to Defendant Burkard at his home. The 80P Builder Defendants made no effort to perform a background check nor did they attempt to verify whether Defendant Burkard was old enough or otherwise legally eligible to purchase a handgun.

12. The lethal consequences of Defendants' reckless business practices were tragic and entirely foreseeable.

13. On April 25, 2021, Ersheen Elaiaiser and Nicholas Guidinetti met and fought in the garage of Nicholas Guidinetti's home. Neither Guidinetti nor Elaiaiser were armed. None of the teenagers in the garage were armed. But as they fought, Defendant Burkard hid in the house clutching his loaded Polymer80 PF940C pistol that he had purchased from the 80P Builder Defendants.

14. Defendant Burkard burst into the garage and pointed his ghost gun at the teenagers. Defendant Burkard approached Ersheen Elaiaiser and shot him twice in the chest. As the other teens fled the scene, Defendant Burkard shot Calvin Van Pelt in the back. Both Ersheen and

Calvin died from their injuries. On January 19, 2023, following a jury trial and guilty verdict, the court sentenced Defendant Burkard to two 10-year prison sentences for the voluntary manslaughter of Calvin Van Pelt and Ersheen Elaiaiser.

15. This shooting would not have occurred, and Calvin and Ersheen would still be alive today, were it not for the negligent, reckless, and unlawful business practices of the 80P Builder Defendants and Polymer80 (together herein after referred to as the “Firearm Defendants”).

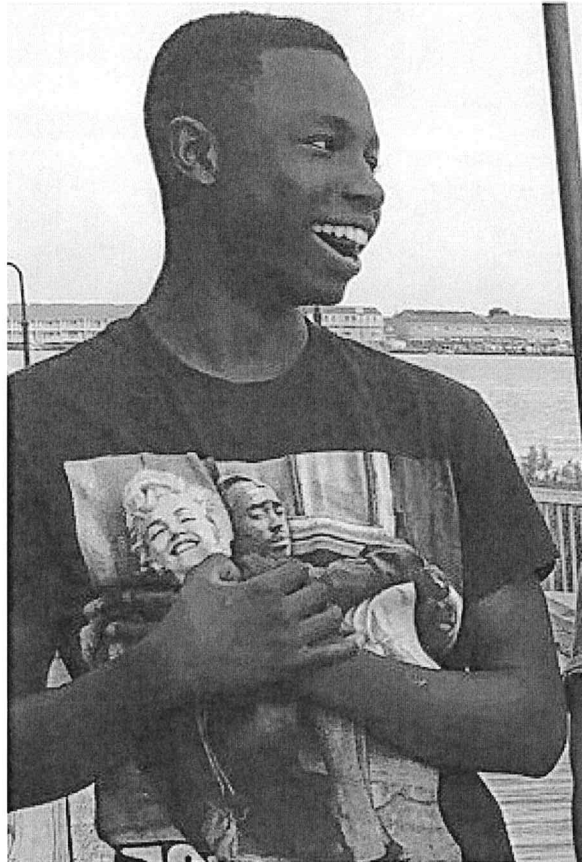
### **PARTIES AND JURISDICTION**

16. Plaintiff Joshua Everett Bushman is the administrator of the Estate of Calvin Van Pelt. At the time of his death, Calvin Van Pelt was a 17-year-old high-school student, a citizen of the Commonwealth of Virginia, and a resident of Fairfax County. Calvin was the oldest of six siblings and is remembered by his family as the most loving big brother anyone could imagine. Calvin was also a talented football and basketball player with a bright future ahead in sports. At just 17 years old, he had already been recognized as a player of the year by the Northern Virginia Football Hall of Fame. He had never been in trouble with the law, and in his spare time, he helped his father provide care to the elderly and people with disabilities.



17. Plaintiff Joshua Everett Bushman is also the administrator of the Estate of Ersheen Komi Elaiaiser. At the time of his death, Ersheen Elaiaiser was a 17-year-old high-school student, a citizen of the Commonwealth of Virginia, and a resident of Fairfax County. As aspiring entrepreneur, Ersheen had developed his own clothing line. He loved playing basketball and idolized Kobe Bryant. Ersheen was also an avid reader of philosophy and historical nonfiction and also had never been in

trouble with the law. When Defendant Burkard killed him, he was one month away from graduating high school.



18. Defendant Salvo Technologies, Inc., doing business both as 80P Builder and as Zaffiri Precision, is a Florida corporation headquartered in Largo, Florida. Defendant Salvo Technologies is primarily owned by private-equity firms DBHCAP LLC and Tides Capital LLC. Defendant Salvo Technologies transacts business in the Commonwealth of Virginia. At all relevant times, Defendant Salvo Technologies was federally licensed as a firearm manufacturer and dealer.

19. Defendant BUL USA, LLC, formerly doing business as 80P Builder, was a North Carolina limited liability company headquartered in Charlotte, North Carolina. It filed articles of dissolution with the North Carolina Secretary of State on December 16, 2022, purportedly effective as of June 13, 2020. Defendant BUL USA transacted business in the Commonwealth of Virginia. At all relevant times, Defendant BUL USA was federally licensed as a firearm importer and dealer.

20. At all relevant times Defendants Salvo Technologies, Inc. and BUL USA, LLC, collectively or individually, were responsible for the operation of the 80P Builder website.

21. Defendant Polymer80, Inc. is a Nevada corporation headquartered in Dayton, Nevada. At all relevant times Defendant Polymer80 both shipped directly to consumers in and coordinated with third-party dealers to do business in the Commonwealth of Virginia. Additionally, at all relevant times, Defendant Polymer80 was federally licensed as a firearm manufacturer and dealer.

22. Defendant Zackary Burkard is an adult citizen of the Commonwealth of Virginia and resident of Fairfax County, Virginia. He is currently incarcerated within the Virginia Department of Corrections. At all

relevant times Defendant Burkard resided in Virginia. All of the actions attributed to Defendant Burkard occurred in Virginia.

23. Jurisdiction is based upon Section 17.1-513 of the Code of Virginia, as amended.

24. Venue is pursuant to Section 8.01-262 of the Code of Virginia, as amended.

## **FACTUAL BACKGROUND**

### **Ghost Guns**

25. In order to prevent dangerous, irresponsible, or underage individuals from obtaining firearms, the federal Gun Control Act, 18 U.S.C. §922, et seq., places numerous restrictions on the sale and manufacture of firearms.

26. First, any person engaged in the business of manufacturing or selling firearms must obtain a federal firearm license to do so. § 922(a)(1).

27. Second, firearms must generally be sold in person, not online. § 922(c). A purchaser who does not appear in person must submit an affidavit as to the legality of the purchase, and the seller must transmit that affidavit to law enforcement. *Id.* Additionally, firearms may not be shipped directly to consumers through interstate commerce. § 922(a)(1)(A), (2).

28. Third, the holder of a federal firearm license must conduct a background check on any customer who wishes to purchase a firearm. § 922(t)(1). Similarly, Virginia law requires federally licensed firearm dealers to conduct background checks before selling a firearm to a resident of Virginia. Va. Code Ann. § 18.2-308.2:2(B).

29. Fourth, the manufacturer of a firearm must engrave a serial number on it so that law enforcement may trace the ownership of weapons used in crimes. See 18 U.S.C. § 923(i).

30. Finally, in recognition of the special dangers posed by those under 21 using handguns recklessly or in crime, holders of federal firearm licenses may not sell handguns to individuals they know or have reasonable cause to believe are under 21 years of age. See § 922(b)(1).

31. Additionally, federal law prohibits the sale of firearms to anyone who has been committed to a mental institution. § 922(g)(4). Virginia law similarly prohibits individuals who have been involuntarily committed to a facility or ordered to mandatory outpatient treatment at the age of 14 or older from purchasing or possessing firearms. Va. Code Ann. § 18.2-308.1:3(A).

32. Ghost-gun purveyors, including the Firearm Defendants, intentionally circumvent these restrictions. Ghost-gun manufacturers, like

Defendant Polymer80, create firearm-building kits that they assert do not qualify as “firearms” (and thus are not subject to federal and state firearm laws) for the end user to assemble at home.

33. To that end, ghost-gun manufacturers, including Defendant Polymer80, do not engrave serial numbers on the nearly complete pistol frames that they manufacture.

34. The Firearm Defendants intentionally structured their businesses to circumvent firearm laws, manufacturing and selling unserialized gun building kits that can be readily assembled into handguns and selling them without background checks.

35. These practices violate the law. The Gun Control Act provides:

The term “firearm” means (A) any weapon (including a starter gun) which will or is **designed to or may readily be converted** to expel a projectile by the action of an explosive; (B) **the frame or receiver of any such weapon**; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

18 U.S.C. § 921(a)(3) (emphasis added).

36. Similarly, as relevant here, Virginia law provides that “‘Firearm’ means any handgun, shotgun, or rifle that will or is **designed to or may readily be converted** to expel single or multiple projectiles by action of an explosion of a combustible material.” Va. Code Ann. § 18.2-308.2:2(F) (emphasis added). And “‘Handgun’ means any pistol or revolver or other



firearm originally **designed, made and intended** to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.” *Id.* (emphasis added).

37. At all relevant times, the 80P Builder Defendants sold kits consisting of all component parts of a firearm, including nearly finished handgun frames, which are **designed, made, and intended to be** and **may readily be converted** into an operable weapon. At all relevant times Defendant Polymer80 also sold pistol frame kits containing “unfinished” frames along with jigs and drill bits designed to enable a customer to use the frame in the assembly of a firearm. These too are **designed, made, and intended to be** and **may readily be converted** into the finished frame of an operable weapon.

38. On information and belief, the Firearm Defendants agreed with each other to distribute and sell unserialized frame kits without taking any precautions to prevent sales to individuals who are not old enough to purchase a pistol from a licensed dealer, are otherwise unable to clear a background check, or are unwilling to own a serialized firearm. The Firearm Defendants did so despite knowing that their customers would include individuals legally prohibited from purchasing or possessing firearms.

39. The Firearm Defendants' business practices have resulted in minors, felons, and other prohibited individuals easily obtaining firearms that are virtually untraceable by law enforcement—one of their selling points and one of the features that make these ghost gun kits attractive to criminals and other prohibited persons.

40. Sold without background checks, and lacking serial numbers, ghost guns are both more accessible and more appealing to minors, criminals, and other persons prohibited from legally purchasing firearms.

41. The proliferation of ghost guns has become a nationwide public-health emergency. Between 2017 and 2021, the number of ghost guns recovered by law-enforcement agencies and submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) increased by over 1000%, from 1629 to 19,273.<sup>2</sup>

42. Hundreds of these ghost guns have been recovered by law enforcement agencies in Virginia.

43. Lacking serial numbers, these ghost guns are almost always untraceable. Out of approximately 45,000 ghost guns submitted to the ATF in recent years, only 445 were able to be traced to an individual purchaser.<sup>3</sup>

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<sup>2</sup> ATF, National Firearms Commerce and Trafficking Assessment: Crime Guns – Volume Two, Part III, at 5 (2023), <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us/download>.

<sup>3</sup> Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. at 24659.

44. The Firearm Defendants knew or should have known of the danger posed by handguns and ghost guns in the hands of under aged teenagers well before the events giving rise to this lawsuit.

### **Polymer80**

45. At all relevant times Defendant Polymer80 was and is the largest manufacturer of ghost-gun kits and components in the United States.

46. In fact, Defendant Polymer80 was responsible for over 88% of the more than 16,000 ghost guns recovered by the ATF between 2017 and 2021 whose manufacturer the ATF was able to identify.<sup>4</sup>

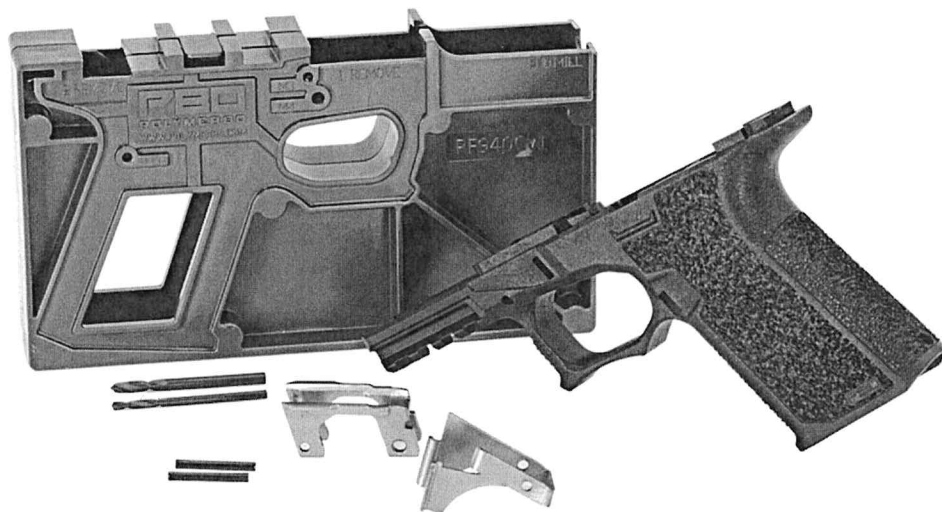
47. At all relevant times, Defendant Polymer80 sold unserialized frame kits directly to consumers in Virginia without conducting background checks or otherwise obeying the legal requirements applicable to the sale of firearms and also distributed these products to online dealers like the 80P Builder Defendants for retail sale to consumers in Virginia and most other states.

48. Defendant Polymer80's website linked would-be customers to the websites of its various dealers, including, at all relevant times, the 80P Builder website.

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<sup>4</sup> ATF, *supra* note 3, at 22.

49. Defendant Polymer80 sold and distributed its unserialized, nearly complete frames in kits that also contained jigs<sup>5</sup> and drill bits that simplify the assembly and finishing process for the end user. Below is an image of a PF940C pistol frame kit taken from Polymer80's website:



50. Defendant Polymer80's unserialized frame kits are designed to be, and are readily converted into, working frames that form the core component of a functioning firearm.

51. Additionally, until December 2020, Defendant Polymer80 also sold and distributed "Buy Build Shoot kits," which contained not only a nearly complete unserialized frame, jig, and drill bits, but also every other

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<sup>5</sup> A jig is the large rectangular device in the picture above that fits around the frame and guides the drilling and milling necessary to finish the unfinished frame so that it is ready to be assembled into a functioning firearm.

component needed to assemble a functioning, untraceable handgun. These kits are designed to be and are readily convertible to functioning firearms.

52. At all relevant times, Defendant Polymer80 substantially assisted, aided, and abetted the assembly of these firearms by offering written step-by-step kit-assembly instructions online and by providing customer service to assist end users in converting its kits into functioning firearms.

53. At all relevant times, Defendant Polymer80 held a federal firearm license and had the legal and physical capacity to engrave serial numbers on its frames and receivers.

54. In fact, on or around November 2021, Defendant Polymer80 began manufacturing and selling both serialized and unserialized versions of its frames.

55. The only difference between Defendant Polymer80's serialized and unserialized frames, aside from the serial number, is the presence of a small amount of additional polymer plastic on the unserialized frames that the end user must remove before assembling the handgun.

56. To turn a Polymer80 "unfinished" frame into a "finished" frame requires no expertise, guesswork, or creativity and can be accomplished in

less than 30 minutes. The jigs and instructions that Defendant Polymer80 included along with its frame kits show the consumer exactly what to do.

57. Defendant Polymer80 knows that its unserialized frame kits have no other function or purpose than to be completed and assembled into handguns.

58. By choosing not to place serial numbers on its “unfinished” frame kits, Defendant Polymer80 implicitly—and incorrectly—warrants to its customers, including the 80P Builder Defendants and their other dealer customers, that those unserialized frame kits are not “firearms” under federal law.

59. Moreover, through its website and otherwise, at all relevant times, Defendant Polymer80 has explicitly and implicitly represented to its customers and dealers, including, on information and belief, the 80P Builder Defendants, that its unserialized pistol frame kits and Buy Build Shoot kits are not “firearms” under federal law.

60. Defendant Polymer80 engaged in this course of conduct despite knowing that the result would be that some significant portion of its deadly products would foreseeably end up in the hands of irresponsible persons prohibited from legally purchasing firearms—such as the then-18-year-old Defendant, Zackary Burkard.

61. On June 24, 2020, the Attorney General for the District of Columbia sued Defendant Polymer80 for illegally selling unserialized frame and receiver kits into the District. That lawsuit put Defendant Polymer80 on notice that it had manufactured at least 83.2% of the ghost guns recovered in the District between 2017 and May 29, 2020, and that its handguns had been recovered in connection with nine homicides in the District.

62. On December 10, 2020, the ATF searched Defendant Polymer80's headquarters in connection with a federal criminal investigation into Polymer80's activities. The press, including the Wall Street Journal, CNN, and many gun-industry publications, widely covered the raid.

63. The affidavit attached to the search warrant put Defendant Polymer80 on notice that 18-year-olds were purchasing Polymer80's pistol frame kits. The affidavit also put Defendant Polymer80 on notice that the ATF had determined that its all-parts-included Buy Build Shoot kits—which included a nearly complete frame, jig, drill bits, and all the other parts needed to assemble a complete and functioning pistol—constituted firearms within the meaning of the Gun Control Act.

64. Defendant Polymer80 has said that it stopped selling Buy Build Shoot kits after the execution of the December 2020 search warrant, but it

continued to sell pistol frame kits to dealers such as the 80P Builder Defendants, without, on information and belief, placing any restrictions or providing any warnings against packaging a Polymer80 pistol frame kit with all the other parts needed to assemble a functioning firearm and selling the equivalent of a Buy Build Shoot kit.

65. At all relevant times, Defendant Polymer80 knew that consumers who could not legally purchase handguns coveted its unserialized frame and gun-building kits.

66. Nevertheless, Defendant Polymer80 continued to sell unserialized frame and gun-building kits, into Virginia and elsewhere, and continues to sell such kits into numerous jurisdictions today.

67. On February 17, 2021, the Los Angeles City Attorney also sued Defendant Polymer80 for illegally selling Buy Build Shoot kits and unserialized frame and receiver kits into California. That lawsuit put Defendant Polymer80 on notice that the Los Angeles Police Department had recovered over 700 Polymer80 firearms in 2020 alone and that Polymer80's products were being used "to commit an ever-increasing percentage of crime in Los Angeles, and throughout California."



## **80P Builder**

68. Since 2014, sellers of ghost gun kits have proliferated over the internet, where ghost guns can be obtained by teenagers and other prohibited purchasers who need not show their face or identification or submit to a background check before obtaining a ghost gun kit.

69. At all relevant times, the 80P Builder Defendants, operating as 80P Builder, maintained one such website, from which individuals could purchase ghost-gun kits and other parts need to quickly and easily build a firearm, including Polymer80 pistol frame kits, barrels, slides, and trigger assemblies, as well as complete handgun-building kits that contained every component needed for the assembly of a functioning handgun, including the jig and drill bits provided by Defendant Polymer80.

70. With a complete handgun kit, a purchaser could obtain a nearly finished handgun and readily assemble it into a completed, operable firearm—just like the one used to kill Calvin Van Pelt and Ersheen Elaiaiser.

71. At some point before April 2019, Defendant Polymer80 agreed to sell its unserialized pistol frame kits to the 80P Builder Defendants for resale to the public on the 80P Builder website.

72. The image below is from a cached 80P Builder webpage from October 2020, displaying one such compete handgun kit then available for purchase, including a Zaffiri Precision slide and a nearly complete Polymer80 PF940C frame:



73. The “complete” custom Glock 19 kit pictured above and available for purchase from the 80P Builder website included a PF940C frame kit with finishing jig and drill bits, an installed upper parts kit with a compatible slide and barrel, and a lower parts kit.

74. The complete handgun kits sold by 80P Builder were functionally equivalent to the all-in-one Buy Build Shoot kits sold by

Defendant Polymer80 until December 2020, in that both contained every component needed for the assembly of a functioning handgun, as well as a jig and drill bits. Both types of kits are firearms within the meaning of federal and Virginia law.

75. On information and belief, Defendant Polymer80 was aware that 80P Builder was selling complete handgun kits containing Polymer80 pistol frame kits.

76. Despite ceasing sale of its own Buy Build Shoot kits in December 2020, Defendant Polymer80 chose to continue to sell its pistol frame kits to 80P Builder without restriction on how they could be packaged and sold to consumers.

77. On information and belief, Defendant Polymer80 took no steps to prevent its dealers, including 80P Builder, from packaging and selling Polymer80 pistol frame kits with every component needed for the assembly of a functioning handgun without conducting background checks or following the other requirements of federal and state law applicable to the sale of firearms.

78. At all relevant times, the 80P Builder Defendants knew that Polymer80 pistol frame kits and 80P Builder complete handgun kits were

designed and intended for no other purpose than to be assembled into handguns.

79. At all relevant times, 80P Builder sold Polymer80 pistol frame kits and complete handgun kits to consumers in Virginia, including Defendant Burkard.

80. On information and belief, 80P Builder did not conduct background checks on any of its customers, including Defendant Burkard.

81. On information and belief, 80P Builder did not verify the age of any of its customers, including Defendant Burkard, but instead the 80P Builder Defendants set up and maintained a business model by which 80P Builder deliberately avoided learning that information.

82. On information and belief, in or around December 2020, the 80P Builder Defendants learned of the ATF search of Polymer80's headquarters and learned that the ATF had determined that all-parts-included handgun-building kits constituted firearms within the meaning of federal law. Nevertheless, the 80P Builder Defendants continued to sell complete all-inclusive handgun-building kits without following the requirements under federal or state laws for the sale of firearms, such as conducting background checks.

83. The 80P Builder Defendants knew that the frame kits and complete handgun kits that it sold were in demand from consumers who could not legally purchase handguns—including prohibited felons, persons with mental health prohibitions, persons with domestic violence prohibitions, and underaged prohibited purchasers.

84. At all relevant times, the 80P Builder Defendants took no reasonable steps to ensure that its customers were eligible to buy handguns.

85. Accordingly, the 80P Builder Defendants knew or consciously avoided knowing or learning that they were selling ghost-gun pistol-building kits to prohibited individuals, including those under 21 years of age, like Defendant Zackary Burkard.

86. The terms and conditions formerly on 80P Builder's website demonstrate that at all relevant times the 80P Builder Defendants knowingly and willfully sold their products, including pistol frame kits and complete handgun kits, to any customer at least 18 years of age, even though federal law prohibits a licensed firearm dealer from selling handguns to anyone it knows or has reasonable cause to believe is under the age of 21.

87. 80P Builder knew or had reasonable cause to believe that it was selling firearms to individuals who were disqualified by law from purchasing them and likely to use them in a manner that would cause injury to others.

88. On June 29, 2022, Defendant Salvo Technologies was sued by both the State of New York and the City of New York for unlawfully selling and shipping unserialized frames and receivers from its 80P Builder website into those jurisdictions.

### **The Unlawful Sale**

89. On or around February 1, 2021, Defendant Burkard purchased, from the 80P Builder website, all the components necessary to assemble a Polymer80 PF940C handgun, including a Polymer80 pistol frame kit and a Zaffiri Precision slide and barrel.

90. Defendant Burkard purchased the frame kit, slide, and barrel as part of a complete handgun kit packaged and sold by 80P Builder.

91. The 80P Builder Defendants took no steps to verify Defendant Burkard's age and did not require him to submit to a background check before making the sale.

92. Defendant Burkard was 18 years old at the time of the purchase. Because of his age, Defendant Burkard would not have been able to pass a background check to purchase a handgun.

93. Additionally, on information and belief, Defendant Burkard had previously been involuntarily committed to a mental institution on one or more occasions at the age of 14. This would be an additional and independent reason that Burkard could not have passed a background check.

94. On or around February 1, 2021, 80P Builder knowingly shipped a complete gun building kit—including the Polymer80 pistol frame kit, the slide, and the barrel—across state lines, from a warehouse in North Carolina directly to Defendant Burkard's home in Springfield, Virginia.

95. The 80P Builder Defendants knew that the package sent to Defendant Burkard contained all the components necessary for Defendant Burkard to assemble a functioning handgun quickly and easily.

96. The nearly complete pistol PF940C frame that was manufactured by Defendant Polymer80, sold by 80P Builder, and purchased by Defendant Burkard lacked a serial number.

97. Defendant Burkard completed and assembled the pistol frame kit and other parts that arrived in the 80P Builder kit into an unserialized fully functional 9mm handgun.

98. On information and belief, Defendant Burkard had no training, specialized experience, or special equipment that enabled him to assemble the handgun.

99. Defendant Burkard was within the class of foreseeable purchasers of the ghost gun kits manufactured by Defendant Polymer80 and sold by 80P Builder, even though he was too young and legally forbidden to purchase a handgun from a federal firearms licensee.

### **The Shooting**

100. In 2021, Calvin Van Pelt, Ersheen Elaiaiser, and Defendant Burkard all attended South County High School, in Lorton, Virginia.

101. Defendant Burkard and his friends resented Ersheen and his friends. Defendant Burkard posted messages online demeaning the quality of Ersheen's clothing line, along with other derogatory statements. Defendant Burkard also posted messages online claiming that he sold better marijuana than Ersheen did.

102. In the days leading up to the shooting, Defendant Burkard escalated the squabble and threatened to shoot and kill Ersheen. In one



social media post Burkard pointed his completed PF940C at a home he believed to be Ersheen Elaiaiser's.

103. On April 25, 2021, Ersheen and Defendant Burkard's friend, Nicholas Guidinetti, met up for a fistfight in the garage of Guidinetti's Springfield home, to settle a related social media dispute.

104. Calvin and two other individuals were also present in the garage.

105. None of the high-schoolers in the garage, including Ersheen, Calvin, or Nick Guidinetti, were armed.

106. Unlike his unarmed school mates in the next room, Defendant Burkard was armed and hid inside the Guidinetti home with the completed and loaded ghost gun he had purchased from 80P Builder.

107. Defendant Burkard emerged from inside the home brandishing his ghost gun and opened fire.

108. Defendant Burkard shot Ersheen while Ersheen was on the ground attempting to stand up. Ersheen suffered two gunshot wounds to the chest.

109. Calvin and the others fled the scene, and Defendant Burkard shot Calvin in the back twice.

110. Both Ersheen Elaiaiser and Calvin Van Pelt died of these gunshot injuries.

111. Defendant Burkard was able to obtain a handgun and kill Calvin Van Pelt and Ersheen Elaiaiser only because the Firearm Defendants disregarded the foreseeable risk that their reckless manufacturing and sale of unserialized ghost-gun kits and parts would cause firearms to end up in the hands of teenagers and dangerous individuals and ultimately be used recklessly and criminally.

112. The Firearm Defendants' unlawful agreement to distribute and sell ghost-gun kits and parts proximately caused the deaths of Calvin and Ersheen.

### **The Firearm Defendants' Unlawful Acts**

#### **Gun Control Act**

113. The Gun Control Act defines a "firearm" to include "any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive," 18 U.S.C. § 921(a)(3)(A), or "the frame or receiver of any such weapon," § 921(a)(3)(B).

114. Defendant Polymer80 manufactures and sells "firearms" within the meaning of the Gun Control Act, including its PF940C pistol frame kits.

115. At all relevant times, the 80P Builder Defendants sold “firearms” within the meaning of the Gun Control Act, including 80P Builder’s complete handgun kits and Defendant Polymer80’s PF940C pistol frame kits.

116. The complete gun-building kit sold and shipped by 80P Builder to Defendant Burkard, including a PF940C frame kit packaged with a compatible slide and barrel, constituted a “firearm” within the meaning of the Gun Control Act.

117. Moreover, the PF940C frame kit (which included a jig, drill bits, and other parts) manufactured by Defendant Polymer80, sold to 80P Builder, and ultimately purchased by Defendant Burkard constituted a “firearm” on its own within the meaning of the Gun Control Act.

118. The 80P Builder Defendants knowingly violated the Gun Control Act by shipping firearms, including complete handgun kits and PF940C pistol frame kits, across state lines and directly to consumers who neither appeared in person nor submitted affidavits as to the legality of their purchase, including in their sale to Defendant Burkard.

119. The 80P Builder Defendants also knowingly violated the Gun Control Act by selling firearms, including complete handgun kits and PF940C pistol frame kits, directly to consumers, without conducting

background checks on the purchasers, including in their sale to Defendant Burkard.

120. The 80P Builder Defendants further knowingly violated the Gun Control Act by selling a “complete” handgun-building kit to Defendant Burkard, who was under 21 years of age, including by deliberately setting up a distribution model that ensured that they would not know and would remain ignorant of the purchaser’s age, despite knowing or having reason to know that underage purchasers like Defendant Burkard were among those purchasing its gun-building kits.

121. Defendant Polymer80 aided and abetted the 80P Builder Defendants’ violations of the Gun Control Act by supplying 80P Builder with unserialized, nearly complete pistol frame kits that it knew would be included in complete handgun kits and knew would be sold directly to consumers, online, without background checks, including to consumers who were under 21, and by promoting 80Pbuilder.com on its website.

122. Defendant Polymer80 also violated the Gun Control Act by knowingly manufacturing and selling firearms, including its PF940C pistol frame kits, without engraving serial numbers thereon.

123. The Firearm Defendants conspired together to violate the Gun Control Act by agreeing that Defendant Polymer80 would manufacture and

supply 80P Builder with unserialized pistol frame kits and 80P Builder would combine those kits with other parts and sell those complete handgun-building kits to the public, online, without background checks.

124. The knowing violations of each and all of the above laws resulted in the 18-year-old Defendant Burkard's possession and use of a pistol and were a proximate cause of the deaths of Calvin Van Pelt and Ersheen Elaiaiser. Had the Firearm Defendants followed the above-described requirements of federal law, Defendant Burkard would not have been able to acquire a pistol and use it to shoot and kill Calvin and Ersheen.

### **Virginia's Background Check Law**

125. Virginia law defines a "firearm" to include "any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material." Va. Code Ann. § 18.2-308.2:2(F). And Virginia law defines a "handgun" to include "any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand." *Id.*

126. At all relevant times, 80P Builder sold “firearms” within the meaning of section 18.2-308.2:2 of the Virginia Code, including complete handgun kits.

127. The complete kit and items that were sold by 80P Builder to Defendant Burkard constituted a “firearm” within the meaning of section 18.2-308.2:2 of the Virginia Code.

128. The 80P Builder Defendants knowingly violated section 18.2-308.2:2(B) of the Virginia Code by selling firearms, including complete handgun kits, directly to Virginia residents, including Defendant Burkard, without conducting background checks.

129. The 80P Builder Defendants’ violation of section 18.2-308.2:2(B) of the Virginia Code resulted in the 18-year-old Defendant Burkard’s possession and use of a handgun and was a proximate cause of the deaths of Calvin Van Pelt and Ersheen Elaiaiser.

### **Count One – Negligence / Gross Negligence**

(Against the Firearm Defendants)

130. Plaintiffs incorporate paragraphs 1-129 above as though the paragraphs were fully and specifically set forth here, and in detail, and further alleges as follows:

131. At all relevant times, the Firearm Defendants owed a general duty imposed on all persons, entities, and corporations to act in a reasonable manner, so as not to expose others to foreseeable risks of injury.

132. Due to the dangers of placing an instrumentality capable of doing catastrophic harm in the hands of an underage, untrained person, the Firearm Defendants were bound to exercise a greater level of caution and duty of care.

133. The Firearm Defendants had a duty to exercise reasonable care in the marketing, sale, and distribution of ghost gun kits. This duty included refraining from engaging in any activity that would reasonably create a foreseeable risk of injuries to others.

134. The Firearm Defendants acted illegally, recklessly, negligently, and in conscious disregard for the health and safety of others when they manufactured, sold, and delivered the complete firearm-building kit, that would be readily assembled into an operable handgun and used to kill the Plaintiffs' decedents, to a teenager, a person prohibited by federal and Virginia law from purchasing it.

135. The Firearm Defendants' conscious disregard for the safety of others, and their negligent, reckless, and malicious conduct included the following acts:

- A. The Firearm Defendants knew that background checks prior to the purchase of firearms, and the serialization of firearms, were required by Virginia and federal law. The Firearm Defendants were aware that these laws were enacted as safety requirements to protect young people and others from harm and to prevent crime.
- B. The Firearm Defendants knew that selling unserialized ghost-gun kits without background checks or age verification would attract persons unauthorized to purchase firearms.
- C. The Firearm Defendants knew, or should have known, that the sale of ghost-gun kits, assembled into firearms, without background checks, and without verifying the age of the purchaser would likely cause bodily injury or death to innocent people such as Plaintiffs' decedents.
- D. The Firearm Defendants knew, or should have known, that ghost-gun kits would be especially attractive to persons



who were underage, unauthorized, and/or unfit to purchase a handgun legally.

E. The Firearm Defendants' actions demonstrate an intentional blindness and willingness to sell ghost gun kits to persons who would not otherwise be able to gain access to such easily constructed lethal weapons.

F. The Firearm Defendants deliberately failed to ascertain whether Defendant Burkard was a fit and proper person to be entrusted with a lethal instrumentality capable of doing serious harm when misused.

136. Despite knowing that their conduct would cause injury to others, the Firearm Defendants acted with reckless indifference to the consequences of their conduct.

137. The Firearm Defendants' negligence, resulting in the sale of a complete handgun building kit to Defendant Burkard, who was underage and not authorized or permitted by law to purchase a handgun from a licensed seller, was a direct and proximate cause of the death of Plaintiffs' decedents.

138. But for the negligent acts and omissions of the Firearm Defendants, Plaintiffs' decedents would not have been killed on April 25, 2021.

139. For all reasons stated above and as a direct and proximate result of the breach of duty by the Firearm Defendants, alone or in combination, the Firearm Defendants' negligence resulted in the wrongful death of Plaintiffs' decedents.

### **Count Two – Negligence Per Se**

(Against the Firearm Defendants)

140. Plaintiffs incorporate paragraphs 1-139 above as though the paragraphs were fully and specifically set forth here, and in detail, and further allege as follows:

141. At all relevant times, the Firearm Defendants owed a general duty imposed on all persons, entities, and corporations to act in a reasonable manner, so as not to expose others to foreseeable risks of injury.

142. Due to the dangers of placing an instrumentality capable of doing catastrophic harm in the hands of an underage, untrained person, the Firearm Defendants were bound to exercise a greater level of caution and duty of care.

143. The 80P Builder Defendants knowingly violated federal and Virginia law, including 18 U.S.C. § 922(t) and section 18.2-308.2:2(B) of the Virginia Code, by selling a firearm to Defendant Burkard without conducting a background check.

144. The 80P Builder Defendants knowingly violated federal law, including 18 U.S.C. § 922(a)(2) and (c), by selling and shipping a firearm across state lines directly to Defendant Burkard, who neither appeared in person nor submitted an affidavit as to the legality of the purchase.

145. The 80P Builder Defendants knowingly violated federal law, including 18 U.S.C. § 922(b)(1), by selling a handgun to Defendant Burkard, who was under 21 years of age at the time.

146. Defendant Polymer80 aided and abetted the 80P Builder Defendants in the above violations of the Gun Control Act and Virginia law and conspired with the 80P Builder Defendants to engage in those violations, by supplying 80P Builder with unserialized pistol frame kits that Polymer80 knew would be combined with other parts and sold across state lines, directly to consumers, without background checks, including to consumers who were under 21 years old.

147. The Firearm Defendants' actions were a violation of United States and Virginia law. The laws that were violated by the Firearm

Defendants were intended to protect public safety, by preventing the sale, transfer, or distribution of firearms and handguns to legally disqualified individuals and thereby to prevent injury to members of the public, including the decedents.

148. The above violations of federal and Virginia law by the Firearm Defendants were a direct and proximate cause of the killings of the decedents on April 25, 2021.

### **Count Three – Negligent Entrustment**

(Against the 80P Builder Defendants)

149. Plaintiffs incorporate by reference paragraphs 1 through 148 above as if those paragraphs were fully and specifically set forth herein in detail, and further allege as follows:

150. At all relevant times 80P Builder was a provider, seller, and purveyor of complete kits that are assembled into handguns, which are indisputably instrumentalities capable of doing serious harm when misused.

151. As such, the 80P Builder Defendants has a duty not to provide, sell, distribute, or entrust dangerous instrumentalities to persons who are underage, unauthorized, and unfit by law to purchase them.

152. Through the 80P Builder website, the 80P Builder Defendants sold nearly complete and easy-to-assemble lethal weapons.

153. The 80P Builder Defendants knew or were willfully blind to the fact, and reasonably should have known, that Defendant Burkard was unfit and ineligible to purchase such a weapon.

154. Despite this, the 80P Builder Defendants provided Defendant Burkard with a complete gun-building kit that allowed him to quickly and easily construct a lethal weapon capable of doing serious harm.

155. The 80P Builder Defendants negligently, recklessly, willfully, and illegally sold and entrusted a complete ghost gun kit to Defendant Burkard, to whom they were prohibited from selling a handgun.

156. The 80P Builder Defendants knew or were willfully blind to, and reasonably should have known, that they were prohibited by law to sell a handgun to Defendant Burkard.

157. The 80P Builder Defendants knew there had been no background check or age verification performed on Defendant Burkard before selling, delivering, and entrusting to him the ghost gun kit.

158. The 80P Builder Defendants knew that selling ghost guns to underage persons without background checks or age verification was likely to result in serious injury or death to innocent members of the public, including but not limited to Plaintiffs' decedents.

159. The 80P Builder Defendants' negligent entrustment of the ghost gun kit to Defendant Burkard was a direct and proximate cause of the killing of Plaintiffs' decedents.

160. As a direct and proximate result of the 80P Builder Defendants' acts and omissions, which constituted negligent entrustment, the decedents were killed on April 25, 2021.

#### **Count Four – Wrongful Death**

(Against Defendant Burkard)

161. Plaintiffs incorporate by reference paragraphs 1 through 160 above as if those paragraphs were fully and specifically set forth herein in detail, and further allege as follows:

162. On or about April 25, 2021, Plaintiffs' decedents Calvin Van Pelt and Ersheen Elaiaiser were in Fairfax County, Virginia, when Defendant Burkard, without just cause or provocation, killed the decedents by shooting them with a handgun.

163. As a direct and proximate result of being shot by Defendant Burkard, the decedents sustained severe and violent injuries that caused their death.

164. Ersheen Elaiaiser, born on June 29, 2003, was 17 years old at the time of his death.

165. Calvin Van Pelt, born on October 19, 2003, was 17 years old at the time of his death.

166. Both decedents were in good health at the time of their passing.

### **Count Five – Common Law Conspiracy**

(Against the Firearm Defendants)

167. Plaintiffs incorporate by reference paragraphs 1 through 166 above as if those paragraphs were fully and specifically set forth herein in detail, and further allege as follows:

168. At all relevant times, 80P Builder sold to citizens of the Commonwealth of Virginia kits containing all the parts necessary to readily make a handgun.

169. Complete handgun kits and Polymer80 pistol frame kits sold by 80P Builder met the definition of a firearm pursuant to 18 U.S.C. § 921(a)(3).

170. Complete handgun kits sold by 80P Builder met the definition of a firearm pursuant to section 18.2-308.2:2(F) of the Virginia Code.

171. The 80P Builder Defendants knew that their sale of Polymer80 pistol frame kits, either alone or in combination with additional parts in a complete handgun kit, to the citizens of the Commonwealth of Virginia was

meant to circumvent the requirement of a background check under both § 922(t) and section 18.2-308.2:2(B) of the Virginia Code.

172. At all relevant times Defendant Polymer80 sold pistol frame kits containing all the parts necessary to readily make the frame of a handgun to citizens of the Commonwealth of Virginia and to dealers that sell to citizens of the Commonwealth of Virginia, including 80P Builder.

173. Defendant Polymer80's pistol frame kits meet the definition of a firearm pursuant to 18 U.S.C. § 921(a)(3).

174. Defendant Polymer80 knew that the sale of its pistol frame kits to citizens of the Commonwealth of Virginia or to dealers that sell to citizens of the Commonwealth of Virginia was meant to circumvent the requirement of a background check under both § 922(t) and section 18.2-308.2:2(B) of the Virginia Code.

175. By or before December 2020, Defendant Polymer80 knew that 80P Builder was packaging Polymer80 pistol frame kits with all the other parts needed to complete and assemble a handgun and selling to customers as 80P Builder's own "complete" kit. By that same time, Polymer80 as well as the 80P Builder Defendants knew that such complete kits constituted firearms under federal law.



176. Nevertheless, prior to December 2020, and continuing after December 2020, Polymer80 and the 80P Builder Defendants conspired and agreed that: (a) Polymer80 would supply 80P Builder with Polymer80 pistol frame kits, knowing 80P Builder would be packaging them into complete kits and selling them online, including into Virginia, with no background checks and without complying with multiple other requirements of federal law; and (b) the 80P Builder Defendants would sell such complete gun-building kits online, including into Virginia, with no background checks and without complying with multiple other requirements of federal law.

177. In furtherance of this conspiracy, Defendant Polymer80 shipped its pistol frame kits to 80P Builder and continued to offer customer support to 80P Builder's purchasers; and 80P Builder continued to sell complete kits that included Polymer80 pistol frame kits, including the kit sold to Zackary Burkard.

178. Defendant Polymer80 thus conspired with the 80P Builder Defendants to circumvent 18 U.S.C. § 922(t) and other provisions of the Gun Control Act referenced above, as well as section 18.2-308.2:2(B) of the Virginia Code.

179. Based on these facts, the Firearm Defendants conspired with each other to unlawfully sell complete handgun-building kits to citizens of the Commonwealth of Virginia, such as Defendant Burkard, who would otherwise not be able to legally purchase a handgun from a licensed dealer.

180. Plaintiffs have been injured as a direct and proximate result of the Firearm Defendants' conspiracy.

**Count Six – Public Nuisance**  
(Against the Firearm Defendants)

181. Plaintiffs incorporate paragraphs 1-180 above as though the paragraphs were fully and specifically set forth herein and in detail, and further allege as follows:

182. A public nuisance is a situation that imperils safety and is hazardous to the public.

183. The Firearm Defendants created a public nuisance by marketing, selling, and distributing ghost-gun kits to residents of Virginia and Fairfax County, including individuals too young or otherwise ineligible to purchase firearms.

184. The Firearm Defendants deliberately, knowingly, willfully, and wantonly distributed said ghost-gun kits in violation of federal and Virginia law.

185. The Firearm Defendants caused unserialized handguns to be furnished to Fairfax County residents without complying with federal or Virginia gun laws.

186. The Firearm Defendants distributed ghost-gun kits without complying with federal or Virginia background-check laws.

187. The Firearm Defendants distributed ghost-gun kits into Fairfax County, Virginia, without verifying the ages of the recipients.

188. The Firearm Defendants distributed ghost gun kits to Fairfax County residents without taking any reasonable steps to ensure that such residents were not prohibited from purchasing or possessing a handgun.

189. The Firearm Defendants took such actions despite their knowledge that by their reckless distribution of ghost gun handgun kits they were creating an illegal market for ghost guns in Virginia.

190. The Firearm Defendants directly and indirectly distributed ghost gun kits to persons who were prohibited from purchasing or possessing handguns under federal and Virginia law, and who would foreseeably use such handguns for criminal acts.

191. The Firearm Defendants have facilitated and promoted the purchase, acquisition, and possession of unserialized and untraceable firearms by individuals prohibited from purchasing firearms in Virginia.

192. The Firearm Defendants' deliberate actions created a significant threat to the public health and safety of the citizens of Virginia.

193. The Firearm Defendants' actions, in light of the current national crisis of gun violence, evinced a willful and wanton disregard for the health and safety of the citizens of Virginia.

194. The nuisance created by the Firearm Defendants proximately caused the direct and special injuries to Plaintiffs' decedents, who were shot and killed by one of the handguns that the Firearm Defendants unlawfully manufactured and distributed to a Virginia resident.

195. The nuisance created by the Firearm Defendants resulted in the Defendant Zackary Burkard possessing a ghost gun that he used to shoot and kill Plaintiffs' decedents.

196. The Firearm Defendants' conduct constituted a nuisance by unlawfully providing a no-background-check, unserialized handgun to an underage person in Virginia. Plaintiffs' decedents would not have been shot and killed by Defendant Burkard but for the actions of the Firearm Defendants.

197. The Firearm Defendants' actions were in violation of United States and Virginia laws that were intended to protect public safety.

198. The wrongful death of Plaintiff's decedents was a direct and proximate result of the nuisance created and maintained by the Firearm Defendants, alone or in combination.

### **Count Seven – Punitive Damages**

(Against the 80P Builder Defendants)

199. Plaintiffs incorporate by reference paragraphs 1 through 198 above, as though the paragraphs were fully and specifically set forth herein, and further allege as follows:

200. The actions of the 80P Builder Defendants were so willful, wanton, reckless, and/or grossly negligent as to evince a conscious disregard for the safety and well-being of citizens of Virginia, and specifically the Plaintiffs' decedents.

201. The 80P Builder Defendants jointly and severally knew or deliberately avoided learning or should have known that Defendant Burkard was ineligible and prohibited from purchasing a handgun in Virginia.

202. The failure of the 80P Builder Defendants to conduct a background check before distributing a handgun to an underaged

prohibited purchaser was outrageous and wanton disregard of the law and the safety of others.

203. The failure of the 80P Builder Defendants to verify the age of Defendant Burkard before distributing a handgun to him was outrageous and wanton disregard of the law and the safety of others.

204. The 80P Builder Defendants' actions and omissions jointly, severally, and in combination constituted willful, wanton, and gross negligence, warranting the imposition of punitive damages.

### **DAMAGES**

205. Plaintiffs incorporate by reference paragraphs 1 through 204 as though the paragraphs were fully and specifically set forth herein and further allege as follows:

206. The decedents, Calvin Van Pelt and Ersheen Elaiaiser, were both 17 years old when they were killed by Defendant Burkard with a Polymer80 handgun.

207. The loss of these teenagers has caused indescribable pain and anguish to their parents and siblings.

208. The decedents are survived by statutory beneficiaries, who have suffered damages and seek recovery under the Virginia wrongful-death act as set forth in section 8.01-50 et seq. of the Virginia Code.

The Plaintiff, Joshua Bushman, executor of the estates of Calvin Van Pelt and Ersheen Elaiaiser claims as damages the following:

- A. Funeral and burial expenses.
- B. Mental anguish, solace, loss of society, companionship, comfort, guidance, kindly offices, and loss of advice of the decedents suffered by the beneficiaries.
- C. The reasonable value of the loss of services, protection, care, and assistance provided by the decedents.
- D. Any and all such other damages as allowable by law.

WHEREFORE, the Plaintiff, Joshua Bushman, Administrator of the Estate of Calvin Van Pelt, on behalf of the surviving beneficiaries, demands judgment against the Defendants, jointly and severally in the full and just amount of \$25 million in compensatory damages together with pre-judgment and post-judgment interest, allowable costs incurred, and all other relief that this Court may deem appropriate.

AND FURTHER, Joshua Bushman, Administrator of the Estate of Calvin Van Pelt and on behalf of the surviving beneficiaries of the decedent demands judgment against the 80P Builder Defendants, jointly and severally in the amount of \$350,000 in punitive damages, together with pre-judgment and post-judgment interest and allowable costs incurred.

AND FURTHER, The Plaintiff Joshua Bushman, Administrator of the Estate of Ersheen Elaiaiser, on behalf of the surviving beneficiaries, demands judgment against the Defendants, jointly and severally in the full and just amount of \$25 million in compensatory damages together with pre-judgment and post-judgment interest, allowable costs incurred, and all other relief that this Court may deem appropriate.

AND FURTHER, Joshua Bushman, Administrator of the Estate of Ersheen Elaiaiser and on behalf of the surviving beneficiaries of the decedent demands judgment against the 80P Builder Defendants, jointly and severally in the amount of \$350,000 in punitive damages, together with pre-judgment and post-judgment interest and allowable costs incurred.

Joshua Everett Bushman, Administrator for  
The Estate of Calvin Van Pelt and  
The Estate of Ersheen Elaiaiser  
By Counsel

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