PENGLASE & BENSON, Inc.
John S. Benson, Esquire I.D. No. 83550
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Attorney for Defendant WRT Management, Inc.

CITY OF PHILADELPHIA, a municipal Corporation 1515 Arch Street Philadelphia, PA 19102 Plaintiff	: IN THE COURT OF COMMON PLEAS : PHILADELPHIA, PA : : CIVIL ACTION - LAW
v.	
WRT MANAGEMENT, INC. f/k/a TANNER'S SPORT CENTER, INC. 2560 Dark Hollow Road Jamison, PA 18929	: NO. 230702394
FRANK'S GUN SHOP & SHOOTING RANGE LLC 4730 Blakiston Street Philadelphia, PA 19136	
MAD MINUTE ENTERPRISES, LLC d/b/a DELIA'S GUN SHOP, and DELLIA'S GUN SHOP, INC. 6104 Torresdale Avenue Philadelphia, PA 19135	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) DAYS after this Complaint and Notice are served by entering a written appearance personally or by attorney, and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone (215) 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion De Licenciados De Filadelfia
Servicio De Referencia E Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107

Telefono: (215) 238-1701

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Bucks County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

PENGLASE & BENSON

By: _____

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DEFENDANT WRT MANAGEMENT, INC f/k/a TANNER'S SPORT CENTER INC'S. ANSWER TO PLAINTIFF'S AMENDED COMPLAINT WITH NEW MATTER

Defendant, WRT Management, Inc. f/k/a/ Tanner's Sport Center Inc. By and through their attorney Penglase and Benson, Inc. files it their answer to the Plaintiff's Amended Complaint with New Matter and in support thereof avers the following:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph and therefore denies the same.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph and therefore denies the same.

3. Denied. It is specifically denied that defendant has played any role in supplying Philadelphia's secondary criminal gun market with weapons of any kind. Plaintiff offers no facts to support the contention that Defendant is doing anything illegally or intentionally supplying any criminal with any weapon. In addition, this paragraph consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. Strict proof to the contrary is demanded at time of trial.

4. Denied. It is specifically denied that defendant ever sold a firearm to anyone they knew was engaged in illegal firearms trafficking and/or straw purchases. To the contrary, defendant has worked closely with law enforcement to ensure that this does not happen. In addition, this paragraph consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. Strict proof to the contrary is demanded at time of trial.

5. Denied. It is specifically denied that defendant ever sold a firearm to anyone they knew was engaged in illegal firearms trafficking and/or straw purchases. To the contrary, defendant has worked closely with law enforcement to ensure that this does not happen. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph and therefore denies the same. By way of further denial, this paragraph consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required.

6. Denied. It is specifically denied that defendant ever sold a firearm to anyone they knew was engaged in illegal firearms trafficking and/or straw purchases. To

the contrary, defendant has worked closely with law enforcement to ensure that this does not happen. In addition, this paragraph consists of a hypothetical factual conclusion, or a legal conclusion, to which no response is required. Strict proof to the contrary is demanded at time of trial.

7. Denied. The averments of this paragraph contain conclusions of law to which no response is required. To the extent that an answer is required it is denied that the defendant has done anything to create or maintain a public nuisance or interfere with the public health, safety, or well-being. Strict proof to the contrary is demanded at time of trial.

8. Denied. This paragraph consists of a hypothetical factual conclusion or a legal conclusion to which no response is required.

9. Denied. It is specifically denied that defendant ever sold a firearm to anyone they knew was engaged in illegal firearms trafficking and/or straw purchases. To the contrary, defendant has worked closely with law enforcement to ensure that this does not happen. In addition, this paragraph consists of a hypothetical factual conclusion, or a legal conclusion, to which no response is required. Strict proof to the contrary is demanded at time of trial.

10 Denied. Plaintiff allegation calls for a legal conclusion to which no response is required.

PARTIES

11. Admitted.

12. Admitted.

13. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation asserted in this paragraph. Strict proof is demanded at time of trial.

14. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation asserted in this paragraph. Strict proof is demanded at time of trial.

JURISDICTION AND VENUE

15. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

16. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

17. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

FACTS

18. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. Strict proof is demanded at time of trial.

19. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. Strict proof is demanded at time of trial.

20. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion, to which no response is required. To the extent that an answer is

required it is specifically denied that Defendant has participated in any illegal gun sales. Strict proof is demanded at time of trial.

21. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. Strict proof is demanded at time of trial.

22. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. Strict proof is demanded at time of trial.

23. Denied. Plaintiff's allegation consists of Plaintiff's characterization of various legal provisions to which no response is required.

24. Denied. Plaintiff's allegation consists of Plaintiff's characterization of various legal provisions to which no response is required.

25. Denied. Plaintiff's allegation consists of Plaintiff's characterization of various legal provisions to which no response is required. Furthermore, the Pennsylvania statute speaks for itself.

26. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. By way of further denial, this paragraph consists of a hypothetical factual conclusion or a legal conclusion, to which no response is required.

27. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. By way of further denial, this paragraph consists of a hypothetical factual conclusion or a legal conclusion, to which no response is required.

28. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. By way of further denial, this paragraph consists of a hypothetical factual conclusion or a legal conclusion, to which no response is required.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in this paragraph. By way of further denial, this paragraph consists of a hypothetical factual conclusion or a legal conclusion, to which no response is required. To the extent that an answer is required it is specifically denied. That Defendant participated in any illegal sales or sales to straw purchasers. To the contrary, Defendant has worked closely with law enforcement to prevent illegal sales. Strict proof to the contrary is demanded at time of trial.

30. Denied. Plaintiff's allegation consists of Plaintiff's characterization of the effect of various legal provisions, to which no response is required. Furthermore, Plaintiff's allegations call for a legal conclusion to which no response is required.

31. Denied. Plaintiff's allegation consists of Plaintiff's characterization of the effect of various legal provisions, to which no response is required. Furthermore, Plaintiff's allegations call for a legal conclusion to which no response is required.

32. Denied. Plaintiff references writings which speak for themselves. Plaintiff's allegation consists of Plaintiff's characterization of the effect of various legal provisions, to which no response is required. Furthermore, Plaintiff's allegations call for a legal conclusion to which no response is required.

33. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, Plaintiff references writings which speak for themselves.

34. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, Plaintiff references writings which speak for themselves.

35. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

36. Denied. Plaintiff's allegation consists of Plaintiff's characterization of the effects of various legal provisions to which no response is required.

37. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required.

38. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required.

39. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

40. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes speak for themselves.

41. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes speak for themselves.

42. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes speak for themselves

43. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes and forms speak for themselves. Strict proof is required at time of trial.

44. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes speak for themselves.

45. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the various stated statutes speak for themselves.

46. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. To the extent that an answer is required it is specifically denied that Defendant has participated in any illegal gun sale. To the contrary, defendant has worked closely with law enforcement to prevent any illegal gun sale. Strict proof to the contrary is demanded at time of trial.

47. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted regarding ATF procedure. To the extent that an answer is required it is specifically denied that Defendant has participated in any illegal gun sale. To the contrary, defendant has worked closely with law enforcement to prevent any illegal gun sale. Strict proof is demanded at time of trial.

48. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion or a legal conclusion to which no response is required. Strict proof is demanded at time of trial

49. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. To the extent that an answer is required it is specifically denied that

defendant sold any weapons illegally or to a straw purchaser. To the contrary, defendant has worked closely with law enforcement to prevent sales to straw purchasers. Furthermore, Plaintiff's allegation consists of a hypothetical factual conclusion to which no response is required. Strict proof is demanded at time of trial.

50. Denied. Based upon reasonable investigation and belief Defendant is without sufficient information to determine the truth or veracity of the allegation. To the extent that an answer is required, Defendant specifically denies that it sold any firearm or weapon illegally. Defendant conducted any and all sales in conformity and in compliance with all state and federal laws and regulations and Plaintiff's characterization of the transactions as illegal or otherwise improper or any hypothetical factual conclusion as to Defenant's knowledge of the purchaser's motives or intent is denied. Strict proof is demanded at time of trial.

51. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff concludes without any facts or basis that selling guns that are similar or near duplicates is illegal, or in any way improper. The law does not prevent a person from purchasing similar firearms. Strict proof is demanded at trial.

52. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. To the contrary, Plaintiff's admit in their allegation that Hutchings admitted that he gave Defendant a false address and was being deceptive in his

purchase. Defendant is not responsible for the criminal acts of others. Strict proof to the contrary is demanded at time of trial.

53. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. To the contrary, Plaintiff admits in their complaint that Hutching admitted that firearms once in his possession were used in an illegal manner and that some of these weapons had serial numbers were "obliterated." Plaintiff fails to establish that Defendant sold firearms with obliterated serial numbers. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

54. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff fails to establish that Defendant sold firearms to John Morales improperly. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

55. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. The fact that

a person purchases duplicate, cheap or low-quality handguns for cash is not illegal. Strict proof to the contrary is demanded at time of trial.

56. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Defendant has worked with law enforcement to prevent the sale of guns to straw purchasers. Plaintiff even admits in the footnote to this allegation that Defendant contacted law enforcement about Morales' activity. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

57. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

58. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

59. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

60. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Strict proof to the contrary is demanded at time of trial.

61. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Plaintiff uses an "admission" from a criminal that Defendant's employees "knew" he was purchasing guns to send out of the country yet fails to identify who the employee(s) were. Furthermore, this statement is suspicious as it is not only unsupported by facts, it is also coming from a person who was motivated to provide any information (true or false) to law enforcement. Strict proof to the contrary is demanded at time of trial.

62. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Plaintiff admits that Dansby bought as many as 60 guns from various stores and that some of these stores were ones not named in the Complaint. Plaintiff is clearly trying to use activity in stores not even related to this case to infer that Defendant has done something wrong. Strict proof to the contrary is demanded at time of trial.

63. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Plaintiff is trying now to infer that Defendant should be aware of who drove a car to the Defendant's place of business for the purpose of purchasing a firearm. Strict proof to the contrary is demanded at time of trial.

64. Denied. Plaintiff's allegation consists of a hypothetical factual conclusion, or a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant ignored any warning signs or sold any firearms illegally or to a straw purchaser. Plaintiff is seeking to demonize the defendant and make them liable for the actions of other people after a lawful sale has been made. Plaintiff fails to establish that Defendant sold firearms with obliterated serial numbers. Plaintiff

fails to establish that Defendant did anything to place the gun in the hand of a 16-year-old or sold a firearm with an extended magazine which had live rounds in it at the time of purchase. Strict proof to the contrary is demanded at time of trial.

66-95. Denied. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in these paragraphs.

CAUSES OF ACTION
COUNT 1 – PUBLIC NUISANCE

96. No response is required.

97. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

98. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

99. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

100. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant made any illegal sales. Defendant conducted all firearms sales in conformity and compliance with all state and federal laws and regulations. Strict proof to the contrary is demanded at time of trial.

101. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

102. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant

conspired with anyone regarding the sale of firearms. Plaintiff fails to offer any proof of a conspiracy. Strict proof to the contrary is demanded at time of trial.

103. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Tot eh extent that an answer is required it is denied that Defendant violated any law by selling firearms to an individual without an FFL. Most individual purchasers at any gun store in the Commonwealth of Pennsylvania do not have FFLs. Strict proof to the contrary is demanded at time of trial.

104. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. To the extent that an answer is required it is denied that Defendant sold any firearms with obliterated numbers. Plaintiff is attempting to demonize the Defendant for the criminal acts of others which took place after a lawful sale. Strict proof to the contrary is demanded at time of trial.

105. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

106. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

107. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

108. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

109. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

110. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

111. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

112. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

COUNT 2 - NEGLIGENCE

113. No response is required.

114. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

115. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

116. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

117. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

118. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

119. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

COUNT 3 – NEGLIGENCE PER SE

120. No response is required.

121. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

122. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, the laws referenced to speak for themselves.

123. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

124. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

125. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

126. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

COUNT 4 – NEGLIGENT ENTRUSTMENT

127. No response is required.

128. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

129. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

130. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

131. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

132. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

133. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

134. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

135. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

136. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

137. No response is required.

138. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

139. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

140. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted.

141. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted.

142. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required. Furthermore, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted.

143. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

144. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

145. Denied. Plaintiff's allegation calls for a legal conclusion to which no response is required.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in favor of the Defendant and against the Plaintiff.

NEW MATTER

146. Defendant hereby incorporates Paragraphs 1 through 145 of this Answer as if fully set forth herein.

147. Plaintiff's Amended Complaint fails to state a claim for Public Nuisance.

148. Plaintiff's Amended Complaint fails to state a claim for Negligence.

149. Plaintiff's Amended Complaint fails to state a claim for Negligence Per Se.

150. Plaintiff's Amended Complaint fails to state a claim for Negligent Entrustment.

151. Plaintiff's Amended Complaint fails to state a claim for Violation of 18 Pa.C.S. Section 6111(G)(6).

152. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

153. Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

154. Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

155. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

156. Plaintiff's claims are barred, in whole or in part, by federal or state law, namely section 6120(a) of the Pennsylvania Uniform Firearms Act, 18 Pa C.S. Section 6101, et. Seq. ("UFA").

157. Plaintiff's claims are barred, in whole or in part, by the Municipal Recovery Rule.

158. Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel and the doctrine of non-mutual collateral estoppel.

159. Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to perform.

160. Plaintiff's Amended Complaint fails to state a claim upon which damages may be granted.

161. Plaintiff's claims are barred, in whole or in part, because the Plaintiff suffered no actual damages as a result of Defendant's alleged conduct.

162. Plaintiff's claims are barred, in whole or in part, by Plaintiff's own contributory comparative negligence.

163. Plaintiff's claims are barred, in whole or in part, by the doctrine of superseding and/or intervening causes.

164. Plaintiff failed to mitigate damages.

165. Defendant believes and therefore avers that the injuries and damages, if any, which the Plaintiff sustained as alleged in the Complaint were not the result of any act or failure to act on the part of Defendant, all such allegations being expressly denied by Defendant, and Plaintiff's action is therefore barred.

166. Plaintiff's claims are barred since Plaintiff cannot prove a breach of duty.

167. Defendant's conduct was reliable at all times.

168. Defendant fulfilled any alleged duty or obligations toward Plaintiff.

169. Defendant was not negligent.

170. Plaintiff's injuries, if any, were caused by the acts or omissions of third parties, over which Defendant had no control, and/or no obligation to control.

171. Plaintiff's claims are barred, in whole or in part, as Plaintiff's lack standing to pursue the claims.

172. Plaintiff's alleged damages were caused in the entirety by Plaintiff's own negligence and/or actions.

173. Defendant's conduct was in conformity and compliance with all state and federal laws and regulations.

174. Defendant did not willfully or intentionally commit any wrongful acts causing injury or damage to the Plaintiff, and, in the absence of such willful misconduct there can be no liability on the part of Defendant to the Plaintiff in this case.

175. Plaintiff's Complaint violates Defendant's rights to procedural and substantive due process under the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution of the Commonwealth of Pennsylvania and the

Defendant's rights to protection from excessive fines as provided for in the Eighth Amendment of the United States Constitution and Article 1 Section 8 of the Constitution of the Commonwealth of Pennsylvania.

176. Defendant further specifically pleads the affirmative defenses of assumption of the risk, res judicata, immunity from suit, consent, impossibility of performance and justification.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in their favor and against the Plaintiff and to award any other relief as this honorable Court deems just and prudent.

Respectfully submitted,

PENGLASE & BENSON, Inc.

Date: 4/25/2024

By: John S. Benson, Esquire
Attorney for Defendant WRT Management, Inc.
18 North Main Street
Doylestown, PA 18901
(215) 348-4416
Jbenson@penglaseandbenson.com

165. Defendant believes and therefore avers that the injuries and damages, if any, which the Plaintiff sustained as alleged in the Complaint were not the result of any act or failure to act on the part of Defendant, all such allegations being expressly denied by Defendant, and Plaintiff's action is therefore barred.

166. Plaintiff's claims are barred since Plaintiff cannot prove a breach of duty.

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170. Plaintiff's injuries, if any, were caused by the acts or omissions of third parties, over which Defendant had no control, and/or no obligation to control.

171. Plaintiff's claims are barred, in whole or in part, as Plaintiff's lack standing to pursue the claims.

172. Plaintiff's alleged damages were caused in the entirety by Plaintiff's own negligence and/or actions.

173. Defendant's conduct was in conformity and compliance with all state and federal laws and regulations.

174. Defendant did not willfully or intentionally commit any wrongful acts causing injury or damage to the Plaintiff, and, in the absence of such willful misconduct there can be no liability on the part of Defendant to the Plaintiff in this case.

175. Plaintiff's Complaint violates Defendant's rights to procedural and substantive due process under the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution of the Commonwealth of Pennsylvania and the Defendant's rights to protection from excessive fines as provided for in the Eighth Amendment of the United States Constitution and Article 1 Section 8 of the Constitution of the Commonwealth of Pennsylvania.

176. Defendant further specifically pleads the affirmative defenses of assumption of the risk, res judicata, immunity from suit, consent, impossibility of performance and justification.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in their favor and against the Plaintiff and to award any other relief as this honorable Court deems just and prudent.

Respectfully submitted,

PENGLASE & BENSON, Inc.

Date: 4/25/2024

By: John S. Benson, Esquire
Attorney for Defendant WRT Management, Inc.
18 North Main Street
Doylestown, PA 18901
(215) 348-4416
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□VERIFICATION

I, Walter Tanner, III, verify that I am an Agent of WRT Management, Inc. the statements made in the forgoing document are true and correct to the best of our f/k/a Tanner's Sport Center, Inc., that I am authorized to make this verification on behalf of the defendant WRT Management, Inc. f/k/a Tanner's Sport Center, Inc., and that the facts in the forgoing Preliminary Objection are true and correct to the best of my knowledge or information and belief.

Walter Tanner, III

PROOF OF SERVICE

I hereby certify that I served a copy of the Defendant's Answer to the Amended Complaint upon the persons and in the following manner indicated below:

SERVICE BY ELECTRONIC SERVICE AS FOLLOWS:

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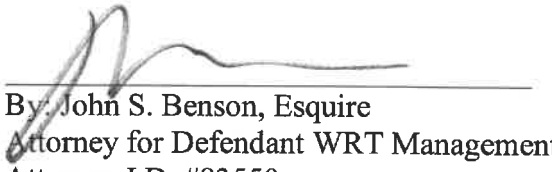
Dated: April 25, 2024

Penglase & Benson, Inc.



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