

**COMMONWEALTH OF KENTUCKY
JEFFERSON CIRCUIT COURT
CIVIL ACTION NO. 24-CI-000518**

ELECTRONICALLY FILED

DANA MITCHELL, <i>et al.</i> ;	PLAINTIFFS
v.	
RIVER CITY FIREARMS, INC., <i>et al.</i>	DEFENDANTS

**DEFENDANT RSR GROUP, INC.'S
ANSWER, JURY DEMAND, AND AFFIRMATIVE DEFENSES**

Defendant RSR Group, Inc. ("RSR") respectfully submits this answer to Plaintiffs' First Amended Complaint ("Complaint"), and states as follows:

PRELIMINARY STATEMENT

1. Except as otherwise expressly stated herein, RSR expressly denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in numbered paragraphs, unnumbered paragraphs, headings, and subheadings, and Brownells specifically denies any liability to Plaintiffs.

2. RSR reserves the right to seek to amend and supplement the Answer as may be appropriate or necessary.

AFFIRMATIVE DEFENSES

RSR sets forth below certain affirmative defenses that, based on the information set forth in the Complaint, RSR believes applies to Plaintiffs' claims. RSR reserves the right to withdraw, amend, or modify some or all of the affirmative defenses below. By asserting the matters set forth below, RSR does not allege or admit that it has the burden of proof or burden of persuasion with respect to any of these matters. RSR asserts as follows:

FIRST DEFENSE

Plaintiffs' claims are barred because they constitute a qualified civil liability action from which the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901–03, provides RSR with immunity.

SECOND DEFENSE

The Complaint and each claim contained therein fails to state a claim upon which relief may be granted, fails to state facts sufficient to constitute a cause of action, and fails to plead a legally cognizable injury.

THIRD DEFENSE

Plaintiffs' claims are barred, reduced, or limited pursuant to applicable statutory and common law regarding limitations of awards, caps on recovery, and setoffs.

FOURTH DEFENSE

Plaintiffs' claims may be barred, in whole or in part, by doctrines of laches, waiver, unclean hands, estoppel, and/or ratification.

FIFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to mitigate any damages allegedly sustained.

SIXTH DEFENSE

Plaintiffs suffered no damages as a result of RSR's acts or conduct, if any.

SEVENTH DEFENSE

Plaintiffs' injuries and damages, if any, are barred, in whole or in part, by the actions, omissions, or conduct of third parties over whom RSR had no control or authority (including, but

not limited to, the shooter), and thus, any recovery should be reduced or barred by such third parties' proportionate responsibility.

EIGHTH DEFENSE

Plaintiffs' claims are barred by operation of the doctrine of comparative responsibility in that third parties over whom RSR had no control or authority (including, but not limited to, the shooter), through their actions and/or inactions, bear responsibility for the injuries claimed in the Complaint, and their responsibility for these injuries as a result of their actions and/or inactions is greater than any alleged fault of RSR.

NINTH DEFENSE

Plaintiffs' claims are barred, in whole or part, because the damages sustained by Plaintiffs, if any, were the result of third parties over whom RSR had no control or authority (including, but not limited to, the shooter,) mishandling or misusing the sight, magazines, and grip, which was unreasonable, unforeseeable, and contrary to recommendations made by RSR or any other party and/or recommendations known throughout the industry.

TENTH DEFENSE

Any damages claimed by Plaintiffs were caused by the abnormal use of the sight, magazines, and grip in a way that could not be reasonably foreseen or expected and in no way is RSR liable for damages resulting from such abnormal use of such products.

ELEVENTH DEFENSE

Any claim arising out of the sight, magazines, and grip allegedly furnished, supplied, or sold by RSR was caused in whole or in part by the unforeseen and unexpected misuse or abnormal use of those products by a party other than RSR.

TWELFTH DEFENSE

RSR denies that it has a culpable mental state, nor is it guilty of any willful, wanton, malicious, oppressive, fraudulent, or reckless conduct, which would warrant an award of judgment for punitive or exemplary damages. The allegation and/or award of punitive damages is violative of the due process clause, the equal protection clause, fails to bear a reasonable relationship to the claimed compensatory damages, and is also unconstitutional as an excessive fine under the Eighth Amendment to the United States Constitution.

THIRTEENTH DEFENSE

Plaintiffs' claims are barred by superseding and intervening intentional, negligent, reckless and/or criminal acts of third parties.

FOURTEENTH DEFENSE

Plaintiffs' injuries, if any, were not proximately caused by any act or omission attributable to RSR.

FIFTEENTH DEFENSE

RSR denies that it is liable to Plaintiffs for any damages as alleged, however, if any such damages are assessed, they were proximately caused and contributed to by persons other than RSR, whose acts and/or omissions were not and could not be foreseen by RSR. The liability of all defendants and responsible parties, named or unnamed, served or unserved, should be apportioned according to the relative degree of fault, and the liability, if any, of RSR should be reduced accordingly.

SIXTEENTH DEFENSE

RSR is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law under federal or Kentucky law (or any other substantive law that might control).

SEVENTEENTH DEFENSE

Plaintiff's claims are barred because at all times relevant to this action, RSR acted in good faith and consistent with its legal rights, duties, and obligations.

EIGHTEENTH DEFENSE

Any loss or damage sustained by Plaintiffs was the legal result of third parties over whom RSR had no control or authority (including, but not limited to, the shooter,) who failed to use reasonable care and diligence to protect themselves and to mitigate any loss or damage. If Plaintiffs recover any sum whatsoever herein, such amount must be reduced in proportion to the extent that those third parties' failure to use reasonable care and diligence to protect themselves and to mitigate any loss or damage has proximately caused or contributed to Plaintiffs' claim of injury and/or damage.

NINETEENTH DEFENSE

RSR asserts that it did not owe Plaintiffs a legal duty to protect Plaintiffs from the particular risk of harm that caused, or was the substantial factor in causing, the subject incident.

TWENTIETH DEFENSE

Plaintiffs' claims are barred or limited by Plaintiffs' own assumption of risk, or the assumption of risk by Plaintiffs' agents, employees, or representatives.

TWENTY-FIRST DEFENSE

Plaintiffs' claims are barred because RSR's alleged distribution of the sight, magazines, and grip complied with all of its legal obligations related to the sale of those products.

TWENTY-SECOND DEFENSE

Plaintiffs' claims against RSR are barred by KRS § 411.340, which is the middleman provision of the Kentucky Product Liability Act.

TWENTY-THIRD DEFENSE

RSR affirmatively pleads and relies upon all available defenses provided in the Kentucky Rules of Civil Procedure 8.03 and 12.02 as applicable, as bars to Plaintiffs' Complaint.

TWENTY-FOURTH DEFENSE

RSR hereby gives notice that it intends to rely on any other defenses that may become available or apparent during discovery proceedings in this matter and hereby reserve the right to amend its Answer to assert such defenses.

RESPONSE TO ALLEGATIONS OF COMPLAINT**RESPONSE TO I. INTRODUCTION¹**

1. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 1.

2. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 2.

¹ For ease of reference, this Answer uses the headings that Plaintiffs included in the Complaint. The use of such headings is not an admission as to the truth of any allegations contained therein or any implications or characterizations that can be drawn from the headings, all of which RSR denies.

3. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 3.

4. As the allegations of Paragraph 4 are not directed at RSR and are further assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

5. As the allegations of Paragraph 5 are not directed at RSR and are further assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

6. As the allegations of Paragraph 6 are not directed at RSR and are further assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

7. RSR admits that it is a distributor of firearms sights, magazines, and grips. RSR lacks sufficient information to know whether the specific sight, magazines, and grip that River City sold to the shooter were distributed by RSR and, thus, denies that allegation. As the remaining allegations of Paragraph 7 are not directed at RSR, no response is required. To the extent that a response is required, RSR denies the allegations.

8. As the allegations of Paragraph 8 are not directed at RSR, no response is required. To the extent that a response is required, RSR denies the allegations.

9. RSR denies each and every allegation in Paragraph 9 as asserted against it. As to the remaining allegations of Paragraph 9 that are not directed at RSR, no response is required. To the extent that a response is required, RSR denies the allegations.

10. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 10.

11. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 11.

12. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 12.

13. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 13.

14. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 14.

15. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 15.

16. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 16.

17. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 17.

18. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR denies each and every allegation made against it in Paragraph 18. As to the remaining allegations of Paragraph 18 that are not directed at RSR, no response is required. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO II. PARTIES

19. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 19. To the extent that a response is required, RSR denies the allegations.

20. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 20. To the extent that a response is required, RSR denies the allegations.

21. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 21. To the extent that a response is required, RSR denies the allegations.

22. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 22. To the extent that a response is required, RSR denies the allegations.

23. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 23. To the extent that a response is required, RSR denies the allegations.

24. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 24. To the extent that a response is required, RSR denies the allegations.

25. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 25. To the extent that a response is required, RSR denies the allegations.

26. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 26. To the extent that a response is required, RSR denies the allegations.

27. RSR admits that it is a for-profit Delaware corporation headquartered in Winter Park, Florida. RSR admits that it is a distributor of firearms sights, magazines, and grips. RSR lacks sufficient information to know whether the specific sight, magazines, and grip that River City sold to the shooter were distributed by RSR and, thus, denies that allegation. RSR states that the allegation “one of the five largest firearm-accessory wholesalers in the country” is vague but states that it is a successful distributor of firearms sights, magazines, and grips. RSR denies that firearm sights, magazines, or grips are accessories and states that they are component parts of a firearm.

28. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 28. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO III. JURISDICTION AND VENUE

29. The allegations of Paragraph 29 are assertions of law to which no response is required. To the extent that a response is required, RSR denies the allegations.

30. The allegations of Paragraph 30 are assertions of law to which no response is required. To the extent that a response is required, RSR denies the allegations.

31. The allegations of Paragraph 31 are assertions of law to which no response is required. To the extent that a response is required, RSR denies the allegations.

32. The allegations of Paragraph 32 are assertions of law to which no response is required. To the extent that a response is required, RSR denies the allegations.

33. The allegations of Paragraph 33 are assertions of law to which no response is required. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO IV. GENERAL ALLEGATIONS

Response to a. River City Knew, or Should Have Known, that the AR-15 is the Preferred Firearm for Mass Shooters

34. As the allegations of Paragraph 34 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

35. As the allegations of Paragraph 35 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

36. As the allegations of Paragraph 36 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

37. As the allegations of Paragraph 37 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

38. As the allegations of Paragraph 38 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

Response to b. River City Was Aware of Its Responsibility to Decline Dangerous Sales

39. As the allegations of Paragraph 39 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

40. As the allegations of Paragraph 40 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

41. As the allegations of Paragraph 41 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

42. As the allegations of Paragraph 42 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

43. As the allegations of Paragraph 43 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

44. As the allegations of Paragraph 44 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

45. As the allegations of Paragraph 45 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

46. As the allegations of Paragraph 46 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

47. As the allegations of Paragraph 47 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

48. As the allegations of Paragraph 48 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

49. As the allegations of Paragraph 38 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

Response to c. River City Ignored Numerous Red Flags When It Sold Connor Sturgeon an Assault Rifle and Deadly Accessories

50. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 50.

51. As the allegations of Paragraph 51 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

52. As the allegations of Paragraph 52 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

53. As the allegations of Paragraph 53 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

54. As the allegations of Paragraph 54 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

55. As the allegations of Paragraph 55 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

56. As the allegations of Paragraph 56 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

57. As the allegations of Paragraph 57 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

58. As the allegations of Paragraph 58 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

59. As the allegations of Paragraph 59 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

Response to d. River City Ignored Numerous Red Flags When It Sold Connor Sturgeon an Assault Rifle and Deadly Accessories

60. As the allegations of Paragraph 60 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

61. As the allegations of Paragraph 61 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

62. As the allegations of Paragraph 62 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

63. As the allegations of Paragraph 63 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

64. As the allegations of Paragraph 64 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

65. As the allegations of Paragraph 65 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

66. As the allegations of Paragraph 66 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

67. As the allegations of Paragraph 67 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

68. As the allegations of Paragraph 68 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

69. As the allegations of Paragraph 69 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

70. As the allegations of Paragraph 70 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

71. As the allegations of Paragraph 71 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

72. As the allegations of Paragraph 72 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

73. As the allegations of Paragraph 73 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

74. As the allegations of Paragraph 74 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

75. As the allegations of Paragraph 75 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

76. As the allegations of Paragraph 76 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

77. As the allegations of Paragraph 77 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

Response to e. Magpul and RSR Failed to Enact Reasonable Safeguards on the Sale of Accessories That They Know Increase a Firearm's Lethality

78. RSR admits that it is a distributor of firearms sights, magazines, and grips. RSR lacks sufficient information to know whether the specific sight, magazines, and grip that River City sold to the shooter were distributed by RSR and, thus, denies that allegation.

79. RSR denies that firearm sights, magazines, or grips are accessories and states that they are component parts of a firearm. As the remainder of the allegations of Paragraph 79 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

80. As the allegations of Paragraph 80 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

81. The allegations of Paragraph 81 are generalized about the firearms industry and not specific to RSR and, thus, no response is required. To the extent that a response is required, RSR denies the allegations.

82. RSR denies the allegations of Paragraph 82, including that any of its business practices, such as incentives, “encourage dealers to put profit over safety.”

83. As the allegations of Paragraph 83 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

84. As the allegations of Paragraph 84 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

85. As the allegations of Paragraph 85 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

Response to f. Sturgeon Used the AR-15 Style Rifle, Accessories, and Ammunition Sold to Him by River City During His Attack at Old National Bank

86. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 86.

87. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 87.

88. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 88

89. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 89.

90. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 90.

91. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 91.

92. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 92.

93. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 93.

94. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 94.

95. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 95.

96. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 96.

97. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 97.

98. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the specific allegations of Paragraph 98.

Response to g. The Impact of the Shooting on the Plaintiffs and Their Families

99. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 99. To the extent that a response is required, RSR denies the allegations.

100. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 100. To the extent that a response is required, RSR denies the allegations.

101. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 101. To the extent that a response is required, RSR denies the allegations.

102. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 102. To the extent that a response is required, RSR denies the allegations.

103. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 103. To the extent that a response is required, RSR denies the allegations.

104. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 104. To the extent that a response is required, RSR denies the allegations.

105. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 105. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO V. CAUSES OF ACTION

RESPONSE TO COUNT I – NEGLIGENT ENTRUSTMENT (By All Plaintiffs Against Defendant River City Firearms, Inc.)

106. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

107. As the allegations of Paragraph 107 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

108. As the allegations of Paragraph 108 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

109. As the allegations of Paragraph 109 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

110. As the allegations of Paragraph 110 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

111. As the allegations of Paragraph 110 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

112. As the allegations of Paragraph 112 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

113. As the allegations of Paragraph 113 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

114. As the allegations of Paragraph 114 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

115. As the allegations of Paragraph 115 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

116. As the allegations of Paragraph 116 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

117. As the allegations of Paragraph 117 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

118. As the allegations of Paragraph 118 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

119. As the allegations of Paragraph 119 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

120. As the allegations of Paragraph 120 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

121. As the allegations of Paragraph 121 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

122. As the allegations of Paragraph 122 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

**RESPONSE TO COUNT II – NEGLIGENCE
(By All Plaintiffs Against All Defendants)**

123. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

124. As the allegations of Paragraph 124 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

125. As the allegations of Paragraph 125 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

126. As the allegations of Paragraph 126 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

127. As the allegations of Paragraph 127 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

128. RSR admits that it is a distributor of firearms sights, magazines, and grips. RSR lacks sufficient information to know whether the specific sight, magazines, and grip that River City sold to the shooter were distributed by RSR and, thus, denies that allegation. As to the allegations of Paragraph 128 that are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

129. As the allegations of Paragraph 129 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

130. RSR admits that it in a free market economy, as is the case in the United States, businesses generally have the ability to elect the companies with which they conduct business.

131. As the allegations of Paragraph 131 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

132. RSR denies that firearm sights, magazines, or grips are accessories and states that they are component parts of a firearm.

133. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 133. To the extent that a response is required, RSR denies the allegations.

134. As the allegations of Paragraph 134 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

135. As the allegations of Paragraph 135 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

136. As the allegations of Paragraph 136 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

137. As the allegations of Paragraph 137 are not directed at RSR, no response from Brownells is required. To the extent that a response is required, RSR denies the allegations.

138. RSR denies each and every allegation of Paragraph 138.

139. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 139. To the extent that a response is required, RSR denies the allegations.

140. As the allegations of Paragraph 140 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

141. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 141 concerning the people shot and killed and timing of the shooting. The remainder of the allegations of Paragraph 141 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

142. As the allegations of Paragraph 142 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

143. As the allegations of Paragraph 143 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

144. As the allegations of Paragraph 144 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

145. As the allegations of Paragraph 145 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

146. As the allegations of Paragraph 146 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

147. As the allegations of Paragraph 147 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

148. As the allegations of Paragraph 148 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

RESPONSE TO COUNT III – WRONGFUL DEATH
(By Plaintiffs Karent Tutt and James Gilly Against All Defendants)

149. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

150. As the allegations of Paragraph 150 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

151. As the allegations of Paragraph 151 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

152. As the allegations of Paragraph 152 are assertions of law, no response is required.

To the extent that a response is required, RSR denies the allegations.

**RESPONSE TO COUNT IV – LOSS OF SPOUSAL CONSORTIUM
(By Plaintiffs Karent Tutt and Jessica Barrick Against All Defendants)**

153. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

154. As the allegations of Paragraph 154 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

155. As the allegations of Paragraph 155 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

156. As the allegations of Paragraph 156 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

157. As the allegations of Paragraph 157 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

**RESPONSE TO COUNT V – LOSS OF PARENTAL CONSORTIUM
(By Plaintiff Jessica Barrick Against All Defendants)**

158. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

159. As the allegations of Paragraph 159 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

160. As the allegations of Paragraph 160 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

**RESPONSE TO COUNT VI – KY. REV. STAT. § 411.150
(By Plaintiffs Karent Tutt and Jessica Barrick Against All Defendants)**

161. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

162. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the allegations of Paragraph 162. To the extent that a response is required, RSR denies the allegations.

163. RSR admits that the shooter committed intentional and criminal acts of shooting individuals at Old National Bank. RSR denies that firearm sights, magazines, or grips are accessories and states that they are component parts of a firearm. RSR lacks sufficient knowledge or information upon which to form a belief as to the truth of the remainder of the allegations of Paragraph 163, including concerning the people shot and killed and whether any item distributed by RSR was used in connection with the shooting.

164. As the allegations of Paragraph 164 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO PUNITIVE DAMAGES

165. RSR incorporates its responses to all previous Paragraphs of the Complaint as if fully set forth herein.

166. As the allegations of Paragraph 166 are assertions of law, no response is required. To the extent that a response is required, RSR denies the allegations.

RESPONSE TO RELIEF SOUGHT AND “WHEREFORE” PARAGRAPHS

RSR denies that Plaintiffs are entitled to any of the relief requested in the Complaint, and RSR specifically denies that Plaintiffs are entitled to any of the requested relief in the “Relief Sought” section of the Complaint and each and every Paragraph beginning with “Wherefore.”

JURY DEMAND

RSR requests a trial by jury on all issues appropriate for the jury to consider.

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Dated: May 29, 2025

Respectfully submitted,

/s/ Elizabeth A. Deener

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CERTIFICATE OF SERVICE

This is to certify that on May 29, 2025, a true and correct copy of the foregoing was filed via CourtNet which will electronically serve the following:

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