

**STATE OF NEW YORK SUPREME COURT
COUNTY OF ERIE**

**FRAGRANCE HARRIS STANFIELD;
YAHNIA BROWN-MCREYNOLDS;
TIARA JOHNSON; SHONNELL
HARRIS-TEAGUE; ROSE MARIE
WYSOCKI; CURT BAKER;
DENNISJANEE BROWN; DANA
MOORE; SCHACANA GETER;
SHAMIKA MCCOY; RAZZ'ANI MILES;
PATRICK PATTERSON; MERCEDES
WRIGHT; QUANDRELL PATTERSON;
VON HARMON; NASIR ZINNERMAN;
JULIE HARWELL, individually and as
parent and natural guardian of L.T., a
minor; LAMONT THOMAS, individually
and as parent and natural guardian of
L.T., a minor; LAROSE PALMER;
JEROME BRIDGES; MORRIS VINSON
ROBINSON-MCCULLEY; KIM BULLS;
CARLTON STEVERSON; and QUINNAE
THOMPSON,**

Plaintiffs,

v.

**MEAN LLC; VINTAGE FIREARMS,
LLC; RMA ARMAMENT, INC.;
ALPHABET INC., GOOGLE, LLC;
YOUTUBE, LLC; REDDIT, INC.; PAUL
GENDRON; and PAMELA GENDRON,**

Defendants,

AMENDED COMPLAINT

Index No.: 810317/2023

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**Pro hac vice motions forthcoming*

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INTRODUCTION

1. In Buffalo’s East Side neighborhood, going to the local grocery store on a Saturday afternoon is not just an errand, it is an exercise in community. As so it was on May 14, 2022, to the shoppers, employees and residents who were at the Tops Friendly Markets store on Jefferson Street (“Tops”) at 2:30 pm.

2. In a matter of seconds, that sense of community was replaced with abject terror as a white 18-year-old dressed in camouflage attire, wearing a combat helmet, body armor and carrying an assault weapon (“the Shooter”) opened fire and targeted Black people, first in the parking lot and then inside the store.

3. For customers, employees, and community members caught in the attack (including the 24 Plaintiffs bringing this lawsuit), the experience was horrifying and life-altering. Unsure whether the next bullet fired would lodge in their bodies, traumatized by the chaotic and grisly scene unfolding around them, Plaintiffs endured acute fear, severe distress, and the associated physiological effects of being traumatized.

4. Buffalo’s mayor described the shooting as the “worst nightmare that any community can face.”¹ No one knows that better than the shoppers, employees, and community members who lived through it. Their nightmare did not end when the Shooter surrendered to police. They suffered—and many continue to suffer—the lasting emotional and physical effects of what they endured on May 14, 2022.

¹ Adrienne Vogt, Joe Ruiz and Meg Wagner, *10 Dead in Mass Shooting at Buffalo Supermarket*, CNN.com (May 14, 2022), https://www.cnn.com/us/live-news/buffalo-supermarket-mass-shooting/h_fd4c2c8561a7c9d19a357717190ff332 (last visited August 11, 2023).

5. The death, terror and other harm suffered by Plaintiffs was made possible by the companies and individuals who facilitated and equipped the Shooter for his racist attack. As a result of their negligent and unlawful actions, the Shooter gained the racist motivation, tools and knowledge necessary for him to commit the mass shooting at Tops. From the online platforms that were instrumental in the Shooter's addiction, radicalization, conceptualization and planning of the attack to the companies that equipped him for his offensive, hate-induced rampage, each Defendant is liable.

6. But for the misconduct of the Defendants, Plaintiffs would not have suffered harm.

PARTIES

I. PLAINTIFFS

a. Fragrance Harris Stanfield

7. Plaintiff Fragrance Harris Stanfield worked as a customer service lead at Tops. On the afternoon of May 14, 2022, she was in charge of the front of the store, standing in a checkout lane next to her daughter, Plaintiff YAHnia Brown-McReynolds, who was also a Tops employee. Mrs. Harris Stanfield turned to speak to her daughter when she heard gunshots. Like everyone around her, she stood still looking towards the front entrance. There, the security guard—Aaron Salter—was backing into the store and pulling out his pistol. Mrs. Harris Stanfield grabbed her daughter's arm.

8. Fearing for her life, Mrs. Harris Stanfield ran across the front end of the store, looking for a place to hide. One of her coworkers yelled for people to run to the back of the store. Mrs. Harris Stanfield headed to the back, bumping into a customer at the end of checkout lanes. She continued running, but as she entered an aisle, she was knocked to the floor by a fleeing

customer, losing her shoes. In that moment, Mrs. Harris Stanfield thought her life was over, but she got up and ran in her socks to the back of the store.

9. In the back, Mrs. Harris Stanfield realized that Ms. Brown-McReynolds was not with her. She screamed for her daughter, as colleagues tried to calm her. The shooting had paused momentarily. It soon started again, and the people gathered in the back room began to scatter. A colleague tried to open the back door unsuccessfully, but then another colleague managed to open it so that people could flee outside.

10. Mrs. Harris Stanfield ran into a driveway and sat there crying. Hearing additional gunshots, she ran further down the street and collapsed. A colleague came from across the street and asked if she was okay. Mrs. Harris Stanfield responded that she was not okay because her daughter was still inside. She and her colleague decided to go back into the store to find Ms. Brown-McReynolds. As she approached the doors to reenter the store, a colleague tried to stop her. When she opened the back doors, police officers were there.

11. Mrs. Harris Stanfield's life has been upended since the shooting. Her days are filled with stress, both physical and mental. As a result of the experience, Mrs. Harris Stanfield could not return to work at Tops or as a substitute teacher in the Buffalo school system, a job she held prior to the shooting. She used to be an active person who moved quickly, but the shooting destroyed her and left her feeling zombie-like. She has had to rely on her children to hold her hand and help her through crowds of people. She has had panic attacks at stores when she loses sight of where she is and cannot see an exit.

b. YAHnia Brown-McReynolds

12. On May 14, 2022, Plaintiff YAHnia Brown-McReynolds returned to work at Tops after taking maternity leave. She was working in the self-checkout area at the front of the

store. Suddenly, her mother, Plaintiff Fragrance Harris Stanfield, grabbed her arm and tried to pull her. But Ms. Brown-McReynolds stood frozen in place. Then, as she heard gun shots approaching the store, she ducked down to hide, crouching between a self-checkout scanning machine and a cash register.

13. Fearing for her life, Ms. Brown-McReynolds prayed that she would survive for the sake of her baby. Crying, but trying to remain hidden, she heard the Shooter drawing nearer, and saw him shoot and kill the security guard, Aaron Salter, and another person.

14. The Shooter proceeded towards the back of the store, still firing shots as if he wanted no one to come out of the store alive. A colleague urged Ms. Brown-McReynolds to stay calm and quiet, and she covered her eyes and mouth. She stayed in her hiding place until the police arrived. At that point, Ms. Brown-McReynolds was desperate to see her mother. She made her way out of the store, where she found Mrs. Harris Stanfield, and the two hugged—thankful to be alive.

15. After the shooting, Ms. Brown-McReynolds had trouble sleeping and had nightmares when she did sleep. She has avoided crowds because they make her anxious, and she has mostly stayed home except to go to work. Loud noises have made her jump, and she has become hyper-aware of her surroundings, always expecting something terrible to happen.

c. Tiara Johnson

16. Plaintiff Tiara Johnson, a college student in 2022, worked at Tops to help pay for her education. When she showed up for work on May 14, 2022, she was happy to be working with some of her favorite Tops colleagues.

17. Ms. Johnson went on her break around 2:00 p.m. Several minutes later, Ms. Johnson returned to the customer service area at the front of the store when she heard multiple

loud bangs, which she identified as gunfire. She dropped to the ground immediately, incredibly scared. Ms. Johnson knew that the Shooter was close by and that she was in a vulnerable position as the shots got louder and closer. Staying on the ground, she opened the door to the nearby bottle room (where the machines for recycling bottles were located) and dragged her body across the floor into that room. She scraped her knee in the process. She continued to drag herself across the room so that she could crouch against the machines, hoping she was hidden from view. Ms. Johnson was crying and hyperventilating, not sure if she would live. The shots seemed to be getting louder, and she heard the exchange of gunfire. After what seemed like an eternity, firefighters led her outside, covering her eyes with a reusable bag so she would not see the carnage all around her. The smell of fire and blood was overwhelming.

18. Since the shooting, Ms. Johnson has had trouble sleeping and has not felt the same sense of safety when outside. The sounds and smells of May 14, 2022, are often at the forefront of her mind. Despite being in counseling since the shooting, Ms. Johnson is emotionally scarred from the experience, continues to have nightmares, and has had medical issues related to the trauma she experienced that day.

d. Shonnell Harris-Teague

19. Plaintiff Shonnell Harris-Teague, an operations manager at Tops, was working her regular weekend shift on the afternoon of May 14, 2022. She had gone out to the parking lot to take her lunch break, but, shortly before 2:30, decided to go back inside the store to purchase some snacks. As she reentered the store, she heard shooting just outside in the parking lot.

20. Ms. Harris-Teague ran across the store towards the checkout lanes at the front of the store where her daughter worked as a cashier. But she was knocked to the ground and trampled as people fled the shooting. Ms. Harris-Teague injured her wrist in the process.

21. Fearing for her life, Ms. Harris-Teague got back on her feet and fled to the back of the store as the shooting continued, inside the store at this point. She escaped through a back exit, then ran towards the front doors to see who had escaped. At the front of the store, she saw that police had detained the Shooter. With the shooting over, Ms. Harris-Teague tried to find the cashiers who had been at work that day to make sure they made it out of the store, calling the ones she could not locate in person.

22. Ms. Harris-Teague had to undergo surgery on her right wrist as a result of the injury she suffered during the shooting, and continues to recover. She is unable to write or lift more than five pounds. As a result of her experience on May 14, 2022, Ms. Harris-Teague has had trouble sleeping and has received medication to help. She has felt anxious in public places, finding herself regularly scoping out emergency exits. She has felt paranoid to the point of melting down when she sees people who make her suspicious for one reason or another. She tried going back to work at Tops for a day but was unable to continue working because of serious anxiety and her injured wrist.

e. Rose Marie Wysocki

23. For Plaintiff Rose Marie Wysocki, May 14, 2022, started uneventfully. On that afternoon, she was working at Tops as a produce manager. Suddenly, she heard a very loud noise. Looking to the front entrance, she saw the Shooter through the glass windows. The Shooter looked menacing, like something out of the video game Call of Duty.

24. She ran to one of the store's back rooms where she waited in terror with other employees and customers. She knew the Shooter was there to kill as many of them as possible. Confined to that back room, Ms. Wysocki heard the bullets grow closer, some of them sounding

as if they hit the milk refrigerators which stood between the Shooter and the small group with which Ms. Wysocki huddled.

25. In an effort to alert police, Ms. Wysocki called 911, and remained on the line with the dispatcher throughout the shooting. To Ms. Wysocki, it felt like hours passed while she huddled in the back room waiting for help to arrive.

26. The shooting has had lasting effects on Ms. Wysocki. She has had nightmares, trouble sleeping, nervous twitches, and regular feelings of fear. Loud noises trigger her sense of fear, and she avoids crowds. Since learning of the Shooter's racist motivation, she has felt enormous guilt and anger, feeling like she survived the shooting because she is white. Since the shooting, Ms. Wysocki has sought help from a mental health professional.

f. Curt Baker

27. Plaintiff Curt Baker was a night manager at the Tops. On May 14, 2022, he started his shift at 2 pm. Around 2:30 pm, while working in a back room of the Tops, he heard a commotion in the store. When he left the room to see what was happening, he heard shooting, saw people rushing by, and was knocked to the ground. As he rose to his feet with his heart pounding, it sounded to him like the shots were getting closer. He headed towards the back office again, encouraging others in the store to join him. Once there, Mr. Baker and another Tops employee locked and barricaded the door. Seconds later, Mr. Baker heard what sounded like dozens of bullets hit the freezer wall, which separated the back office from the customer area. Mr. Baker worried that the Shooter would find another way into the office. Fortunately, the police arrived and apprehended the Shooter before he did.

28. Mr. Baker has had nightmares since the shooting. He returned to his job at Tops, but the first couple of weeks were especially tough. His job requires him to deal with customer

complaints and other interactions, but he finds himself lacking the patience he used to possess. In other situations, such as driving on the highway, he finds himself jittery and nervous in a way he had not experienced before the shooting. Mr. Baker has received counseling for the stress and depression he experienced after the shooting.

g. DennisJanee Brown

29. For Plaintiff DennisJanee Brown, a local college student, shopping at the Tops supermarket was a near-daily occurrence. She felt at home there as she shopped for groceries for herself, her loved ones and the Instacart customers she often served. That all changed on May 14, 2022.

30. On that day, Ms. Brown stopped into Tops shortly before 2:30 pm to pick up some antipasto for her boyfriend. While near the freezer case towards the back of the store, she heard what sounded like fireworks. She looked down the aisle towards the front of the store, saw glass and debris everywhere, and realized that someone was shooting. Horror rose up inside her. She ran towards the back of the store, falling down and then crawling. Panicking, she got up and tried the emergency exit but could not open it. She ran in the other direction and found herself on the ground again amid terrified employees and customers who were fleeing the shooting. Ms. Brown made her way into a back room where two Tops employees had barricaded the door. She huddled with others there, listening to the sound of gunfire getting closer. Not sure if she would live, Ms. Brown called her mother, telling her that she was in midst of a mass shooting. Police subsequently arrived and Ms. Brown left the store, still shaken and upset.

31. Ms. Brown tried going back to Tops soon after it reopened, but she felt lightheaded and vomited. She has not been back to Tops since and ceased working with Instacart because she could not go back to the scene of the shooting. The experience of being in the

middle of the mass shooting on May 14, 2022, continues to affect her: she avoids celebrations involving loud noises and, due to the racist motivations of the Shooter, finds herself uneasy at her job when she is in the midst of a group of white people.

h. Dana Moore

32. Plaintiff Dana Moore started his shift at Tops at noon on May 14, 2022. Around 2:00 p.m., Mr. Moore's wife, a fellow Tops employee, clocked out from her shift while Mr. Moore worked in the deli department at the back of the store.

33. Mr. Moore was cooking chicken in the deep fryer when he heard loud gunshots. Based on the sound and loudness of the gunfire, he knew that the shots were not fired by a handgun. It sounded to him as if a missile was coming down the store aisle.

34. People started rushing towards the back of the store, panicked. Mr. Moore headed into a small cooler where he hid, alone. He heard more shots, all the while fearing for his life, praying, "Lord, don't let me die like this." Terrified, his body shook involuntarily as he waited for the Shooter to come towards the back, thinking that if the Shooter burst through the door, he would hit him with a baker's rack.

35. Eventually, the police that arrived and led Mr. Moore out through the front of the store. Mr. Moore saw a woman lying dead on the floor, brain matter all around her. Another person lay dead with his chest gaping open.

36. Memories of the shooting have haunted Mr. Moore. He often stays awake at night, scared to sleep for fear of having dreams about the shooting, unable to sleep until he hears birds singing in the morning.

37. Mr. Moore has been receiving care for his mental health as a result of the shooting. He has not been back to Tops, and whenever he shops at Walmart, dines at a restaurant

with his wife, or goes anywhere out in public, he cannot stop thinking of the shooting; all he wants at those times is to go back home.

i. Schacana Geter

38. On May 14, 2022, Plaintiff Schacana Geter visited Tops to pick up groceries for her mother who lives a block from Tops and was rehabilitating a broken leg.

39. Ms. Geter was standing in the soda aisle, speaking on the phone to her mother, when she heard gunshots outside the store. She paused to figure out what was happening.

40. Ms. Geter had heard gunshots before, but these gunshots were different—louder, faster, and systematic in how they went on and on. Ms. Geter realized that she was in a mass shooting and immediately relayed that information to her mother.

41. The gunshots grew louder. Ms. Geter realized that the Shooter was inside the store. She ran down the aisle towards the back of the store with other people fleeing. She followed Tops employees through a back door and was about to go with them into a back room when she saw an employee open an exterior door. She hurried through the door and, once outside, continued running down the block to her mother's house.

42. When she arrived, Ms. Geter collapsed on the porch, crying and in pain—she found herself unable to breathe from having run faster and harder than ever before.

43. The shooting was the worst experience of Ms. Geter's life. She has received mental health treatment and has experienced anxiety and depression to the point of losing the will to live. She has been unable to resume many of her routines and cries often. She has been back to church only once. After the shooting, she started avoiding grocery stores and restaurants. She has lost weight and developed sleeping problems, including waking frequently at night.

44. Commonplace events started upsetting Ms. Geter. She used to love fireworks, but they began to startle her. Even a car door slamming might frighten her. She is no longer able to watch action movies or anything that depicts gun violence. At one point, she had a panic attack when the lights went out in the bathroom. Ms. Geter has had difficulty focusing at work, which has impeded her professional advancement.

j. Shamika McCoy

45. Plaintiff Shamika McCoy was running errands with her husband on the afternoon of May 14, 2022. They arrived at the shopping plaza containing the Tops and parked in the parking lot. Ms. McCoy remained in their vehicle, with the engine running, while her husband walked across the parking lot and entered a store. Shortly thereafter, Ms. McCoy heard loud and rapid gunshots, similar to a war movie, and immediately realized her life was in danger. Terrified that she would be the Shooter's next victim, Ms. McCoy slid out of her car and crawled under it to hide. Because the car's engine had been running, Ms. McCoy sustained burns to her back and left shoulder as she hid under the vehicle. During this time, she saw her entire life flash before her eyes. She remained hidden until her husband and several others came running back to the car and helped her emerge from under the car. Subsequently, she saw the Shooter, the police, and a dead body in the parking lot.

46. In addition to the physical injuries she suffered that day, Ms. McCoy was traumatized and suffered lasting emotional injuries. After the shooting, Ms. McCoy began experiencing depression, anxiety, traumatic flashbacks, nightmares, sleeplessness, and lethargy.

47. In Ms. McCoy's nightmares, the Shooter drags her out from her hiding spot under the car and shoots her repeatedly in the head, even as she pleads for her life. These nightmares

cause her wake up frequently in the middle of the night. She has been receiving mental health counseling and takes anti-depressants and sleeping pills as a result of what she experienced.

48. Ms. McCoy developed an acute fear of going outside and found herself no longer able to enjoy many of the activities and relationships that used to play a large role in her life: walks in the park, playing with kids, and gardening. She also lost her job as a bank teller because of the problems she has experienced since the shooting.

k. Razz'ani Miles

49. For Plaintiff Razz'ani Miles, the afternoon of May 14, 2022, involved familiar routines, including a trip to Tops to pick up groceries for Sunday dinner. Ms. Miles was shopping near the back of the store when she heard gunfire and screaming. Looking towards the front of the store, she saw the Shooter wearing camouflage attire and firing a military-style rifle. Ms. Miles was petrified, certain that he would come for her at any moment. She panicked, dropped to the floor and crawled toward the deli section. Fortunately, she was then able to locate an exit and escape.

50. Scarred by her experience, Ms. Miles refused to return to Tops for months after the shooting. The trauma has caused her to feel depressed, consistently nervous, and has caused her to have significant trouble sleeping through the night and experience flashbacks. As a result of what she endured at the Tops shooting, she has been taking antidepressants and sleeping pills, and attends counseling regularly.

51. She missed weeks of work as a result of the harm she suffered and continues to experience problems with motivation, energy, and performance in her work as a medical assistant.

l. Patrick Patterson

52. Plaintiff Patrick Patterson, an assistant manager at Tops, was working in the store's back storage room when he heard shots fired. At first, he thought the sound was coming from kids shooting off cap guns. However, he soon saw a crowd of people rushing towards him and heard more gunshots, which sounded like military gunfire because of how rapid they were. He then realized that he was in the midst of a mass shooting event.

53. Despite his fear, Mr. Patterson peered out from the storage room, saw people running towards the back of the store in terror, and realized he could help lead them to safety through the store's rear exit. After showing the first group of people to the exit, he reentered the store so that he could help other customers and employees. He then located several people who were hiding inside the dairy cooler and directed them to the exit. He went back to the aisles one final time to scan the area for survivors and saw a dead body. At that point, he decided he needed to get out himself. Mr. Patterson left the store and watched as the police arrived on the scene.

54. Mr. Patterson remains haunted by his memories of the shooting, and has experienced post-traumatic stress, short term memory loss, lapses in attention, sleeplessness, lethargy, nightmares, anxiety, and depression.

m. Mercedes Wright

55. On the afternoon of May 14, 2022, Plaintiff Mercedes Wright headed to Tops with Plaintiff Quandre Patterson and his brother to pick up Ms. Wright's daughter who had walked to Tops to buy snacks for an upcoming road trip. They parked across Jefferson Avenue and then walked to the Tops parking lot.

56. A sound like gunshots rang out but Ms. Wright could not tell where the noise originated. Then, people came running out of Tops and Ms. Wright saw Heyward Patterson lying

dead next to his truck in the parking lot. Afraid for her life, Ms. Wright ran back across Jefferson Avenue to her car as Quandrell Patterson stayed in the parking lot.

57. Ms. Wright had the terrifying realization that the shooting was happening inside the store where her daughter was shopping. Afraid for her daughter's life, she called her daughter's phone. She got through and eventually reunited with her daughter outside of Tops.

58. Since the shooting, Ms. Wright has had emotional difficulties and recurring nightmares. Her mental state has not been the same, and she continues to feel the weight of the shooting.

n. Quandrell Patterson

59. On the afternoon of May 14, 2022, Plaintiff Quandrell Patterson walked into the Tops parking lot, accompanied by Ms. Wright and his brother, and heard gun shots. Mr. Patterson ducked behind a car and tried to ascertain the source of the shots. His objective was to do his best to keep Ms. Wright, his brother and himself out of the line of fire.

60. The shooting sounded different from gunfire Mr. Patterson had heard previously. Instead of one or two shots, the shooting persisted; dozens of shots were fired in rapid succession. Mr. Patterson realized the shooting was happening inside Tops. Upon standing up from where he had been crouching, he saw bodies lying on the ground. He saw that one of the people who had been shot in the parking lot was his cousin, Heyward Patterson. Mr. Patterson watched in fear as police arrived and drew their firearms at the Shooter when he emerged from the store. The Shooter put his rifle towards his chin but did not fire and was detained by police.

61. After the shooting, Mr. Patterson, a Georgia resident, stayed in Buffalo for a few days to care for his grandmother, who was devastated at the loss of her grandchild in the shooting. Mr. Patterson has been acutely affected by his experience during the Tops shooting. He has had

difficulty sleeping and has developed serious anxiety, which has caused him to avoid supermarkets and other public places.

o. Von Harmon

62. On May 14, 2022, Plaintiff Von Harmon was on the sidewalk approaching Tops when he heard gunshots. He ran to the adjacent parking lot. Moments later, Mr. Harmon heard screaming and saw his friend, Julie Harwell, running out of Tops. Mr. Harmon ran to her, consoling her in the Tops parking lot as the shooting continued.

63. As Mr. Harmon supported Ms. Harwell, the Shooter came out of the store. He initially refused to comply with police officers' demands that he drop his weapons. Mr. Harmon feared that the Shooter would continue his rampage, including by shooting him. Ultimately, the Shooter dropped his weapons and was detained by the officers.

64. After the shooting, Mr. Harmon had difficulty sleeping and has since experienced depression and anxiety, for which he has received mental health care. He stopped visiting Tops and began avoiding crowds and enclosed spaces. Mr. Harmon has found it difficult to focus at work, including while operating heavy machinery at his warehouse job.

p. Nasir Zinnerman

65. Plaintiff Nasir Zinnerman, a 19-year-old, was working at Tops as a cashier on the afternoon of May 14, 2022. He was at his register when he heard gunshots ring out in the parking lot. Mr. Zinnerman felt himself go into shock as customers and Tops employees began running towards the back of the store to flee the shooting. Mr. Zinnerman ran with them down an aisle as he heard more gunshots behind him.

66. Mr. Zinnerman made it to a back room where several people had gathered. Many were panicking about what to do as the shooting continued and moved closer towards the back of

the store. A Tops employee managed to open an exit door and Mr. Zimmerman escaped, running away from the store.

67. Mr. Zimmerman went back to his job at Tops after it reopened, but he felt uncomfortable in his position dealing with customers. They wanted to talk about the shooting, but doing so caused Mr. Zimmerman serious distress, as if he was reliving it in his mind each time. Life was different after the shooting. An athlete in high school, Mr. Zimmerman stopped playing basketball, and stopped going outside generally, preferring to stay at home. He has had trouble sleeping, often staying up until the morning, and finds himself scared by loud noises.

q. Julie Harwell, Lamont Thomas, and L.T., a minor

68. Three members of the Harwell-Thomas family visited Tops together on May 14, 2022, to buy groceries for a birthday barbecue planned for the next day. Plaintiff Julie Harwell and her boyfriend—Plaintiff Lamont Thomas—brought their daughter, Plaintiff L.T.² Inside the store, Mr. Thomas and L.T. broke off in search of a cake mix to celebrate Ms. Harwell's birthday.

69. When the Shooter entered the store and fired shots, Ms. Harwell found herself separated from Mr. Thomas and L.T. Terrified, Ms. Harwell dropped to the floor to avoid flying bullets. As she crawled along, she heard footsteps nearby. Looking up, she saw the Shooter aim his gun directly at someone, pull the trigger and kill them. The Shooter looked at her and Ms. Harwell knew she was next. But just at that moment, a group of shoppers screamed and ran for the rear of the store. The Shooter directed his attention at them, which allowed Ms. Harwell to rise and run towards the back of the store as the Shooter sprayed bullets at the other shoppers and

² Julie Harwell and Lamont Thomas bring this action on behalf of themselves and as parents having legal custody of their minor child, L.T.

customers. She reached the store's rear exit and made it outside, but could think of nothing other than Mr. Thomas and L.T. Fearing that they were dead or gravely injured, Ms. Harwell panicked and screamed.

70. After the shooting ended, Ms. Harwell was reunited with Mr. Thomas and L.T. Only then did she feel like she was able to breathe again.

71. The experience was also horrifying for Mr. Thomas and L.T. As they heard shots fired and saw people rushing towards the back of the store, Mr. Thomas pulled L.T. along with him. The shots seemed to be getting louder as they moved with the crowd and followed a Tops employee into a milk cooler. Once inside, Mr. Thomas desperately tried to protect L.T.; he shoved her into a milk crate and covered her with his own body as best he could. As the shooting continued, milk and orange juice sprayed all over them. As bullets were fired nearby (some into the wall close to where they were hiding), it sounded to Mr. Thomas like the Shooter was trying to shoot them through the wall. In fact, he could see dents in the wall as bullets nearly penetrated the walls and cooler door. Scared for himself and L.T. and expecting the Shooter to burst through the doors into the cooler at any moment, Mr. Thomas stayed put with L.T. until the police arrived and led them out through the back of the store. Mr. Thomas tried to keep his composure, but he collapsed to the ground, temporarily unable to walk. He did not know where Ms. Harwell was and he feared the worst. Bystanders helped him to his feet as he attempted to walk L.T. down the street to his mother's house. At that point, his cousin came running towards him to tell him that Ms. Harwell was alive.

72. In the aftermath of the shooting, Ms. Harwell—a chef at a local restaurant—was unable to bring herself to return to work because she found it extremely difficult to stay in a

public place for any extended period. The shooting affected her in many other ways as well, including by causing her to experience anxiety and to adversely affect her health.

73. After the shooting, Mr. Thomas has found himself jumping at loud noises. He has been extra protective of L.T., running shopping errands alone rather than bring along L.T. in case something terrible might happen. When he does go shopping, Mr. Thomas finds himself checking for the exits. The experience Mr. Harwell and L.T. endured on May 14, 2022, has negatively affected them in various ways.

r. LaRose Palmer

74. LaRose Palmer, a Tops cashier, was working an afternoon shift on May 14, 2022. Ms. Palmer was in an aisle restocking items when she heard gunshots. The shots seemed to ring out nonstop as people in the store screamed and ran in a panic towards the back of the store.

75. Ms. Palmer was scared for her life. She joined the others running to the rear portion of the store and managed to escape through a back door. Desperate to get away, she called her brother to come pick her up.

76. Ms. Palmer returned to work at Tops after it reopened, but the effects of her experience have lingered. At times, she finds herself severely frightened by loud noises, or by people who look like the Shooter.

s. Jerome Bridges

77. On the afternoon of May 14, 2022, Jerome Bridges, a department manager at Tops, was working in aisle 14 when he heard loud popping sounds coming from outside of the store. He did not make anything of it at first, but then a coworker exclaimed that somebody was shooting, and gun shots rang out inside the store.

78. Mr. Bridges could hear bullets ripping through the aisles. He looked around, saw people fleeing towards the back of the store, and ran in that direction. He tried to hide in a back office, but the door was locked. He headed to a conference room, and directed eight terrified coworkers and customers into it with him. Mr. Bridges could hear the Shooter walking around the store and shooting the back walls, bullets pinging the metal display cases. To protect the people huddled in the conference room, Mr. Bridges barricaded the door with a heavy table that he dragged from across the room. Although he feared that the Shooter would shoot through the door, Mr. Bridges kept holding the table in place until the shooting was over.

79. It was an experience Mr. Bridges would not wish on anyone. His life has been changed since it happened. Mr. Bridges used to get hours of sleep at night, but now he typically gets only three or four. Loud noises make him panic; when fireworks go off, he puts on headphones to drown out the sound. He is also hyper aware of his surroundings. When he sees new people coming into Tops, he feels stressed and anxious.

t. Morris Vinson Robinson-McCulley

80. On May 14, 2022, Morris Vinson Robinson-McCulley, a customer service leader at Tops, clocked in for his shift and was talking with his manager near the checkout lanes at the front of the store when he heard loud gunshots outside. Everyone stopped and looked towards the front entrance. More shots rang out and bullets came through the glass from outside, hitting the store's floor.

81. Mr. Robinson-McCulley yelled at his fellow employees and shoppers to run to the back of the store. Feeling numb, but knowing he had to get away from the shooting, he ran down the aisles and through the double doors in the back of the store. Others fled with him and a group huddled in the back, hiding from the shooting and trying (unsuccessfully) to push open a back

exit door. Mr. Robinson-McCulley made his way to the front of the group and unhooked the latch at the top of the door, allowing the group to escape outside. After initially running away, Mr. Robinson-McCulley returned to the store to check on his colleagues.

82. Mr. Robinson-McCulley's experience at Tops on May 14, 2022 had significant effects on him. For example, he is more nervous than he used to be, and jumps at loud noises—something he never used to do.

u. Kim Bulls

83. Kim Bulls was working as a grocery stock clerk at Tops on May 14, 2022. Bulls, who also worked at a physician's office, was working an extended shift that afternoon so that she could have Mother's Day free.

84. Ms. Bulls was in an aisle stocking items when she heard an incredibly loud sound inside the store. She moved towards the deli section in the back of the store as people ran past yelling "He's shooting." Fearing for her life as the gunshots continued, Ms. Bulls followed people fleeing the shooting through the side exit. Outside, Ms. Bulls headed towards the front entrance where she found a colleague bleeding and shaking. After helping her wounded colleague get emergency medical attention, she walked past the parking lot and saw victims lying dead in the parking lot.

85. For days after the shooting, Ms. Bulls felt paralyzed. She took time off from her job at the physician's office. Since the shooting, she has had trouble sleeping and has found it impossible to relax. With the help of counseling, Ms. Bulls has tried to persevere and resume her "normal" life, including by returning to work at Tops, but she has found that the lasting trauma of the shooting stays with her, at times being more pronounced.

v. Carlton Steverson

86. Carlton Steverson, a Tops employee, was working in the deli area on May 14, 2022 when he was startled by loud noises, which he initially believed were caused by pallets falling to the floor. He leaned over the counter to see what was happening and saw a crowd of people running towards him, screaming. He then realized that the noises were gunshots, and many of them were being fired.

87. Mr. Steverson was scared for his life, yet he managed to lead a group of customers into a cooler where they could hide from the Shooter. He tried calling 911, but his phone did not work inside the cooler. As the gunshots drew closer, he grew more fearful that the gunman would find them and kill them. Determined to escape, he led the group out of the cooler, through the back of the store, and finally out of the building through an emergency exit. There, he saw police, as well as a dead body in the parking lot.

88. Mr. Steverson returned to work at Tops after it reopened, but continues to experience significant aftereffects from the shooting. He has lost sleep and experienced traumatic flashbacks and nightmares. During the spring of 2023, Mr. Steverson had to take a leave of absence from work to take care of his mental health. However, he had to return to Tops in order to maintain his livelihood.

89. Loud noises now cause Mr. Steverson to jump and experience chills running through his body. He is hyper-attentive to unexpected noises, partly because of the guilt he feels that he might have been able to save lives if he had realized earlier that the noises he heard on May 14, 2022, were gunshots. He has also become more distant and distrustful of other people.

w. Quinnae Thompson

90. On the afternoon of May 14, 2022, Quinnae Thompson went to Tops with her daughter and granddaughter to buy milk. Aaron Salter, an acquaintance who was working as a Tops security guard, walked her out of the store. As she was saying goodbye to Mr. Salter, Heywood Patterson pulled up beside her and asked after Ms. Thompson's sister.

91. In the parking lot, Ms. Thompson helped her daughter and granddaughter with their seat belts. She then looked up and made eye contact with the Shooter, who was driving into the parking lot. He wore a helmet, which struck Ms. Thompson as an odd thing to wear on such a hot day. She got into her car, started the engine, and was driving towards the parking lot exit when she heard the "POP POP POP" of gunshots. She looked and saw people running away from Tops as more gunshots rang out. At the light on Jefferson Avenue, she turned and then sped down the street to distance her family members and herself from the shooting.

92. Since the shooting, Ms. Thompson has been haunted by memories of the shooting and fearful for her safety. She has had trouble sleeping and has limited her time outside. Unexpected loud noises make her anxious. When she visited a different Tops location, she felt as if she were having a flashback to the shooting and the security guard approached her and asked if she was okay. She tried to cash a check and then left, never returning to Tops.

II. DEFENDANTS**a. DEFENDANT MEAN LLC**

93. 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.

94. 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.

95. 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.

96. 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.

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

98. Plaintiffs’ injuries arise out of MEAN Arms’ purposeful availment of New York law and its targeting of customers located in New York.

b. DEFENDANT RMA ARMAMENT, INC.

99. 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.

100. 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.

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

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

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

c. DEFENDANT VINTAGE FIREARMS, LLC

104. 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").

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

106. Plaintiffs' injuries arise out of this activity in New York.

**d. DEFENDANTS ALPHABET INC., GOOGLE, LLC and YOUTUBE, LLC
(Collectively "YouTube Defendants")**

107. 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.

108. 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.

109. 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.

110. 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.

111. 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.

112. 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.

113. 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).

114. 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.

115. Plaintiffs’ injuries arise out of the YouTube Defendants’ purposeful avilment of New York law and targeting of customers located in New York.

e. DEFENDANT REDDIT, INC.

116. 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.”

117. 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.

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

119. 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.

120. 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).

121. 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.

122. Plaintiffs' injuries arise out of Defendant Reddit's purposeful avilment of New York law.

f. DEFENDANTS PAUL AND PAMELA GENDRON

123. 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.

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

125. Plaintiffs' injuries arise from Paul and Pamela Gendron's activities in New York.

JURISDICTION AND VENUE

126. 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.

127. 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.

128. 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 Plaintiffs' claims.

129. 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 Plaintiffs. 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.

130. 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 numerous Plaintiffs reside.

GENERAL ALLEGATIONS

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

131. 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.

132. Obsessed with an invidious conspiracy theory that white people are being systematically "replaced" by non-white people, the Shooter targeted the Plaintiffs' 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.

133. 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.

134. 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.

135. 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.

136. 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 other 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.

II. MANY MASS SHOOTING SURVIVORS LIKE PLAINTIFFS EXPERIENCE GENUINE AND SEVERE INJURIES

137. It is no surprise that people who experienced (and survived) the horrific violence at Tops suffered serious injuries.

138. Research has established that stress reactions, among other conditions, commonly occur in people who experience a mass violence event.³ Those who directly experience the event

³ U.S. Dep't of Veterans Affairs, *The Impact of Disaster and Mass Violence Events on Mental Health*, https://www.ptsd.va.gov/professional/treat/type/violence_trauma_effects.asp (last visited

are typically impacted most acutely, and more severe exposure—including the experience of having one’s life in danger—is more likely to result in serious or lasting psychological harm.

139. While some survivors may show resilience after a mass shooting, those at the scene of the shooting who feared for their lives are particularly at risk of experiencing ongoing mental health problems, including post-traumatic stress, depression, anxiety, and substance abuse.⁴ And the psychological impacts of surviving a mass shooting are lasting.⁵

140. The experience of surviving a mass shooting constitutes the type of special circumstance that, consistent with New York law, carries an especial likelihood of causing genuine and serious emotional distress.

141. A traumatic event like a mass shooting often causes physiological changes in survivors’ brains. In other words, emotional harm and physical changes to the brain frequently occur in tandem.⁶ A traumatic event causes the brain to be flooded with stress hormones, which results in physiological changes to the neural networks that regulate memory and fear.⁷ The flooding of stress hormones solidifies the memory of the trauma by enhancing the consolidation process of the mental and emotional experience of the traumatic event. This consolidation of a

Aug. 10, 2023); U.S. Dep’t of Veterans Affairs, *Risk and Resilience Factors After Disaster and Mass Violence*, https://www.ptsd.va.gov/professional/treat/type/disaster_risk_resilience.asp (last visited Aug. 10, 2023).

⁴ Amy Novotney, *What happens to the survivors*, Am. Psych. Assoc. (2018), <https://www.apa.org/monitor/2018/09/survivors> (last visited Aug. 10, 2023).

⁵ *Id.* (as documented in research related to survivors of a 2007 mass shooting at the Virginia Polytechnic Institute and State University).

⁶ Betsey J. Grey, *The Future of Emotional Harm*, 83 Fordham L. Rev. 2605, 2624 (2015), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5099&context=flr> (last visited Aug. 10, 2023).

⁷ *Id.* at 2628.

traumatic memory forms the basis for stress-related disorders, including post-traumatic stress disorder.⁸

142. A single exposure to a traumatic event often causes long-lasting cellular changes, or stress-induced plasticity, in the brain.⁹ Even when a survivor's clinical symptoms of post-traumatic stress are solely emotional, advanced neuroimaging techniques can reveal physiological changes in the brain resulting from a traumatic experience.¹⁰

143. Plaintiffs experienced severe stress and trauma—and the effects thereof—as a result of what they endured on May 14, 2022. Many Plaintiffs, including Mrs. Harris Stanfield, Ms. Brown-McReynolds, Ms. Johnson, Ms. Harris-Teague, Ms. Wysocki, Mr. Baker, Ms. Brown, Mr. Moore, Ms. Geter, Ms. Miles, Mr. Patrick Patterson, Ms. McCoy, Mr. Harmon, Mr. Bridges, Mr. Robinson-McCulley, and Ms. Bulls, have received psychological counseling to help them cope. Numerous Plaintiffs have been diagnosed with post-traumatic stress, including Mrs. Harris Stanfield, Ms. Brown-McReynolds, Ms. Harris-Teague, Ms. Wysocki, Mr. Moore, and Ms. Geter. All have had their lives changed significantly.

III. DEFENDANTS FACILITATED THE SHOOTER IN MYRIAD WAYS

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

145. *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,

⁸ *Id.*

⁹ *Id.* at 2632.

¹⁰ *Id.* at 2633.

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.

146. *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.

147. *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.

148. *Fourth*, like the YouTube Defendants, 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.

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

150. Before the Shooter murdered, wounded, injured, and traumatized 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.

151. 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.

152. 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 and addicted to it. 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.

153. 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.

154. The Shooter’s indoctrination into a racist, online community was evident in his contemporaneous writings.¹¹ For example, he wrote: “Humanity will cease to develop if the White race is eliminated[.] ... I will carry out an attack against the replacers.”¹² “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 white countries in order to usher in a “white genocide” that will destroy European race and culture.

155. 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.”¹³ Upon information and belief, information the Shooter viewed

¹¹ 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.

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

¹³ Discord Diary, 01/30/2022.

on YouTube contributed to his adoption of these radical beliefs and groomed him to consume hard-core racist content on other sites.

156. 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.

157. 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.

158. 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.

159. 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.

160. 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.

b. 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.

161. 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.

162. 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 hardcore, militaristic audience.

163. 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.”¹⁴

164. 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.

165. 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.

166. 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.¹⁵ By removing the lock, the gun was a fully functional assault weapon ready to accept large-capacity magazines.

167. 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

¹⁴ Shooter’s Document at 58.

¹⁵ Shooter’s Document at 61.

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.¹⁶ The video also notes that the MEAN Arms Lock packaging includes instructions regarding removal of the lock.

168. 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.

169. He visited Vintage Firearms on at least four occasions—twice in late December 2021 and twice in January 2022.¹⁷

170. 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 screw extraction kit.”¹⁸ The Shooter concluded that the “bushmaster at Vintage Firearms will do very nicely,” because it “has the mean arms fixed mag release.”¹⁹

171. The Shooter described the process of removing the lock as “easy enough,” referencing YouTube videos demonstrating how to remove such devices.²⁰ Through one or more of these videos and, upon information and belief, after discussing the subject with personnel at

¹⁶ Discord Diary, 12/24/2021; 01/11/2022.

¹⁷ Discord Diary, 12/21/2021; 12/30/2021; 01/11/2022; 01/19/2022.

¹⁸ Discord Diary, 01/11/2022.

¹⁹ Discord Diary, 01/18/2022.

²⁰ Discord Diary, 12/24/2021.

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.”²¹

172. 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.

173. 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.²²

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

175. 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

²¹ Discord Diary, 01/11/2022.

²² 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).

that the Bushmaster XM-15 was equipped with the MEAN Arms Lock enabled him to purchase his weapon of choice in New York.

176. 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.²³ 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.

177. Meanwhile, the Shooter assembled combat-style gear for use in the attack. He acquired multiple items that he described as “military gear,”²⁴ including a combat helmet and combat-style body armor, specifically armor plates worn in a plate carrier.

178. 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.²⁵

179. 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.

180. 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

²³ Discord Diary, 01/28/2022

²⁴ Shooter’s Document at 5, 156.

²⁵ *Id.* at 58.

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.

181. 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."²⁶ RMA Armament's response was a (now deleted) online post expressing appreciation for the Shooter.

182. 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

²⁶ Discord Diary, 01/08/2022.

of the armor, his age, or his mental health. RMA Armament promptly shipped it to him directly at his address in New York.

183. 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.

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

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

185. 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.

186. 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.

187. 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.

188. 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.

189. 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.²⁷ 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.

190. 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.

191. 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

²⁷ See Discord Diary, 3/29/22.

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.

192. 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.

193. 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.²⁸ Still, they did not take any meaningful action.

IV. 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

194. 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.

195. 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.

²⁸ Discord Diary, 04/15/2022.

196. 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 who had fallen on the floor and attempting to flee. The Shooter was able to quickly and easily reload his gun by inserting another magazine before shooting one of those shoppers 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.

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

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

199. 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.

200. 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.

V. DEFENDANTS ACTED NEGLIGENTLY AND UNLAWFULLY

1. Defendant MEAN LLC/MEAN Arms

201. New York’s SAFE Act makes it a felony to possess, manufacture, transport, or dispose of an assault weapon.²⁹ An “assault weapon” is defined, in relevant part, as: “a

²⁹ N.Y. Penal Law §§ 265.02(7), 265.10.

semiautomatic rifle that has an ability to accept a detachable magazine” and has at least one of the other characteristics listed in the definition.³⁰

202. 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.”³¹ 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.*”³²

203. 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).

204. According to the MEAN Arms website, the MEAN Arms Lock was specifically “[d]eveloped for states with intrusive laws requiring fixed magazines,”³³ essentially as a workaround for people who want to possess prohibited weapons in states such as New York.

³⁰ N.Y. Penal Law § 265.00(2)(a) (emphasis added).

³¹ 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).

³² Buffalo, N.Y., City Code § 180-1(B) (emphasis added).

³³ MEAN Arms MA Lock Product Page, <https://www.meanarms.com/products/detail/ma-lock> (last visited Aug. 8, 2023).

205. 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.³⁴

206. 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.³⁵

187. 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 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.”³⁶

188. 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

³⁴ MEAN Arms FAQs (May 20, 2022).

<https://web.archive.org/web/20220520193451/https://www.meanarms.com/faqs> (last visited Aug. 8, 2023).

³⁵ MEAN Arms MA Lock Product Page, <https://www.meanarms.com/products/detail/ma-lock> (last visited Aug. 8, 2023).

³⁶ 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).

a weapon still “has an ability to accept a detachable magazine” with little effort and a minor modification and therefore remains an “assault weapon.”

189. 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.³⁷ 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.”³⁸ 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.³⁹ On another occasion, MEAN Arms stated: “Also the MA Lock is completely reversible (with NO permanent changes required to your receiver).”⁴⁰

190. 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.⁴¹

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

³⁷ MEAN Arms, Facebook (Mar. 29, 2017), <https://www.facebook.com/watch/?v=1021724514594396> (last visited Aug. 8, 2023).

³⁸ MEAN Ma Lock Installation Video, YouTube (Mar. 29, 2017), <https://www.youtube.com/watch?v=EjJdMfuH9q4> (last visited Aug. 8, 2023).

³⁹ *Id.*

⁴⁰ MEAN Arms, Facebook (Dec. 3, 2017), <https://www.facebook.com/meanarms/posts/pfbid0y24WuA5ELdh1Cjwqu21npFRFBbwXdnfFmTJheQa38fBACBHLgzxrXj3XnaXn7Ql> (last visited Aug. 8, 2023).

⁴¹ *See* Discord Diary, 01/11/2022.

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.

Instruction/Support videos are available by scanning the QR code or visiting: www.MeanArms.com/support

Installation Instructions:

1. Make sure the firearm chamber is CLEAR, UNLOADED and POINTED IN A SAFE DIRECTION!
2. Remove all components of the bullet button or magazine release button except the L shaped magazine catch.
3. With the existing L shaped magazine catch in place, insert the MA SLEEVE, larger diameter hole facing out.
4. Insert the shear nut into the MA SLEEVE and finger tighten.
5. Using a 3/8" or 10 mm wrench tighten nut until the head breaks away.
6. Firmly insert magazine into mag well.
7. Now that your MA LOCK is installed, your magazine will now be fixed to the lower receiver. Removal of the magazine for cleaning or repair purposes can be done with the use of the multitool supplied with every MA LOADER.
8. To remove the magazine:
9. Disassemble the lower receiver from the upper receiver.
10. Remove the base plate, spring and follower from the magazine, then slide the multitool down from the top between left side of magazine and mag well to release the magazine from the mag catch.

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.

ALWAYS PROPERLY STORE, SECURE, AND OPERATE YOUR FIREARM. IMPROPER USE OF THIS PRODUCT MAY CAUSE FIREARM MALFUNCTION. FIREARM MALFUNCTION MAY CAUSE SERIOUS INJURY, BODILY HARM AND/OR DEATH.
KEEP OUT OF REACH OF CHILDREN.

LIMITED LIFETIME WARRANTY
This product is warranted to be free of defects in material and workmanship for as long as the original consumer owns the product. AT MEAN ARMS option, defective product will be repaired or replaced. For warranty service e-mail support@meanarms.com.

DESIGNED AND MANUFACTURED IN WOODSTOCK, GA.
Please visit our website for other exciting and innovative products from MEAN.
MEAN
www.MeanArms.com

Contents:
1 x MA Lock
1 x MA Lock Sleeve

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192. 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."

193. 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.

194. 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."⁴² 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."⁴³

195. 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.

196. 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

⁴² *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).

⁴³ *Id.*

Shooter was keenly aware of New York law, and because of MEAN Arms' marketing scheme, he knew he could work around it.

197. 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 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:"



198. 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,⁴⁴ and false advertising.⁴⁵

199. 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.

⁴⁴ N.Y. Gen. Bus. Law § 349(a).

⁴⁵ N.Y. Gen. Bus. Law § 350.

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.

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

201. 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.⁴⁶

202. 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."⁴⁷

203. 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.

⁴⁶ Discord Diary, 12/24/2021.

⁴⁷ Shooter's Document at 61.

204. 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.

205. 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 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 to potentially escape or find cover and for additional survivors to escape the store instead of taking cover and hiding while the shooting rampage played out in close proximity. It would also have provided a greater opportunity for a person to intervene to physically disable the Shooter.

206. 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 at and terrorize the employees and patrons who were fleeing and hiding from the brutal attack.

207. 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

208. 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.

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

210. 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.

211. 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.

212. 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.

213. Had the Shooter had a less lethal weapon and been unable to use a weapon with large-capacity magazines, he would have been incapable of inflicting the same degree of harm and terror on the store's employees and survivors, and eventual victims would more likely than not would have escaped or avoided injury.

3. Defendant RMA Armament

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

214. 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.⁴⁸ 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*.”⁴⁹

215. 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 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.

216. 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*

217. 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.”⁵⁰

⁴⁸ *People v. Carvey*, 89 NY2d 707, 712 [1997] (citation and quotation marks omitted).

⁴⁹ *Id.* (italics in original).

⁵⁰ RMA Armament, *Body Armor*, <https://rmadefense.com/product-category/body-armor> (last visited Aug. 8, 2023).

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

219. 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."⁵¹ These body armor plates are designed for use by military personnel and law enforcement officers.

220. 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 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.

221. 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."⁵² 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."⁵³

222. RMA Armament categorizes its Level III+ body armor as providing "Lightweight Combat Protection."⁵⁴ In an infographic, RMA Armament differentiates Level III+ armor from

⁵¹ *Id.*

⁵² RMA Armament, *Level III+ Body Armor Multi-Curve (Models #1091-1094 Gen 2) Defeats m855a1*, <https://rmadefense.com/store/body-armor/level-iii-plus-body-armor/multi-curve-nij-07-tested/> (last visited Aug. 10, 2023).

⁵³ *Id.*

⁵⁴ RMA Armament, *Ballistic Chart*, <https://rmadefense.com/wp-content/uploads/2022/06/rma-ballistic-chart-big-scaled.jpg> (last visited Aug. 8, 2023).

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.”

Level IV	Level III+	Level III	Level IIIA+/SRT	Level IIIA
HIGHEST COMBAT PROTECTION	LIGHTWEIGHT COMBAT PROTECTION	ULTRA-LIGHT BOUYANT RIFLE PROTECTION	HIGH STRENGTH BAG INSERT ARMOR	LIGHTWEIGHT EDC PROTECTION
Armor-Piercing Rifle Fire up to 30-06 M2AP	Semi-AP Intermediate Rifle Fire & Lead Core Rifle Fire	Rifle Fire up to Six Strikes of 7.62X51 NATO M80	Light Rifle Fire - Lead Core, Low Strike Count	Handgun, Pistol Caliber Carbine, & Shotgun Fire
9X19mm .40 S&W .357 SIG .45 ACP .44 Magnum 12 Gauge 5.56X45 M193 5.56X45 M855 5.56X45 M855A1 7.62X39 7.62X39 MSC 7.62X51 M80 NATO 7.62X63 AP	9X19mm .40 S&W .357 SIG .45 ACP .44 Magnum 12 Gauge 5.56X45 M193 5.56X45 M855 5.56X45 M855A1 7.62X39 7.62X39 MSC 7.62X51 M80 NATO (X6)	9X19mm .40 S&W .357 SIG .45 ACP .44 Magnum 12 Gauge 5.56 M193 7.62X39 7.62X39 MSC 7.62X51 M80 NATO (X6)	9X19mm .40 S&W .357 SIG .45 ACP .44 Magnum 12 Gauge 5.56 M193 7.62X39 7.62X51 M80 NATO	9X19mm .40 S&W .357 SIG .45 ACP .44 Magnum 12 Gauge
1192 Level IV 1155 Level IV	1091-1094 Level III+ 1090 Level III+	1088 Level III 1078 Level III 1061-1064 Level III	1003 Level IIIA+	0226 Level IIIA Contego Level IIIA Virtus Level IIIA Protego Level IIIA

223. Law-abiding civilians have no need for “combat protection” and thus no legitimate reason to purchase and wear body armor like the ceramic body armor plates marketed and sold by RMA Armament. The plates are not useful for hunting, sport shooting, or self-defense. Their legitimate use is limited to military, combat, specialized law enforcement operations, and for certain security professions.

224. As RMA Armament knows, body armor has been used repeatedly by civilians to carry out mass shootings. That is not a legitimate use of the product.

225. RMA Armament has acknowledged in its marketing that Level III+ body armor is not suitable for civilian use. In a YouTube segment titled “What Kind of Body Armor Should I

have in the Suburbs?”, an RMA Armament spokesperson advises viewers that “Rifle plates are great in a total battlefield environment, but they don’t always work so well in polite society.”⁵⁵

226. 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.”⁵⁶

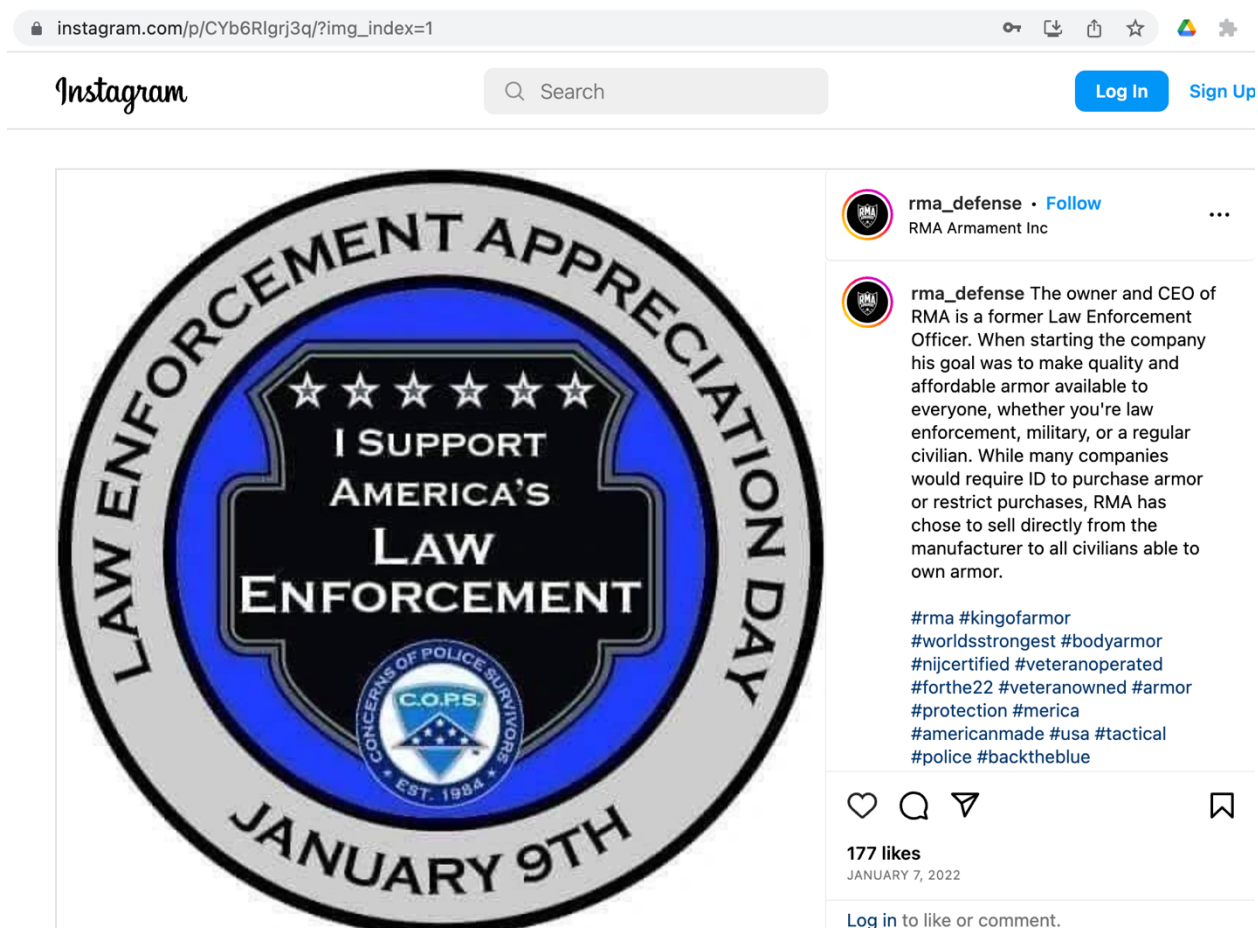
227. Instead of fulfilling a legitimate need for personal protection from ballistic threats, RMA Armament sells combat-style body armor products to civilian consumers to maximize profit while opportunistically exploiting many civilians’ paranoid fears and appealing to persons intent on doing widespread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

228. 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.”⁵⁷

⁵⁵ RMA Armament, Inc., *What Kind of Body Armor Should I have in the Suburbs*, YouTube (Aug. 24, 2022), https://www.youtube.com/watch?v=4Y_mTTP1aOM (last visited Aug. 8, 2023).

⁵⁶ 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).

⁵⁷ 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).



229. 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.⁵⁸ (In a 2021 Instagram post, RMA Armament stated, “When buying from us, you're skipping the middle man and buying

⁵⁸ 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.

230. 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.

231. 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

232. 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.

233. 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.

234. 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."⁵⁹ 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."⁶⁰

235. 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.

236. 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

⁵⁹ @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).

⁶⁰ *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.

237. 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."⁶¹ 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.⁶²

238. 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."⁶³ 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."⁶⁴

239. 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

⁶¹ Discord Diary, 03/16/2022.

⁶² *Id.*

⁶³ Shooter's Document at 80.

⁶⁴ *Id.* at 105.

many Black people as possible. In other words, the Shooter was attracted to the utility of RMA 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.

240. 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."⁶⁵

4. YouTube Defendants

241. 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."⁶⁶

242. 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.

243. 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

⁶⁵ Discord Diary, 01/08/2022.

⁶⁶ Matthew B. Lawrence, *Addiction and Liberty*, 108 Cornell L. Rev. 259, 292 (2023).

user information to recommend and send large volumes of carefully targeted video content to each user.

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

245. 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.

246. 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.

247. 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.⁶⁷ Users “were coming to YouTube when they knew what they were coming to look for.”⁶⁸ To drive greater revenue, YouTube set a company-wide objective to reach one billion hours of viewing a day.

248. 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

⁶⁷ 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).

⁶⁸ 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).

after one was finished.”⁶⁹ The recommendation algorithm introduced by YouTube does just that: 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.

249. 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*

250. 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.

251. 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.

252. These algorithms rely on Google Brain, a deep-learning artificial intelligence program designed, created, and operated by the YouTube Defendants. This program engages in

⁶⁹ 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).

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.⁷⁰

253. 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.

254. 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].”⁷¹ 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.

255. 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.

⁷⁰ 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).

⁷¹ 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).

256. 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 and more than 2 million recommendations on YouTube concluded that YouTube “users consistently migrate from milder to more extreme content.”⁷²

257. 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.

258. 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.⁷³

259. 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.⁷⁴

⁷² Manoel H. Ribeiro et al., *Auditing Radicalization Pathways on YouTube*, FAT* ’20: Proceedings of the 2020 Conference on Fairness Accountability, and Transparency, 131 (2020).

⁷³ 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).

⁷⁴ 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).

260. 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 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.⁷⁵

261. 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."⁷⁶

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

⁷⁵ 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).

⁷⁶ *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).

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 soon as the AI learns how it engaged one person, it can reproduce the same mechanism on thousands of users.⁷⁷

263. 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.⁷⁸

264. 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."⁷⁹ 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

⁷⁷ 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).

⁷⁸ *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).

⁷⁹ YouTube (@YouTube), Twitter (Mar. 15, 2019), <https://twitter.com/YouTube/status/1106431532976074753> (last visited Aug. 10, 2023).

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.”⁸⁰

265. 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

266. 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.

267. 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.”⁸¹

268. 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

⁸⁰ Ben Collins (@oneunderscore__), Twitter (Mar. 15, 2019), https://twitter.com/oneunderscore_/status/1106517738468622337 (last visited Aug. 10, 2023).

⁸¹ Discord Diary, 05/05/2022.

up late because I am browsing [R]eddit or watching [Y]ou[T]ube. I think I do that like every day.”⁸²

269. 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.”⁸³

270. 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.

271. 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

272. 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.

273. 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

⁸² Discord Diary, 03/15/2022.

⁸³ Discord Diary, 04/27/2022.

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.

274. 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

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

276. 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.

277. 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.

278. 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 lol⁸⁴

279. 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.⁸⁵

280. 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.

281. 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

282. 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.

283. Like YouTube, Reddit has designed a proprietary algorithm and executes it in

⁸⁴ Discord Diary, 02/27/2022.

⁸⁵ Discord Diary, 01/22/2022; 01/30/2022; 02/18/2022; 02/27/2022; 03/12/2022, 04/02/2022.

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

284. 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.

285. 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.⁸⁶ 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.”⁸⁷ Reddit’s design, which

⁸⁶ 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).

⁸⁷ 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).

allows users to remain anonymous, fuels use of the platform by racists and extremists.

286. 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 frequented)—facilitated reinforcement of hostility towards Muslims and members of the political left.⁸⁸

287. 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.⁸⁹

288. The Shooter's time on Reddit led him to embrace white supremacist conspiracy theories, as he acknowledged in his diary.⁹⁰ 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).

289. 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

⁸⁸ 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).

⁸⁹ See e.g., Discord Diary, 03/15/2022; 04/28/2022.

⁹⁰ Discord Diary, 1/30/2022 (“[M]any of my beliefs come from reddit . . .”).

him. On 4chan, the Shooter was further radicalized through exposure to the hate groups and racist conspiracy mongers who flourish on that platform.

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

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

292. 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.⁹¹

293. 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.

294. 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.

⁹¹ Discord Diary, 03/31/2022.

295. 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.

296. Upon information and belief, Reddit's website design and algorithm also facilitated the connection between the Shooter and Cory Clark, the RMA Armament representative who helped the Shooter select and acquire the body armor he wore for his racist attack.

297. 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

298. 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.

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

300. 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.

301. 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.*

302. 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.

303. 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 Plaintiffs' injuries.

304. 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 MEAN LLC/MEAN Arms)*

305. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

306. 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.

307. 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.

308. 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.

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

310. 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 seemed to comply with New York law and convert it to an operational illegal assault weapon in minutes.

311. 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.

312. 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.

313. Furthermore, it was foreseeable to MEAN Arms that an individual planning a mass shooting in New York would exploit the availability of AR-15-type rifles with the MEAN Arms lock installed to obtain an illegal assault weapon capable of accepting detachable magazines and inflicting maximal damage during a mass shooting.

314. As a direct and proximate result of MEAN Arms' negligence, Plaintiffs suffered injuries as described in this Complaint including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

315. MEAN Arms' negligence was a substantial cause of the harm Plaintiffs have suffered and continue to experience. Due to the acts and omissions of MEAN Arms, the Shooter was able to acquire an illegal assault weapon, equip it with large capacity magazines, and use it to murder ten people, wound three others, and injure and traumatize many more. His shooting spree was longer, more deadly and more traumatizing than it would have been had he been limited to use of a single 10-capacity magazine before reloading.

316. Accordingly, Plaintiffs are entitled to recovery against Defendant MEAN Arms in an amount to be determined at trial.

COUNT II – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against MEAN LLC/MEAN Arms)

317. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

318. MEAN Arms had duty to Plaintiffs to act with ordinary care and prudence so as

not to cause harm or injury to Plaintiffs.

319. At all relevant times, Defendant MEAN Arms 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.

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

321. At all relevant times, Defendant MEAN Arms had a duty to refrain from engaging in activities creating foreseeable risks of injury to others. A breach of such duty constitutes negligence.

322. 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.

323. That individuals in New York would remove Defendant MEAN Arms' locks in order to possess functioning illegal assault weapons was a foreseeable consequence of its marketing and distribution model. Furthermore, it was foreseeable to MEAN Arms that an individual planning a mass shooting in New York would exploit the availability of AR-15-type rifles with the MEAN Arms lock installed to obtain an illegal assault weapon capable of accepting detachable magazines and inflicting maximal damage during a mass shooting.

324. The Shooter purchased his Bushmaster XM-15 rifle specifically because it had an

easily removable MEAN Arms lock. He knew that, because his rifle had a MEAN Arms 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.

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

326. Defendant MEAN Arms' negligence was a direct and proximate cause of the harm Plaintiffs have suffered and continue to experience. Due to the acts and omissions of Defendant MEAN Arms, the Shooter was able to acquire an illegal assault weapon, equip it with large capacity magazines, and use it to murder ten people, wound three others, and injure and traumatize many more. His shooting spree was longer, more deadly and more traumatizing than it would have been had he been limited to use of a single 10-capacity magazine before reloading.

327. As a direct and proximate result of Defendant MEAN Arms' negligence, Plaintiffs suffered severe emotional distress.

328. Accordingly, Plaintiffs are entitled to recovery against Defendant MEAN Arms in an amount to be determined at trial.

COUNT III – VIOLATION OF N.Y. GEN. BUS. LAW § 349
(Against Defendant MEAN LLC/ MEAN Arms)

329. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

330. 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.

331. 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

332. 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 a semiautomatic rifle into compliance with the SAFE Act. Plaintiffs suffered injuries as a result of those violations.

333. 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 would have otherwise been 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.

334. The mass shooting at the Tops Friendly Markets store occurred as a result of those violations because, had Defendant 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, with fewer shots fired and fewer individuals killed, wounded and terrorized.

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

COUNT IV – VIOLATION OF N.Y. GEN. BUS. LAW § 350
(Against Defendant MEAN LLC/ MEAN Arms)

336. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

337. 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.

338. 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.

339. 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 a semiautomatic rifle into compliance with the SAFE Act.

340. 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 would have otherwise been 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.

341. New York consumers relied on MEAN Arms' false advertising regarding the MEAN Arms Lock to decide to purchase and possess semiautomatic rifles 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 semiautomatic rifles 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.

342. The mass shooting at Tops occurred as a 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, with fewer shots fired and fewer individuals killed, wounded and terrorized.

343. Plaintiffs are therefore entitled to the greater of actual damages or \$500 for MEAN Arms' violations of section 350 of the New York General Business Law.

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

COUNT V – NEGLIGENCE PER SE
(Against Defendant MEAN LLC/ MEAN Arms)

345. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

346. Defendant MEAN LLC committed violations of section 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 rifle, including the Bushmaster XM-15, compliant with the SAFE

Act's prohibition on the possession of assault weapons.

347. 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.

348. 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 owners.

349. 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 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.

350. Plaintiffs’ injuries were proximately and substantially caused by Defendant MEAN Arms’ violations of sections 349(a) and 350 of the New York General Business Law. Had Defendant 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, with fewer shots fired, fewer individuals shot, killed and wounded, and fewer individuals traumatized.

351. As a direct and proximate result of Defendant MEAN Arms' violations of sections 349(a) and 350 of the New York General Business Law, Plaintiffs suffered injuries as described in this complaint, including severe emotional distress and physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

352. Accordingly, Plaintiffs are entitled to recovery against Defendant MEAN Arms in an amount to be determined at trial.

COUNT VI – PUBLIC NUISANCE
(Against Defendant MEAN LLC/MEAN Arms)

353. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

354. 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, distribution, or marketing of the MEAN Arms Lock.

355. 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 the MEAN Arms Lock allows assault weapons to achieve a superficial appearance of compliance with New York law while remaining non-compliant. This conduct allows for the transfer and possession of prohibited firearms (*i.e.*, firearms that can be easily modified to accept detachable magazines) into and within New York.

356. 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 firearms in New York. Without the MEAN Arms Lock, the firearms would not have been obtained or

transferred within New York.

357. 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 into and within New York.

358. The nuisance created by Defendant MEAN Arms proximately caused direct and special injuries to Plaintiffs, who incurred injuries as described in this complaint, including severe emotional distress and physiological injuries manifesting in continuing psychological symptoms as a result of experiencing a mass shooting event. The Shooter was able to acquire the illegal assault weapon he used for his attack because it was fitted with a MEAN Arms Lock. The injuries suffered by Plaintiffs are different in kind from the injuries to the general public.

359. As a result of the actions, inactions, and omissions of Defendants, Plaintiffs have suffered and will continue to suffer general, compensatory, and consequential damages.

COUNT VII – NEGLIGENCE
(Against Defendant Vintage Firearms, LLC)

360. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

361. 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 this duty constitutes negligence.

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

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

364. 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."

365. 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 can fire before it has to be partially disassembled and reloaded.

366. Vintage Firearms' negligence was a direct and proximate cause of the mass shooting at Tops. Due to Vintage Firearms' acts and omissions, the Shooter was able to acquire an illegal assault weapon, which he easily modified and equipped with large capacity magazines and subsequently used to murder ten people, wound three others, and injure and traumatize many others, including Plaintiffs. 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, with fewer shots fired, fewer individuals shot and killed or wounded, and fewer individuals traumatized.

367. As a direct and proximate result of Vintage Arms' negligence, Plaintiffs suffered injuries as described in this Complaint, including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

368. Accordingly, Plaintiffs are entitled to recovery against Defendant Vintage Firearms in an amount to be determined at trial.

COUNT VIII – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS*(Against Defendant Vintage Firearms, LLC)*

369. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

370. 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 this duty constitutes negligence.

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

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

373. 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."

374. 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 can fire before it has to be partially disassembled and reloaded.

375. Vintage Firearms' negligence was a direct and proximate cause of the mass shooting at Tops. Due to Vintage Firearms' acts and omissions, the Shooter was able to acquire an illegal assault weapon, which he easily modified and equipped with large capacity magazines and subsequently used to murder ten people, wound three others, and injure and traumatize many others, including Plaintiffs. 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, with fewer shots fired, fewer individuals shot and killed or wounded, and fewer individuals traumatized.

376. As a direct and proximate result of Vintage Arms' negligence, Plaintiffs suffered severe emotional distress.

377. Accordingly, Plaintiffs are entitled to recovery against Defendant Vintage Firearms in an amount to be determined at trial.

COUNT IX – NEGLIGENT ENTRUSTMENT
(Against Defendant Vintage Firearms, LLC)

378. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

379. 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.

380. 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 harm to others.

381. 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.

382. 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.

383. 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.

384. Vintage Firearms' negligent entrustment of the Bushmaster XM-15 to the Shooter was a direct and proximate cause of the mass shooting at Tops. 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 injure and traumatize many more, including Plaintiffs. In addition, if Vintage Firearms had not transferred the Bushmaster XM-15 to the Shooter, (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, with fewer shots fired, fewer individuals shot and killed or wounded, and fewer individuals injured and traumatized.

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

386. As a direct and proximate result of Vintage Arms' negligence, Plaintiffs suffered severe emotional distress and other injuries.

387. Accordingly, Plaintiffs are entitled to recovery against Defendant Vintage Firearms in an amount to be determined at trial.

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

388. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

389. 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.

390. 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.

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

304. 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.

392. 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 Plaintiffs. The harm suffered by Plaintiffs is different from that suffered by the general republic. Vintage Firearms' failure to comply with its obligations under section 898-b of the New York General Business Law was the proximate and substantial cause of those injuries.

393. Accordingly, Plaintiffs are entitled to bring an action for recovery of damages and to enforce Article 39-DDDD of the New York General Business Law.

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

394. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

395. 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.

396. 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 their actions.

397. 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.

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

399. 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.

400. 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, would result in the injury of innocent persons such as Plaintiffs at the hands of a criminal wearing its combat-style body armor while conducting an attack.

401. RMA Armament breached its duty to exercise reasonable care by 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.

402. RMA Armament marketed its products to civilians without taking reasonable precautions to limit 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.

403. 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 shot from handguns and AR-15 rifles.

404. 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.

405. RMA Armament's breach of its duty of reasonable care was a substantial cause of Plaintiffs' injuries 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."

406. As a direct and proximate result of RMA Armament's negligence, Plaintiffs suffered injuries as described in this Complaint, including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

407. Accordingly, Plaintiffs are entitled to recovery against RMA Armament in an amount to be determined at trial.

COUNT XII – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against Defendant RMA Armament, Inc.)

408. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

409. 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.

410. 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 their actions.

411. 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.

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

413. 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.

414. 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, would result in the traumatization and injury of innocent persons such as Plaintiffs at the hands of a criminal wearing its combat-style body armor while conducting an attack.

415. RMA Armament breached its duty to exercise reasonable care by 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.

416. RMA Armament marketed its products to civilians without taking reasonable precautions to limit 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.

417. 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 shot from handguns and AR-15 rifles.

418. 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.

419. RMA Armament's breach of its duty of reasonable care was a substantial cause of Plaintiffs' injuries 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."

420. As a direct and proximate result of RMA Armament's negligence, Plaintiffs incurred severe emotional distress.

421. Accordingly, Plaintiffs are entitled to recovery against RMA Armament in an amount to be determined at trial.

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

422. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

423. 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.

424. RMA Armament, through its employee or agent, communicated with the Shooter on social media sites and message boards specializing in discussion of firearms and other tactical gear. In his communications with RMA Armament and on the platforms that 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 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.

425. 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 numerous mass shooters to facilitate their deadly attacks.

426. In his attack at Tops, the Shooter wore combat-style ceramic body armor plates 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.

427. RMA Armament’s entrustment of the combat-style, ceramic body armor plates to the Shooter proximately caused Plaintiffs’ injuries.

428. As a direct and proximate result of RMA Armament’s negligent entrustment, Plaintiffs incurred severe emotional distress.

429. Accordingly, Plaintiffs are entitled to recovery against RMA Armament in an amount to be determined at trial.

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

430. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

431. 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.

432. 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.

433. The public nuisance RMA Armament created by distributing its combat-style body armor products to the civilian market without any reasonable vetting of purchasers, proximately caused direct and special injuries to Plaintiffs, who incurred injuries as described in this Complaint, including severe emotional distress and physiological injuries manifesting in continuing psychological symptoms as a result of experiencing a mass shooting event. Such

injuries are different in kind from those suffered by the general public, and RMA Armament's creation and maintenance of this public nuisance were the direct, legal, proximate, and substantial causes of those injuries.

434. As a result of the actions, inactions, and omissions of RMA Armament, Plaintiffs have suffered and will continue to suffer general, compensatory, and consequential damages.

COUNT XV – STRICT LIABILITY
(Against YouTube Defendants)

435. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

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

437. 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.

438. 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, among other modifications). The omission of the alternative design renders YouTube not reasonably safe.

439. As designed and distributed, YouTube'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 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.

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

441. 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.

442. 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 promote overuse of YouTube.

443. 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.

444. 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.

445. 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.

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

447. As a direct and proximate result of the YouTube Defendants' negligence, Plaintiffs suffered injuries as described in this Complaint, including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

448. Accordingly, Plaintiffs are entitled to recovery against Defendant YouTube in an amount to be determined at trial.

COUNT XVI – NEGLIGENCE
(Against YouTube Defendants)

449. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

450. 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.

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

452. 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.

453. 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.

454. 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.

455. 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 promote overuse of YouTube.

456. The YouTube Defendants could have implemented safety features that would have mitigated, reduced, or eliminated the above-described hazards, but they failed to do so.

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

458. 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.

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

460. As a direct and proximate result of the YouTube Defendants' negligence, Plaintiffs suffered injuries as described in this Complaint, including severe emotional distress and physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

461. Accordingly, Plaintiffs are entitled to recovery against Defendant YouTube in an amount to be determined at trial.

COUNT XVII – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against YouTube Defendants)

462. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

463. 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.

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

465. 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.

466. 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.

467. 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.

468. 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 promote overuse of YouTube.

469. The YouTube Defendants could have implemented safety features that would have mitigated, reduced, or eliminated the above-described hazards, but it has failed to do so.

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

471. 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.

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

473. As a direct and proximate result of the YouTube Defendants' negligence, Plaintiffs suffered severe emotional distress.

474. Plaintiffs' experiences in surviving the mass shooting are special circumstances that carry an especial likelihood of causing genuine and serious mental distress.

475. Accordingly, Plaintiffs are entitled to recovery against the YouTube Defendants in an amount to be determined at trial.

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

476. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

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

478. 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 them. A safer design exists, but Reddit has failed to modify its product to make it less dangerous because it seeks to maximize user engagement and profits.

479. 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 the reduced reliance on the

algorithm and alternative website design choices, among other modifications). The omission of an alternative design renders Reddit not reasonably safe.

480. 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.

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

482. Reddit's advertising profits from its product are directly tied to the quantity of time users spend using the product, and Reddit'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 Reddit is psychologically and neurologically addictive, as it has been shown to be.

483. 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.

484. 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 limitation of total access time.

485. 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 Defendant Reddit.

486. 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.

487. Reddit's dangerous and defective design attributes 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."

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

489. As a direct and proximate result of Defendant Reddit's negligence, Plaintiffs suffered injuries as described in this Complaint, including severe emotional distress and physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

490. Accordingly, Plaintiffs are entitled to recovery against Defendant Reddit in an amount to be determined at trial.

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

491. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

492. 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.

493. 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.

494. 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.

495. 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.

496. Defendant Reddit's advertising profits from its product are directly tied to the quantity of time users spend using it, and Reddit'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 Reddit is psychologically and neurologically addictive, as it has been shown to be.

497. 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.

498. 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.

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

500. 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.

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

502. As a direct and proximate result of Defendant Reddit's negligence, Plaintiffs suffered injuries as described in this Complaint, including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

503. Accordingly, Plaintiffs are entitled to recovery against Defendant Reddit in an amount to be determined at trial.

COUNT XX – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against Defendant Reddit)

504. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

505. 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.

506. 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.

507. 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.

508. 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.

509. Defendant Reddit's advertising profits from its product are directly tied to the quantity of time users spend using it, and Reddit'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 Reddit is psychologically and neurologically addictive, as it has been shown to be.

510. 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.

511. 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.

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

513. 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.

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

515. As a direct and proximate result of Defendant Reddit's negligence, Plaintiffs suffered severe emotional distress.

516. Accordingly, Plaintiffs are entitled to recovery against the Defendant Reddit in an amount to be determined at trial.

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

517. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

518. 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.

519. 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.

520. 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, or 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.

521. 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 to people in the Shooter's vicinity—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.

522. As a direct and proximate result of Paul and Pamela Gendron's negligence, Plaintiffs suffered injuries, including physiological injuries manifesting in continuing psychological symptoms which may be demonstrated by medical proof.

523. Accordingly, Plaintiffs are entitled to recovery against Defendants Paul and Pamela Gendron in an amount to be determined at trial.

COUNT XXII – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against Defendants Paul and Pamela Gendron)

524. Plaintiffs incorporate and reallege the other paragraphs of this Complaint as if stated fully herein.

525. 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.

526. 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.

527. 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, or 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.

528. 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 to people in the Shooter's vicinity—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.

529. Paul and Pamela Gendron's negligence was a direct and proximate cause of Plaintiffs' severe emotional distress.

530. Accordingly, Plaintiffs are entitled to recovery against Defendants Paul and Pamela Gendron in an amount to be determined at trial.

REQUESTED RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their 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) (Plaintiffs have 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 PLAINTIFFS DEMAND A TRIAL BY JURY.

DATED: September 14, 2023

Respectfully submitted,

/s/ Eric Tirschwell

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**Pro hac vice motions forthcoming*