

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLBOROUGH COUNTY, FLORIDA**

HOWARD ROBERT NORTHROP and
BRENDA SCHIRO,

Plaintiffs,

v.

SIG SAUER, INC. and
FLORIDA BULLET, INC.,

Defendants.

CASE NO.:

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

COME NOW Plaintiffs, Howard Robert Northrop and Brenda Schiro, by and through their counsel, hereby state the following Complaint in Civil Action against the above-captioned Defendants and, in support thereof, aver as follows:

SUMMARY AND NATURE OF ACTION

1. This action seeks damages caused by the misconduct and strict product liability of Defendants, SIG SAUER, INC. (hereinafter “SIG” or “SIG Sauer”) and FLORIDA BULLET, INC. (hereinafter “Florida Bullet”) for the design, manufacture, sale, distribution, inadequate warnings relating to an unreasonably dangerous and defective firearm.

2. Specifically, this matter involves a striker-fired, semi-automatic handgun capable of firing live rounds of ammunition without the trigger ever being pulled – known as the “SIG Sauer P320” – as documented on numerous occasions across the nation and throughout the world.

3. On February 27, 2020, Tampa Police Department Reserve Officer Howard “Bob” Northrop was severely and permanently injured when a TPD-issued P320 discharged without a

trigger pull – while still inside a TPD-issued holster – causing a 9mm hollow-point bullet to enter the left leg of Officer Northrop, mushrooming and causing massive internal damage.

4. This action is brought for recovery of damages stemming from harms, losses, and injuries sustained by Officer Howard Northrop and associated harms and losses sustained by Brenda Schiro, with express reservation of right to amend in accordance with Florida law.

JURISDICTION AND VENUE

5. This is an action for damages that exceed \$30,000.00—the minimum jurisdictional limits of this court, exclusive of interest and costs—and, although Plaintiffs were required to and did file a Civil Cover Sheet stating an “Amount of Claim” figure, that figure is expressly for the purposes of data collection and clerical processing; the full amount of damages at issue in this action must be decided by a duly empaneled jury per Article I, Section 21 of the Florida Constitution.

6. At all times material hereto, Defendant, SIG Sauer, Inc. (“SIG Sauer”), was and is a Foreign Profit Corporation authorized and doing business in the State of Florida with a registered agent located at 115 North Calhoun Street, Suite 4, Tallahassee, Florida 32301.

7. At all times material hereto, SIG Sauer voluntarily submitted itself to the jurisdiction of this Court by doing—personally or through agents—one or more of the following:

- a. **SPECIFIC JURISDICTION:** Operating, conducting, engaging in, or carrying on a business or business venture in Florida, including by maintaining business interests and “authorized” firearm dealerships in the state of Florida, including but not limited to: 4850 Lawing Lane in Orlando, 4988 CR-44A in The Villages, 404 S. Harbor City Blvd. in Melbourne, and 525 FL-16 #129 in St. Augustine; and/or
- b. **SPECIFIC JURISDICTION:** Having an office or agency in Florida, including through the maintenance of business interests and “authorized” firearm dealerships in the state of Florida,

including but not limited to: 4850 Lawing Lane in Orlando, 4988 CR-44A in The Villages, 404 S. Harbor City Blvd. in Melbourne, and 525 FL-16 #129 in St. Augustine; and/or

- c. **SPECIFIC JURISDICTION:** Committing a tortious act within Florida, which includes but is not limited to: the supply, sale, and/or distribution of defective products including those which were defectively designed, manufactured, and/or which contain defective warnings or lack of warning post-sale and whereby, the exercise of control or lack thereof in the process of supplying and not recalling defective equipment and further in failing to warn those who might reasonably be damaged by the aforementioned defect(s) constitutes tortious conduct under Florida law; and/or

- d. **SPECIFIC JURISDICTION:** Causing injury to persons within Florida which arose out of an act or omission by Defendant even while outside Florida where, at the time of the injury, Defendant was engaged in solicitation or service activities within Florida, which include business interests and “authorized” firearm dealerships in the state of Florida, including but not limited to: 4850 Lawing Lane in Orlando, 4988 CR-44A in The Villages, 404 S. Harbor City Blvd. in Melbourne, and 525 FL-16 #129 in St. Augustine; and/or

- e. **SPECIFIC JURISDICTION:** Breaching a contract in Florida by failing to perform acts required by the contract to be performed in this state, including the provision of reasonably safe and non-defective equipment to Florida governmental agencies and/or in the operation of business interests and “authorized” firearm dealerships in the state of Florida, including but not limited to: 4850 Lawing Lane in Orlando, 4988 CR-44A in The Villages, 404 S. Harbor City Blvd. in Melbourne, and 525 FL-16 #129 in St. Augustine; and

- f. **GENERAL JURISDICTION:** Engaging in substantial and not isolated activity within Florida, including through business interests and “authorized” firearm dealerships in the state of Florida, including but not limited to: 4850 Lawing Lane in Orlando, 4988 CR-44A in The Villages, 404 S. Harbor City Blvd. in Melbourne, and 525 FL-16 #129 in St. Augustine, entering agreements in contract, control (or lack thereof) over employees/agents, advertising, physical visitations to the state, engagement in solicitation activities, and/or engagement in service activities.

See §48.193, FLA. STAT.

8. Accordingly, at all times material hereto, SIG Sauer voluntarily submitted itself to the jurisdiction of this Court and, as a result, SIG Sauer is subject to this Court's jurisdiction.

9. At all times material hereto, Defendant, Florida Bullet, Inc. ("Florida Bullet"), was and is Florida Profit Corporation, with a principal place of business at 1220 Rogers Street, Clearwater, Florida 33756-5903.

10. Accordingly, at all times material hereto, Florida Bullet voluntarily submitted itself to the jurisdiction of this Court.

11. At all times material hereto, Howard Robert Northrop, was and is *sui juris* and a resident of Hillsborough County, Florida.

12. At all times material hereto, Brenda Schiro, was and is *sui juris* and a resident of Hillsborough County, Florida.

13. Venue is proper in Hillsborough County, Florida because the subject Defective Discharge and corresponding injury occurred—and therefore the cause of action accrued—within the boundary of Hillsborough County, Florida. *See* §47.011, FLA. STAT.

ALLEGATIONS COMMON TO ALL COUNTS

14. Defendant, SIG Sauer, designs and manufactures firearms for military and commercial markets in the state of Florida, throughout the United States, and internationally. It markets and sells its products directly and through dealers.

15. Defendant was formerly known as SIGARMS, Inc. and changed its name to SIG Sauer, Inc. in October 2007. The company was founded in 1985 and has its principal place of business in Exeter, New Hampshire. Its Chief Executive Officer at all times relevant to this Complaint was Ron J. Cohen.

16. In 2014, SIG Sauer debuted the “P320” firearm platform – a firearm design that includes the P320 handgun (bearing S/N: 58C198421) which was involved in the subject defective discharge that resulted in injury to Officer Northrop (referred to herein as the “Subject Handgun”).

A DEFECTIVE HANDGUN PLATFORM

17. One or more systems within the P320 platform line, as designed and manufactured prior to 2020—including the Subject Handgun —permitted the firing of a live round into the body of Officer Northrop without the trigger of the Subject Handgun ever being pulled.

Those defective systems include:

- a. The Subject Handgun was designed and manufactured with an inadequately designed disconnecter and sear assembly capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and
- b. The Subject Handgun was designed and manufactured with an inadequately designed striker assembly with excessive mass, negative space for movement, and without widely accepted safety features incorporated therein, such that the striker was capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and/or
- c. The Subject Handgun was designed and manufactured with a inadequately designed firing mechanism with failure-prone angles, inertia, and rotational pin placement, all capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward

momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s).

18. Additionally, critical safety systems were conspicuously *absent* from the P320 platform line, as designed and manufactured prior to 2020—including the Subject Handgun—permitted the firing of a live round into the body of Officer Northrop without the trigger ever being pulled; those absent safety systems include:

- a. The Subject Handgun was designed and manufactured without any external “safety lever,” thereby rendering P320-platform firearms capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and
- b. The Subject Handgun was designed and manufactured without any “trigger safety” or “trigger bar safety” standard, thereby rendering P320-platform firearms capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and
- c. The Subject Handgun was designed and manufactured without an adequate disconnecter assembly, thereby rendering P320-platform firearms capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and
- d. The Subject Handgun was designed and manufactured without any restriction on upward or forward sear movement, thereby rendering P320-platform firearms capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms

(including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s); and/or

- e. The Subject Handgun was designed and manufactured without any milled “take-down” notch, thereby rendering P320-platform firearms capable of causing primer impact on live ammunition even when the trigger is not pulled voluntarily; this condition permits P320-platform firearms (including the Subject Handgun) to discharge upon inertial force, regardless of whether that force is the forward momentum of the slide, a “bump,” “tap,” “drop,” “vibration,” or external force, including from foreign object(s).

19. On the date and at the time Officer Northrop was critically injured, SIG Sauer knew that the aforementioned defects were reasonably likely to result in injury and death caused by defective discharges without warning.

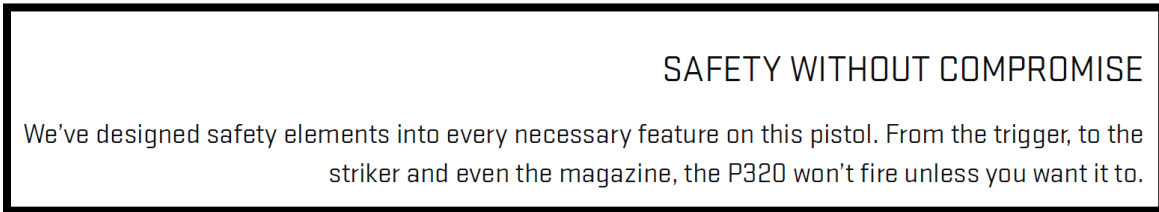
20. At no point did SIG Sauer warn or attempt to warn Officer Northrop, his employer, superiors or co-workers, or any member of the general public about the defective and dangerous condition contained within P320 platform firearms, including those sold and distributed to the general public and members of law enforcement. Critically, SIG Sauer never provided warnings even after SIG Sauer was warned by others of the potential for defective discharge.

21. Instead, SIG Sauer chose to actively pursue a marketing and advertising campaign reasonably likely to result in misinformation reaching consumers, end-users, Captive Users, members of law enforcement, the U.S. Military, and the general public.

THE MISREPRESENTATIONS

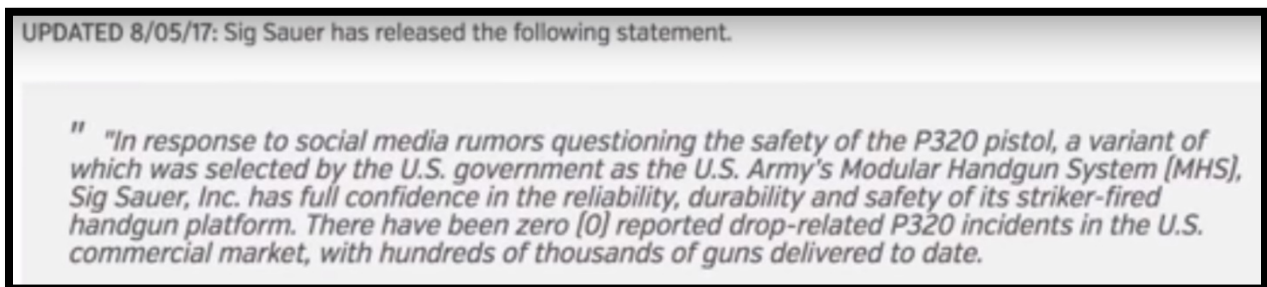
22. At least as early as 2015, SIG Sauer spent large sums of money developing and marketing its signature “SAFETY WITHOUT COMPROMISE” advertising campaign.

23. The “SAFETY WITHOUT COMPROMISE” campaign was published alongside the earliest P320 models, consisting of false or otherwise misleading statements which were inconsistent with information known to SIG Sauer at the time those statements were made:



24. While SIG Sauer worked to reassure the public that the P320 platform was safe “without compromise,” SIG Sauer knew and continued to learn of ever-increasing numbers of P320 defective discharge events, including discharges resulting from “drop” events as well as non-drop discharges, also known as “jar offs.”

25. With multiple confirmed defective discharge events known, SIG Sauer made affirmative statements to the public, as late as August 2017, that there had been “zero [0] reported” incidents:



26. SIG SAUER knew this statement was false or, at least, very carefully crafted in order to mislead the recipient members of the general public at the time SIG SAUER made the aforementioned public statement on or about August 5, 2017.

SIG SAUER'S INTERNAL "INVESTIGATIONS"

27. As early as 2016, members of SIG Sauer's management team began "investigating" defective discharge events.

28. These "investigations" involved SIG Sauer employees visiting local law enforcement agencies reporting defective discharge events, including reports which were made to SIG Sauer directly, of which there were several.

29. However, rather than seek to learn the facts and details surrounding the dangerous propensity of the P320 firearm platform, SIG Sauer's upper-level management **actively avoided learning the details of defective discharge events.**

30. In one email exchange, a high-level SIG Sauer executive claiming to "investigate" a defective discharge freely admitted, "... **I did not want to see anything they did not want me to see.**"

31. Then, that same SIG Sauer executive provided items of value to officers and the police department, bragging internally that the endangered officers "show[ed] no distrust in the P320" and signing off saying, "[I] left them with hats, pins and handcuff keys."

32. The discord between SIG Sauer's public representations and its private knowledge evidences a conscious disregard for the lives and safety of members of the public through a coordinated public relations campaign orchestrated by SIG Sauer.

33. All the while, SIG Sauer privately struggled to engineer a "fix" which could prevent the P320 from unintentionally misfiring.

34. SIG Sauer eventually published the “fix” in the form of a “Voluntary Upgrade Program” – debuted in a manner which, to that point, had become characteristic of SIG Sauer’s defect denials.

THE “VOLUNTARY UPGRADE” PROGRAM

35. On August 7, 2017,¹ a journalist named Andrew Tuohy published a news story on a popular recreation website, Omaha Outdoors, entitled simply, “*Sig Sauer P320 Fails Drop Test.*”

36. Despite the understated title, Tuohy’s story set off a firestorm in online firearm enthusiast communities, highlighted by Tuohy’s ability to easily and repeatedly show a P320 misfiring under many different conditions, all without the trigger ever being pulled.

37. Less than twenty-four (24) hours after Tuohy’s story went live online, SIG Sauer publicized a series of “changes” to the beleaguered P320—changes which SIG Sauer claimed were part of a “Voluntary Upgrade Program” (herein after referred to as the “V/U Program”) and ***not*** a recall.

38. Upon information and belief, SIG Sauer never notified the U.S. government or any public or private safety organization of the defects present in the P320 platform.

39. Upon information and belief, SIG Sauer privately acknowledged that the V/U Program was a form or type of recall but, to date, SIG Sauer has never required the return of any defective P320 firearm.

40. SIG Sauer unveiled the V/U Program on August 8, 2017.

¹ At no time prior to August 5, 2017, did SIG-USA ever publicly comment or acknowledge even the possibility that any P320 could fire without the trigger being pulled.

41. SIG Sauer unveiled the V/U Program without ever publicly admitting anything was wrong with the P320 in the first place and assuring users and owners that it was safe in its current condition.

42. SIG Sauer's V/U Program was created for the stated purpose of "reduc[ing] the physical weight of the trigger, sear, and striker while additionally adding a mechanical disconnecter."

43. In reality, SIG Sauer's V/U Program was intended to correct defective systems within several hundred thousand P320-platform firearms (of which the Subject Handgun was one), while also denying, both to consumers, members of law enforcement, and the general public, the dangers inherent in the "non-upgraded" P320-platform firearms.

44. In the words of SIG Sauer, these V/U Program "changes" represented an "alternate design" (referred to herein as "Alternative Design P320").

45. When the V/U Program and Alternative Design P320 was announced, SIG Sauer had actual knowledge of the defects described herein for at least twenty (20) months.

46. Despite the "changes" instituted by SIG Sauer during the V/U Program, Alternative Design P320s suffered from many of the same defective conditions permitting Alternative Design P320s to fire without the trigger ever being pulled.

THE LINEAGE OF THE P320

47. Long before the P320 entered the U.S. marketplace, SIG Sauer experimented with a unique handgun design—one that SIG Sauer believed would revolutionize the firearm market.

48. As early as 2007, SIG Sauer designed, manufactured, and sold the "P250," a single action/double action handgun which uses a removable, serialized "fire control assembly"

(alternately referred to as a “fire control unit” or “FCU”)—a design intended to increase the modularity of the P250.

49. The same “FCU” used in the P250 was also used in all P320s sold prior to August 7, 2017, including the FCU installed within the Subject Handgun.

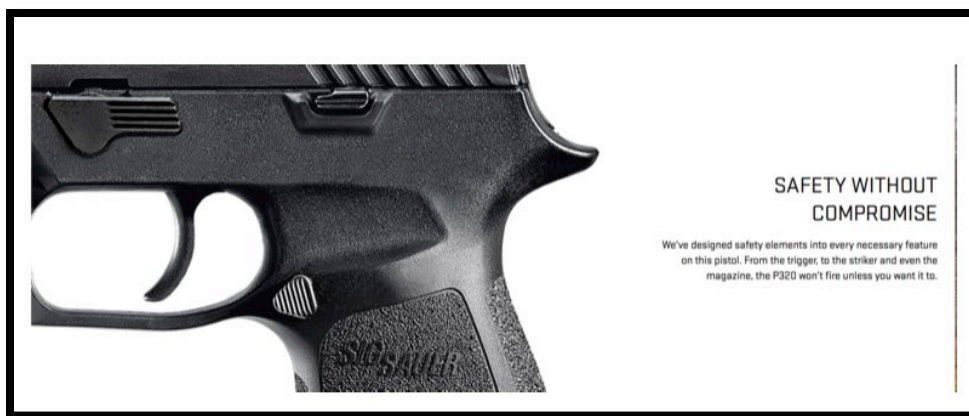
50. In terms of design, the “FCU” is the defectively designed, manufactured, and sold in such a manner as to cause or contribute to defective discharges including the instant Defective Discharge.

51. Later, in 2017, SIG Sauer debuted the “P365,” a smaller version of the P320 with many of the V/U Program “upgrades” included therein.

52. Nonetheless, the P365 uses the same removable, serialized “FCU” as was used in the P250 and the P320, including the FCU installed within the Subject Handgun.

53. In terms of design, the “FCU” within the P365 is defectively designed, manufactured, and sold in such a manner as to cause or contribute to defective discharges including those substantially similar to the instant Defective Discharge.

54. Years before the subject discharge occurred, through and including the date of the incident, SIG expressly represented that the P320 could not fire without a trigger pull:



“We’ve designed safety elements into every necessary feature on this pistol. From the trigger to the striker and even the magazine, the P320 won’t fire unless you want it to.”

55. In additional marketing material, under the heading “Striker Safety,” defendant further states: The Striker Safety “[p]revents the striker from being released unless the trigger is pulled.”

56. At the same time, SIG Sauer contradictorily stated in the original owner’s manual for the P320, on page 25, that the weapon could fire if dropped without the trigger being pulled if a round were “chambered,” i.e., inside the firing chamber of the weapon’s slide.

57. It is standard operating procedure for all U.S. law enforcement agencies, local police departments, and the military, at a commander’s discretion, to carry pistols with a chambered round.

58. SIG Sauer was aware of the latter fact at the time it designed and manufactured all its pistols, including the P320. The P320 is the first striker-fired pistol² SIG Sauer ever manufactured.

² A striker-fired pistol is different from the traditional “hammer-fired” pistol. It contains no external hammer to be pulled back by the user; rather, it has an internal “striker” that is held back under spring pressure inside the gun, like a bow and arrow. Once the slide is forcibly moved or “racked” backward, the weapon is fully cocked and in “condition zero,” ready to fire. The striker is now under significant spring tension to move forward and strike the round’s primer. The striker is held back the weapon’s sear. In the below illustrative photo of a typical striker-fired pistol the striker, in red, is held back by the sear, in blue.



59. Importantly, rather than design the P320 for the task intended, SIG Sauer designed and assembled all P320s using the same frame from an earlier hammer-fired SIG model, the P250.

TROUBLE BREWING


60. In 2016, SIG Sauer submitted the P320 platform in an attempt to secure a \$580 million contract to supply the United States Army with a new service pistol.

61. During testing, SIG Sauer's P320s exhibited nearly 200 malfunctions.

62. On or before May 10, 2017, the United States Army submitted an urgent engineering change proposal ("ECP") to SIG Sauer, demanding changes to the P320, including the entire internal firing system.

63. SIG Sauer quietly complied, making all requested changes to the Army version of the weapon, while remaining publicly silent on the ~500,000 P320s in use, both by civilians and by United States law enforcement agents.

64. Sometime after January 2017, following a drop fire that injured a Connecticut law enforcement agent, SIG Sauer removed the warning on page 25 from the user manual regarding a chambered round, and replaced it with the following language:



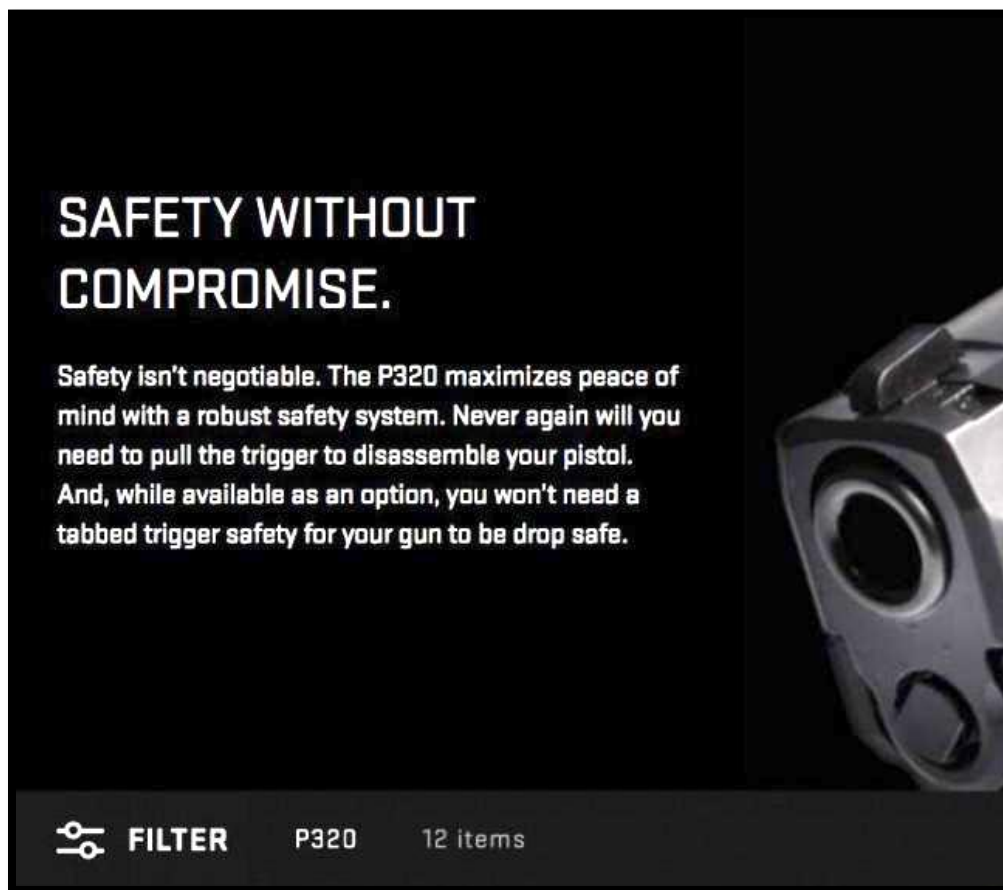
All SIG SAUER pistols incorporate effective mechanical safeties to ensure they only fire when the trigger is pressed. However, like any mechanical device, exposure to acute conditions (e.g. shock, vibration, heavy or repeated drops) may have a negative effect on these safety mechanisms and cause them to fail to work as designed. After suspected exposure to these conditions, have the firearm checked by a certified armorer before using. Mechanical safeties are designed to augment, and not replace safe handling practices. **Careless and improper handling of any firearm can result in unintentional discharge.**

(emphasis in original)

65. Defendant, SIG Sauer had never before represented that mere “vibration” could cause the weapon to discharge. Upon information and belief, no other firearms manufacturer has ever made such a representation.

66. In a 2016 amendment to the user manual, moreover, SIG Sauer warned users not to lubricate the striker inside the gun, a normal part of the process of the cleaning and maintenance of any semi-automatic firearm.

67. Since the P320’s manufacture and distribution, SIG Sauer has further expressly claimed that the weapon possessed a “robust safety system:”



68. In reality, SIG Sauer’s original design and manufacture of the P320 rendered the weapon unreasonably dangerous for its intended uses, including any normal carrying, holstering, un-holstering, or handling, especially in any altercation or combat.

69. Specifically, the P320 possessed an inadequate sear-striker connection, an inadequate internal striker safety, lacked an external safety, and lacked a trigger safety.

70. After years of testing P320s on unsuspecting civilians and law enforcement officials, SIG Sauer implemented a “voluntary upgrade program” in 2017 – a program that failed to render safe the dangerous and defective P320.

71. Following the “voluntary upgrade” program, SIG Sauer sold the Subject Handgun to the Tampa Police Department.

72. When SIG Sauer shipped P320s to the Tampa Police Department (and thousands of others across the country), SIG Sauer knew or should have known that the weapon was defective in its design and unreasonably dangerous for its ordinary uses, intended uses, and all other foreseeable uses and accidental discharges that could occur in the ordinary course of using the weapon.

73. Before SIG Sauer shipped these weapons, SIG Sauer was aware of many accidental discharges of the P320 weapon, and other SIG pistols, many of which pre-dated the 2018 sale to the Homeland Security Department.

THE WARNINGS

74. In January of 2016, SIG Sauer was very clearly informed that the P320 firearm platform was capable of defective discharge—an extremely dangerous condition capable of killing anyone within range of a bullet.

75. Following the January 2016 warning, SIG Sauer quickly collected the firearm involved in the January 2016 defective discharge—at least as early as February 12, 2016—claiming that SIG Sauer intended to “test” the firearm involved.

76. At the time of the January 2016 warning, SIG Sauer knew enough about the operation of firearms to understand that any firearm capable of defective discharge constitutes a highly dangerous condition requiring immediate corrective action and associated warnings to consumers, end users, and the general public.

77. SIG Sauer decided not to tell the public about the January 2016 warning.

78. Later, on February 4, 2016, a law enforcement officer in Roscommon, Michigan was seated in a standard Dodge Charger police cruiser when that officer's department issued P320 defectively discharged; the bullet narrowly missed the officer before drilling through the driver seat.

79. Then, in April of 2016, U.S. ARMY Operational Test and Evaluation ("DOTE") personnel notified upper-level management and designers working for SIG Sauer that DOTE testing had confirmed what SIG Sauer was told just three (3) months earlier—the P320 (dubbed the "XM17/XM18" for military testing) was capable of defective discharge without warning.

80. In the first four (4) months of 2016, SIG Sauer was warned of the defective discharge potential of the P320 but SIG Sauer decided not to tell the general public or U.S. ARMY personnel about the potential for defective discharge—endangering the lives and safety of everyone involved in the XM-series range testing.

81. Meanwhile, SIG Sauer continued to market and sell the P320 platform, making false and/or misleading statements repeatedly, including false and/or misleading statements about the safety capabilities of the weapons platform.

82. SIG Sauer singled-out U.S. law enforcement agencies for the purchase and sale of P320 firearms, going so far as to give "free" P320s to some domestic law enforcement agencies, including agencies in the state of Florida.

83. SIG Sauer knew those law enforcement agencies employed officers and deputies who—at the time of each sale and purchase—were engaged in ongoing ultrahazardous employment activities inherent in their employment; SIG Sauer knew at least some of those officers and deputies would be required to rely on the P320 to save their own lives.

84. Specifically, SIG Sauer knew those same law enforcement officers were uniquely at risk for injury or death caused by any defect present within SIG Sauer’s firearms, including for the following reasons:

- a. Law enforcement officers are required to carry sidearms—like the P320—in order to perform their job duties;
- b. Law enforcement officers are required to carry their sidearms—like the P320—with “one in the chamber,” an industry term referring to a readiness state where a live round is retained inside the chamber of the weapon, i.e.: the weapon is loaded and ready to fire with a single pull of the trigger and without the need to “charge” the weapon prior to discharging it;
- c. Law enforcement officers carry sidearms—like the P320—on their hip, near critical and life-sustaining organs and pulmonary systems;
- d. Law enforcement officers carry sidearms—like the P320—for extended periods of time;
- e. Law enforcement officers carry sidearms—like the P320—while moving around innocent bystanders including children in the case of school resource officers;
- f. Law enforcement officers carry sidearms—like the P320—on their hip while entering and exiting vehicles, a task which inherently requires bending at the waist;
- g. Law enforcement officers carry sidearms—like the P320—while simultaneously being required to wear a seatbelt when operating an automobile;
- h. Law enforcement officers carry sidearms—like the P320—while responding to emergencies and pursuing suspects, tasks which “jostle” or otherwise move weapons around;

- i. Law enforcement officers carry sidearms—like the P320—while traversing uneven terrain including in situations where officers may fall down, a fact made imminently clear to SIG Sauer at SIG Sauer’s own “SIG SAUER Academy,” a tactical firearm training facility located at 2216, 233 Exeter Road in Epping, New Hampshire, where SIG Sauer employees have planned, directed, and supervised training drills which explicitly involved the risk of falling and bumping firearms; and
- j. Law enforcement officers carry sidearms—like the P320—which have been chosen *for them*, i.e.: officers can rarely choose their own sidearm and, as a result, they are “Captive Users” relying on senior officials to choose safe weapons platforms on behalf of individual officers.

85. With knowledge of the foregoing, SIG Sauer continued to actively pursue law enforcement contracts for the purchase and sale of P320s—including the P320 which is subject of this lawsuit—all while knowing the defective condition of the P320 weapons platform being sold, all in exchange for profits.

86. In the years that passed between the January 2016 warning to SIG Sauer and the subject Defective Discharge, SIG Sauer was put on actual notice of dozens of defective discharges—meaning SIG Sauer had actual knowledge of dozens of officers and citizens that had narrowly escaped death due to the defects present within the P320 before the subject Defective Discharge ever happened.

THE SUBJECT DEFECTIVE DISCHARGE

87. On February 27, 2020, Officer Northrop was actively providing security during a high school baseball and softball event in Tampa, Florida.

88. Concerned over potential trespassers on the football field, Officer Northrop walked to a locked gate and retrieved his keys from a key clip on his duty belt.

89. Seeing the gate was already unlocked, Officer Northrop attempted to clip the gate keys back on his belt clip.

90. While doing so, Officer Northrop's hand touched the top of his holstered P320.

91. Suddenly, the P320 discharged, causing one round to fire down into Officer Northrop's leg.

92. The bullet penetrated Officer Northrop's left leg and entered his left ankle, shattering bone and causing catastrophic skeletal injury. Upon impact, the round broke into many pieces, leaving numerous pieces of shrapnel and bone shards inside Officer Northrop's left leg.

93. At no point did Officer Northrop touch the holstered P320's trigger.

94. At no point did Officer Northrop's equipment or clothing touch the P320's trigger.

95. While the full extent of the physical damage to Officer Northrop's leg is not yet known, he has had and it is likely that he will have trouble running, sitting, or standing as he had before the incident, and may not be able to return to this position as a result of diminished physical capacity to perform his job.

PRIOR DEFECTIVE DISCHARGES

96. Upon information and belief, there have been many prior incidents of unintended discharges involving SIG weapons, both hammer-fired and striker-fired, that have discharged without the trigger being pulled, or simply while being handled, accidentally dropped, or while being holstered.

- a. In 2015, a Pennsylvania State Trooper and firearms instructor accidentally killed another trooper with his SIG Sauer while conducting safety training.

- b. In 2016, a tactical response training instructor near Sacramento dropped his SIG Sauer, firing a bullet into a student's truck.
- c. In the period between 2012 and 2015, the New York City Police Department reported 10 accidental discharges involving Sig Sauer weapons.
- d. In February 2016, a fully-holstered P320 discharged without a trigger pull inside the holster of an officer in Holmes Beach, Florida, striking the officer in his leg.
- e. In February 2016, a fully-holstered P320 discharged without a trigger pull inside a Roscommon, Michigan Police Officer's vehicle when the officer moved to exit the vehicle during a snowstorm. The incident was captured on the Officer's body cam video and shows that no object entered inside his holster at any time.
- f. In 2016, the Surprise, Arizona Police Department complained to SIG of two separate incidents of P320s firing without trigger pulls.³
- g. In October 2016, a P320 fired un-commanded on retired NYPD Officer Thomas Frankenberry in South Carolina, severely injuring him. The spent casing did not eject.
- h. In November 2016, a P320 fired un-commanded on an officer in Holmes Beach Florida, striking the officer in his leg.
- i. In 2017, a Sheriff's Deputy in Michigan accidentally discharged a SIG Sauer pistol, striking a schoolteacher in the neck.
- j. On January 5, 2017, a P320 shot a Stamford SWAT team member in his left knee when the pistol fell from a distance of less than three feet to the ground while fully holstered, refuting SIG's express representations that the weapon is drop safe, cannot fire without a trigger pull and does not require a safety to be drop safe.
- k. On February 28, 2017, a P320 accidentally discharged while in use by the University of Cincinnati Police Department.
- l. On June 14, 2017, a P320 accidentally discharged in Wilsonville, Oregon.

³ The latter three incidents (para 58(c), (d), and (e)) were never disclosed by SIG, despite long outstanding discovery requests in two separate federal proceedings, until the last day of discovery in the second proceeding in early 2019.

- m. On June 20, 2017, a P320 accidentally discharged while in use by the Howell Township, New Jersey Police Department.
- n. In June of 2017, SIG shipped approximately 800 P320s to the Loudoun County Sheriff's Department, privately assuring its leadership, Sheriff David Chapman that the problems with the weapon would be fixed, but that for the time being it had to deal with the weapon as currently manufactured and designed.⁴
- o. On July 28, 2017, a P320 accidentally discharged in Tarrant County, Texas.
- p. On August 4, 2017, the Stamford SWAT team member sued SIG in U.S. District Court in Connecticut for an accidental discharge of a commercial version of the P320 that shot him in his knee.

97. Four days later, SIG's CEO released a statement stating: "there have been zero (0) reported drop-related p320 incidents in the U.S. Commercial market."

98. This statement was false, in view of SIG's knowledge that Officer Sherperis in Connecticut had been shot by a drop fire some eight months earlier with the commercial version of the P320, and that several other accidental discharges of the P320 had occurred before that date, including the prototype p320 used in Army testing.

99. On August 8, 2017, SIG announced a "voluntary upgrade" program for the P320 pistol, stating that the pistol meets "rigorous testing protocols for global military and law enforcement agencies" and all "U.S. standard for safety."

100. This statement was also false, as there are no federal government standards for gun safety, a fact known to SIG when it issued this press release. No federal agency oversees how firearms are designed or built. Firearms were expressly exempted by Congress from any federal regulation when it created the Consumer Product Safety Commission in 1972.

⁴ As noted herein, both a non-upgraded and "upgraded" version of these P320s later fired un-commanded on and hit at least two Loudoun County deputy sheriffs in 2018 and 2019.

101. SIG's "upgrade" program, which was presented to the public as purely optional, not urgent and not mandatory, offered to make existing commercial versions of the P320 "better" by installing a much lighter trigger, and internal disconnect switch, and an "improved" sear – all changed designed and/or intended to prevent defective discharges.

102. On August 9, 2017, the Police Chief of Morrow, Georgia issued an emergency order removing the P320 from service; more defective discharges ensued:

- a. In October 2017, a P320 accidentally discharged in Georgia when an officer fell to the ground in pursuit of a suspect. His weapon was holstered and fired simply when he struck the ground.
- b. On November 12, 2017, a P320 accidentally discharged in Dallas County, Texas.
- c. On February 7, 2018, Loudoun County, Virginia Deputy Sheriff Marcie Vadnais's P320 fired on her un-commanded in Virginia, severing her right femur causing catastrophic skeletal injury, deformity, three general anesthesia surgeries, severe emotional distress, and related trauma, ending her career. Upon CAT scanning her P320, it was found to have both a design and manufacturing defect: crossed sear springs that apply upward spring pressure to the sear to keep it from releasing the striker.

103. Months later in April 2018, SIG issued a second "voluntary upgrade" notice to all users or owners of the P320, but still did not recall the weapon; defective discharges continued:

- a. In May 2018, civilian Gunter Walker reported to SIG that his P320 fired on him un-commanded when he placed the weapon down on his nightstand, shooting him through the palm of his left hand.
- b. In June 2018, a Williams County, Ohio Officer reported that his P320 discharged twice in one moment as he was merely attempting to move the slide backward. One round grazed the Officer's arm; the other blew through his patrol car's driver's side door.
- c. In May 2018, a Rancho Cucamonga, California Officer reported that his P320 fired un-commanded merely while he was walking

inside his department locker room; the casing of the round did not eject.

- d. In October 2018, a P320 fired un-commanded on Lieutenant Letrell Hayes in Georgia while he was holstering it, causing severe tunneling injuries to his right thigh and calf.
- e. In December 2018, civilian Robert Lang's P320 fired on him un-commanded and caused severe tunneling wounds to his right leg.
- f. On May 19, 2019, the P320 of Lieutenant Thomas Ahern of the Cambridge, Massachusetts SWAT team fired un-commanded inside a SWAT van with six other occupants while he was working a shift for the annual Mayfair even near Harvard Square. The round struck a cellphone case on Ahern's left leg, deflected into a SWAT gear bag and came to rest in a ballistic helmet, narrowly missing everyone else in the van. The casing of the round did not eject. Lieutenant Ahern is a SIG certified armorer⁵ on the P320.
- g. Only July 23, 2019, a P320 fired un-commanded on Officer Walter Collete, Jr. of the Somerville, Massachusetts Police Department hitting him in his leg and causing substantial injuries to his leg.
- h. In August 2019, a Philadelphia Transit Officer's P320 fired un-commanded while fully-holstered, nearly striking a bystander in the subway. The incident was captured on video, and the officer was returned to duty the next day.

104. The transit authority replaced all SIG P320s, and later fully exonerated the officer of any alleged wrongdoing in view of the content of the videotape of the incident showing that it fired without a trigger pull. The officer, Craig Jacklyn, later stated:

This weapon is a hazard. I actually spoke with a lawyer for my situation. Although No one was hurt...someone could have been killed. I'm angry that I was put in a potentially life altering position

⁵ According to SIG Sauer documents, “[t]he SIG SAUER factory armorer certification enables the agency armorer or individual user to completely disassemble, inspect, service, and re-assemble associated weapon systems without voiding the factory warranty. Proper and routine weapon maintenance and inspection of a firearm are essential to ensure maximum reliability. Factory armorer courses at SIG SAUER Academy certify agency armorers or individuals to maintain, inspect, service, and repair selected SIG SAUER firearms while preserving the factory warranty. Upon successful completion, armorers will fully understand each firearm and be factory-certified for a period of three years.” <https://www.sigsaueracademy.com/course/armorer-certification>

with a product deemed "safe" by its manufacturer. The fact that officers are carrying this weapon on the job and at home around family thinking it's safe even while resting in its holster has me very angry. Everything that I've told you is documented through 2 Investigative Services, Philadelphia Police Firearms Investigative Unit/ Officer Involved Shooting Incident Unit and SEPTA Transit Police Criminal Investigations Unit. There is station video footage/ body worn camera footage as well.

105. Defective discharges continued to occur:
- a. On September 3, 2019, another P320 in use by the Loudoun County Virginia's Sheriff's Office fired un-commanded on another Loudoun County Deputy Sheriff, Carl Costello, hitting in his leg.
 - b. On October 10, 2019, Officer Jacques Desrosiers, also of the Cambridge, Massachusetts Police Department, was shot by his P320 without a trigger pull. The round caused massive and life-changing injuries to Officer Desrosiers. The spent casing of the round did not eject.
 - c. On October 11, 2019, a P320 fired un-commanded on Veterans Affairs Police Officer Frank J. Kneski, striking him beneath his lower back as he was un-holstering the weapon. Upon inspection it was found that the spent casing did not eject. The Kneski discharge was investigated by Major Peter J. Villani of the Veterans Affairs Police Agency, also a SIG certified armorer on the P320. In his report he noted the following:

After reviewing the Officer's sidearm, it was noted that the P-320 came from Sig Sauer to the distributor prior to the point of sale already with the "upgrade" completed. The sidearm had approximately 100 rounds through it since purchased.

Upon further examination of the internal parts of the frame module, I noticed that the foot of the striker that catches the [sear] has noticeable side to side and up and down movement within its channel along with upward movement of the slide from the frame. Also, the edge of the striker foot which has a height thickness of approximately 2mm, is only making contact with approximately .25 of a mm of the leading edge only of the disconnecter hook. Since the striker has been changed with a lighter weight version during the "upgrade program", it is quite possible that any abrupt movement or twisting of the P-320 while holstered, could cause the foot of the striker to disengage itself from the disconnecter hook on its own since there is so little contact between the striker foot and the [sear].

- d. On November 9, 2019, a P320 fired un-commanded on Officer Matthew Gardette of the Manteca, California Police Department as he was getting ready for work. As he merely attempted to place and fasten his duty belt around his waist, the P320 discharged inside the holster. The holster was a Safariland level-three retention holster with a hood securing the pistol. The round blew out the bottom of the holster, impacted the locker room floor, and missed both Officer Gardette and fellow officers by inches as it ricocheted into a locker door.
- e. On December 2, 2019, a P320 fired un-commanded while in the possession of Detective David Albert, also of the Cambridge, Massachusetts Police Department, as he was in the process of putting his duty belt on.
- f. Upon information and belief, employees at SIG Sauer's own training academy in New Hampshire have admitted to accidental discharges causing injury in both 2016 and 2017.

106. To date, SIG has never issued a mandatory recall of the P320 for repairs; though it has done so in the past for other of its products with far fewer sales.

107. In an interview in 2013, SIG's former Chief Financial Officer, Timothy Scullin, just before the P320 was brought to market in 2014, noted that SIG's revenue had risen approximately 1,400 percent from 2012 to 2013. He further stated that SIG Sauer's growth has outpaced the firearms' industry's growth by "two or three times."

108. When asked what some of his biggest professional challenges he has faced in his career, he stated:

At SIG, to grow this fast, people get really challenged. When you're growing 70 to 80 percent in a year, all the systems get stretched, and the people really get stretched. You have to be able to manage multiple tasks in a very fast environment, and in an environment that's highly regulated, so you can't mess up, otherwise you get shut down. It just creates a tremendous of stress on the people in the system. But we've got people that have risen to the challenge.

COUNT I
NEGLIGENCE OF SIG SAUER, INC.

109. Plaintiffs reallege all paragraphs as if fully set forth herein.

110. Prior to the Defective Discharge, SIG Sauer knew—or in the exercise of due care, should have known—that the Subject Handgun would be used in the condition and manner in which the Subject Handgun was used on the day and at the time of the Defective Discharge.

111. Accordingly, SIG Sauer created a foreseeable zone of risk that ordinary users of the Subject Handgun and all bystanders within range of a bullet would be harmed by the Subject Handgun, including by one or more of the unreasonably dangerous conditions present within the Subject Handgun, as outlined herein.

112. More egregiously, SIG Sauer targeted law enforcement officers, members of the U.S. Military, and domestic intelligence officers—individuals at a higher risk of being struck, injured, and/or killed by a defective firearm and who use their assigned firearms under the most extreme conditions—thereby creating a heightened foreseeable zone of risk that the aforementioned individuals and all bystanders within range of a bullet would be harmed by the Subject Handgun, including by one or more of the unreasonably dangerous conditions present within the Subject Handgun, as outlined herein.

113. Specifically, SIG Sauer created a foreseeable zone of risk that users—including Officer Northrop—as well as bystanders near the Subject Handgun would be catastrophically injured or killed by any defective discharge of the Subject Handgun, including during use, handling, movement, assembly, disassembly, loading, or unloading of the same.

114. Such a defective discharge was foreseeable to SIG Sauer, as SIG Sauer had designed and manufactured the Subject Handgun in such a way as to freely permit defective

discharge during use, handling, movement, assembly, disassembly, loading, or unloading—a condition which serves no utility whatsoever.

115. At the same time SIG Sauer foresaw defective discharges, SIG Sauer knowingly embarked on a marketing campaign which misled the general public as well as hundreds of thousands of end users, including Officer Northrop and other Captive Users—law enforcement officers, members of the U.S. Military, and domestic intelligence officers—who were powerless to select a weapon of their own choosing.

116. Beyond the Captive Users, SIG Sauer misrepresented information to police departments and sheriff's offices across the United States, misstating or omitting critical facts then known to SIG Sauer.

117. Ultimately, SIG Sauer's marketing campaign discouraged end users from searching out and/or selecting safer alternatives to the P320 handgun platform, while also discouraging end users from taking part in SIG Sauer's "Voluntary Upgrade" program.

118. On February 27, 2020, SIG Sauer's product—the Subject Handgun—defectively discharged while being handled in accordance with all accepted handgun safety practices, resulting in the serious and permanent injury of Officer Northrop.

119. **DUTY.** Defendant, SIG Sauer, had a duty to properly and adequately design, manufacture, assemble, test, inspect, label, provide adequate warnings and instructions for, package, distribute, and sell the Subject Handgun in a reasonably safe condition so as not to present a danger to end users—including Officer Northrop—and bystanders who reasonably and expectedly, under ordinary circumstances, would come into contact with the Subject Handgun.

120. **BREACH.** Defendant, SIG Sauer, breached its duty to Plaintiffs in one or more of the following ways:

- a. Designing the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including through:
 - i. Failing to design an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to design a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to design adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to design adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to design the Subject Handgun in such a manner as to prevent a defective discharge when the Subject Handgun is not intentionally fired;
 - vi. Failing to adequately design the internal components of the Subject Handgun so as to prevent the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to design component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to design the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Permitting the Subject Handgun to be manufactured without one or more of the foregoing conditions rectified; and/or
 - x. Failing to recall the Subject Handgun as defectively designed or, alternatively, to warn of the same.

- b. Manufacturing the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including through:
 - i. Failing to manufacture the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to manufacture the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;

- iii. Failing to manufacture the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to manufacture the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to manufacture the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is not intentionally fired;
 - vi. Failing to manufacture the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to manufacture the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to manufacture the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Failing to manufacture the Subject Handgun without one or more of the foregoing conditions rectified; and/or
 - x. Failing to recall the Subject Handgun as defectively manufactured or, alternatively, to warn of the same.
- c. Selling the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including through:
- i. Failing to sell the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to sell the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to sell the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to sell the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to sell the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of a defective discharge;

- vi. Failing to sell the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to sell the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to sell the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun; and/or
 - ix. Failing to sell the Subject Handgun without one or more of the foregoing conditions rectified.
- d. Making the Subject Handgun and component parts available to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users, without adequate warning of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including through:
- i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is capable of a defective discharge;
 - vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;

- viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
 - ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.
- e. Marketing, promoting, advertising, and representing to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, basic and reasonably foreseeable use causes the Subject Handgun to defectively discharge;
 - f. Marketing, promoting, advertising, and representing to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, a safer alternative design was readily available and feasible—including but not limited to the “light-weight striker” which SIG Sauer readily admits was, prior to February 27, 2020, limited to “higher end 320s, like the X-Series line,” and which SIG Sauer intentionally made more expensive in exchange for, *inter alia*, fundamental safety which should come standard;
 - g. Failing to design and manufacture the Subject Handgun in such a way as to restrict, limit, or prevent the possibility of defective discharge of the Subject Handgun, even in the event of inadequate or non-existent maintenance;
 - h. Improperly assembling, inspecting, and testing the Subject Handgun, including prototypes in the design stage, such that foreseeable use could permit defective discharge of the Subject Handgun without remedying or warning of the risk of defective discharge;
 - i. Failing to properly design, manufacture, assemble, test, inspect, label, package, and otherwise place the Subject Handgun on the market for sale in a defect-free condition, thereby creating an unreasonable danger of injury or death to users and bystanders within range of a bullet, even under normal and foreseeable circumstances;

- j. Failing to warn, notice, or alert purchasers and users (or doing so inadequately) either before, during, and/or after the sale of the Subject Handgun through reasonably informative and effective instructional materials, stickers, placards, and/or other documentation regarding hazardous conditions, including those described herein;
- k. Failing to instruct (or inadequately instructing) buyers, installers, inspectors, maintenance providers, contractors, and eventual owners or end users of the Subject Handgun with regard to proper handling, use, assembly, disassembly, loading, and unloading of the Subject Handgun;
- l. Failing to inspect, test, review, or examine the Subject Handgun, including all component parts to ensure the Subject Handgun would operate in a reasonably safe manner when the Subject Handgun left SIG Sauer's possession; and/or
- m. Failing to use due care in the manufacture, design, marketing, distribution, sale, testing, or servicing of the Subject Handgun, including its component parts, in such a way to render the Subject Handgun not reasonably safe for any use.

121. **CAUSATION.** The negligence of SIG Sauer, described above, did directly and proximately cause the injuries suffered by Officer Northrop, and thus the damages of Plaintiffs, in that SIG Sauer's negligence did directly, in natural and continuous sequence, produce or contribute substantially to the physical injuries of Officer Northrop and the associated damages of Plaintiffs.

122. **DAMAGES.** As a direct and proximate result of the SIG Sauer's negligence, Officer Northrop was injured in and about the body and suffered, *inter alia*: permanent injury, disability, disfigurement, scarring, pain and suffering, aggravation of preexisting conditions, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and medical expenses in the care of treatment of said injuries. All injuries are permanent within a reasonable degree of medical probability and will require future medical treatment. Brenda Schiro

suffered associated damages stemming from the aforementioned. Collectively, Plaintiffs will continue to suffer damages in the future.

WHEREFORE, Plaintiffs demand judgment against Defendant, SIG Sauer, Inc., including for an award of damages in an amount in excess of the jurisdictional limit of this Court—thirty thousand dollars—and for all other damages to which Plaintiffs are legally entitled, along with all fees, costs, and interest as allowable by law, and for all other such other relief as this Honorable Court deems just and proper. Respectfully, Plaintiffs hereby demand a trial by jury on all issues so triable as a matter of right.

COUNT II
STRICT LIABILITY OF SIG SAUER, INC.

123. Plaintiffs reallege all paragraphs as if fully set forth herein.

124. **THE BUSINESS.** Defendant, SIG Sauer is engaged in the business of designing, manufacturing, marketing, advertising, selling, and distributing firearms, including the Subject Handgun as part of the “P320” handgun platform sold by SIG Sauer since approximately 2014.

125. **THE PRODUCT.** SIG Sauer placed the Subject Handgun on the market through local distributors, along with approximately 500,000 other P320s, knowing that the Subject Handgun was reasonably likely to be used without inspection for defects and dangers by the end user.

126. Specifically, SIG Sauer knew or should have known that end users would not and could not properly inspect the Subject Handgun for defects and dangerous conditions and that the detection of such defects and dangers would be beyond the capabilities of such persons.

127. **THE DEFECTS.** SIG Sauer’s firearms, including the Subject Handgun were defective and unreasonably dangerous to end users—including Officer Northrop—and bystanders within range of a bullet, as of the time that SIG Sauer designed, manufactured, marketed, sold,

and/or distributed the Subject Handgun and, at that same time, the Subject Handgun was defective in one or more of the following ways:

- a. **Design Defect.** SIG Sauer designed the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:
 - i. Failing to design an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to design a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to design adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to design adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to design the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of a defective discharge;
 - vi. Failing to adequately design the internal components of the Subject Handgun so as to prevent the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to design component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to design the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Permitting the Subject Handgun to be manufactured without one or more of the foregoing conditions rectified;
 - x. Failing to properly assemble, inspect, and test, prior to February 27, 2020, the entire P320 line including prototypes and design stage and other similar weapons platforms like the P250, such that ordinary use would permit the Subject Handgun to defectively discharge without warning; and/or
 - xi. Failing to recall the Subject Handgun as defectively designed or, alternatively, to warn of the same.

- b. **Manufacturing Defect.** SIG Sauer manufactured the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:
- i. Failing to manufacture the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to manufacture the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to manufacture the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to manufacture the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to manufacture the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is not intentionally fired;
 - vi. Failing to manufacture the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to manufacture the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to manufacture the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Failing to manufacture the Subject Handgun without one or more of the foregoing conditions rectified;
 - x. Failing to properly assemble, inspect, and test the Subject Handgun such that ordinary use would permit the Subject Handgun to defectively discharge without warning; and/or
 - xi. Failing to recall the Subject Handgun as defectively manufactured or, alternatively, to warn of the same.
- c. **Sale/Distribution of Defective Product.** SIG Sauer sold and/or distributed the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:

- i. Failing to sell the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to sell the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to sell the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to sell the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to sell the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of an defective discharge;
- vi. Failing to sell the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to sell the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
- viii. Failing to sell the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun; and/or
- ix. Failing to sell the Subject Handgun without one or more of the foregoing conditions rectified.

d. **Failure to Warn of Defective Product.** SIG Sauer made the Subject Handgun and component parts available to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users, without adequate warning of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including by:

- i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;

- iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is capable of an defective discharge;
- vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;
- viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
- ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.

e. **Post-Sale Duty to Warn of Defective Product.** After learning of the dangerous and defective condition of its P320 platform—including and affecting the Subject Handgun — SIG Sauer failed to adequately warn anyone of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including by:

- i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;

- v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is not intentionally fired;
- vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;
- viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
- ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.

f. **Marketing and Advertising.** SIG Sauer marketed, promoted, advertised, or otherwise represented that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, foreseeable use alone permits the Subject Handgun to defectively discharge; in so doing, SIG Sauer marketed, promoted, advertised, and represented that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, or unloading when, in reality, a safer alternative was readily available and feasible from SIG Sauer, but that that safer alternative was intentionally made to be more expensive by SIG Sauer, in the pursuit of profits.

128. On February 27, 2020, the Subject Handgun remained substantially unchanged from the “completed product” condition in which the Subject Handgun was transferred by SIG Sauer to, by, or through co-Defendant, Florida Bullet before then being sold to the employer of Officer Northrop.

129. For the reasons set forth herein, the Subject Handgun was unreasonably dangerous to foreseeable users and bystanders, including Plaintiffs.

130. **CAUSATION.** The defects, described herein, did directly and proximately cause the injuries suffered by Officer Northrop, and thus the damages of Plaintiffs, in that the defects did directly and in natural and continuous sequence, produce or contribute substantially to Plaintiffs' injuries.

131. **DAMAGES.** As a direct and proximate result of the defects described herein, Officer Northrop was injured in and about the body and suffered, *inter alia*: permanent injury, disability, disfigurement, scarring, pain and suffering, aggravation of preexisting conditions, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and medical expenses in the care of treatment of said injuries. All injuries are permanent within a reasonable degree of medical probability and will require future medical treatment. Brenda Schiro suffered associated damages stemming from the aforementioned. Plaintiffs will continue to suffer damages in the future.

WHEREFORE, Plaintiffs demand judgment against Defendant, SIG SAUER, INC., including for an award of damages in an amount in excess of the jurisdictional limit of this Court—thirty thousand dollars—and for all other damages to which Plaintiffs are legally entitled, along with all fees, costs, and interest as allowable by law, and for all other such other relief as this Honorable Court deems just and proper. Respectfully, Plaintiffs hereby demand a trial by jury on all issues so triable as a matter of right.

COUNT III
NEGLIGENCE OF FLORIDA BULLET, INC.

132. Plaintiffs reallege all paragraphs as if fully set forth herein.

133. Prior to the Defective Discharge, Defendant, FLORIDA BULLET, INC. ("Florida Bullet") knew—or in the exercise of due care, should have known—that the Subject

Handgun would be used in the condition and manner in which the Subject Handgun was used on the day and at the time of the Defective Discharge.

134. Accordingly, Florida Bullet created a foreseeable zone of risk that ordinary users of the Subject Handgun and all bystanders within range of a bullet would be harmed by the Subject Handgun, including by one or more of the unreasonably dangerous conditions present within the Subject Handgun, as outlined herein.

135. More egregiously, Florida Bullet continued to sell SIG Sauer-brand firearms as SIG Sauer actively targeted law enforcement officers, members of the U.S. Military, and domestic intelligence officers—individuals at a higher risk of being struck, injured, and/or killed by a defective firearm and who use their assigned firearms under the most extreme conditions—thereby creating a heightened foreseeable zone of risk that the aforementioned individuals and all bystanders within range of a bullet would be harmed by the Subject Handgun, including by one or more of the unreasonably dangerous conditions present within the Subject Handgun, as outlined herein.

136. Specifically, Florida Bullet created a foreseeable zone of risk that users—including Officer Northrop—as well as bystanders near the Subject Handgun would be catastrophically injured or killed by any defective discharge of the Subject Handgun, including during use, handling, movement, assembly, disassembly, loading, or unloading of the same.

137. Such a defective discharge was foreseeable to Florida Bullet, as SIG Sauer had designed and manufactured the Subject Handgun in such a way as to freely permit defective discharge during use, handling, movement, assembly, disassembly, loading, or unloading—a condition which serves no utility whatsoever.

138. At the same time Florida Bullet foresaw defective discharges, SIG Sauer knowingly embarked on a marketing campaign which mislead the general public as well as hundreds of thousands of end users, including Officer Northrop and other Captive Users—law enforcement officers, members of the U.S. Military, and domestic intelligence officers—who were powerless to select a weapon of their own choosing.

139. Beyond the Captive Users, SIG Sauer misrepresented information to police departments and sheriff's offices across the United States, misstating or omitting critical facts then known to SIG Sauer.

140. Ultimately, SIG Sauer's marketing campaign discouraged end users from searching out and/or selecting safer alternatives to the P320 handgun platform, while also discouraging end users from taking part in SIG Sauer's "Voluntary Upgrade" program.

141. On February 27, 2020, the Subject Handgun defectively discharged while being handled in accordance with all accepted handgun safety practices, resulting in the serious and permanent injury of Officer Northrop.

142. Prior to the Defective Discharge, Florida Bullet was presented with multiple opportunities to prevent avoidable damage caused by the conduct and omissions of SIG Sauer, including by simply refusing to act as a conduit for sale of the defective P320 handgun platform; instead, Florida Bullet accepted monies from SIG Sauer and/or purchasers influenced by SIG Sauer, in exchange for provision of an unreasonably dangerous firearm.

143. **DUTY.** Defendant, Florida Bullet, as seller, distributor, lessor, and/or transferor stands in the shoes of SIG Sauer and is therefore duty-bound to properly and adequately design, manufacture, assemble, test, inspect, label, provide adequate warnings and instructions for, package, distribute, and sell the Subject Handgun in a reasonably safe condition so as not to present

a danger to end users—including Officer Northrop—and bystanders who reasonably and expectedly, under ordinary circumstances, would come into contact with the Subject Handgun.

144. **BREACH.** Defendant, Florida Bullet, breached its duty to Plaintiffs in one or more of the following ways, as if Florida Bullet performed the specific action or omission itself:

- a. Designing the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including through:
 - i. Failing to design an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to design a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to design adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to design adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to design the Subject Handgun in such a manner as to prevent a defective discharge when the Subject Handgun is not intentionally fired;
 - vi. Failing to adequately design the internal components of the Subject Handgun so as to prevent the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to design component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to design the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Permitting the Subject Handgun to be manufactured without one or more of the foregoing conditions rectified; and/or
 - x. Failing to recall the Subject Handgun as defectively designed or, alternatively, to warn of the same.
- b. Manufacturing the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to

permit the Subject Handgun to defectively discharge, including through:

- i. Failing to manufacture the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to manufacture the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to manufacture the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to manufacture the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to manufacture the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is not intentionally fired;
 - vi. Failing to manufacture the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to manufacture the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to manufacture the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;
 - ix. Failing to manufacture the Subject Handgun without one or more of the foregoing conditions rectified; and/or
 - x. Failing to recall the Subject Handgun as defectively manufactured or, alternatively, to warn of the same.
- c. Selling the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including through:
- i. Failing to sell the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to sell the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;

- iii. Failing to sell the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to sell the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to sell the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of an defective discharge;
- vi. Failing to sell the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to sell the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
- viii. Failing to sell the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun; and/or
- ix. Failing to sell the Subject Handgun without one or more of the foregoing conditions rectified.

- d. Making the Subject Handgun and component parts available to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users, without adequate warning of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including through:
 - i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is capable of an defective discharge;

- vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;
 - viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
 - ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.
- e. Marketing, promoting, advertising, and representing to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, basic and reasonably foreseeable use causes the Subject Handgun to defectively discharge;
 - f. Marketing, promoting, advertising, and representing to the general public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, a safer alternative design was readily available and feasible—including but not limited to the “light-weight striker” which SIG Sauer readily admits was, prior to February 27, 2020, limited to “higher end 320s, like the X-Series line,” and which SIG Sauer intentionally made more expensive in exchange for, *inter alia*, fundamental safety which should come standard;
 - g. Failing to design and manufacture the Subject Handgun in such a way as to restrict, limit, or prevent the possibility of defective discharge of the Subject Handgun, even in the event of inadequate or non-existent maintenance;
 - h. Improperly assembling, inspecting, and testing the Subject Handgun, including prototypes in the design stage, such that foreseeable use could permit defective discharge of the Subject

Handgun without remedying or warning of the risk of defective discharge;

- i. Failing to properly design, manufacture, assemble, test, inspect, label, package, and otherwise place the Subject Handgun on the market for sale in a defect-free condition, thereby creating an unreasonable danger of injury or death to users and bystanders within range of a bullet, even under normal and foreseeable circumstances;
- j. Failing to warn, notice, or alert purchasers and users (or doing so inadequately) either before, during, and/or after the sale of the Subject Handgun through reasonably informative and effective instructional materials, stickers, placards, and/or other documentation regarding hazardous conditions, including those described herein;
- k. Failing to instruct (or inadequately instructing) buyers, installers, inspectors, maintenance providers, contractors, and eventual owners or end users of the Subject Handgun with regard to proper handling, use, assembly, disassembly, loading, and unloading of the Subject Handgun;
- l. Failing to inspect, test, review, or examine the Subject Handgun, including all component parts to ensure the Subject Handgun would operate in a reasonably safe manner when the Subject Handgun left SIG Sauer's possession; and/or
- m. Failing to use due care in the manufacture, design, marketing, distribution, sale, testing, or servicing of the Subject Handgun, including its component parts, in such a way to render the Subject Handgun not reasonably safe for any use.

145. **CAUSATION.** The negligence of Florida Bullet, described above, did directly and proximately cause the injuries suffered by Officer Northrop, and thus the damages of Plaintiffs, in that SIG Sauer's negligence did directly, in natural and continuous sequence, produce or contribute substantially to the physical injuries of Officer Northrop and the associated damages of Plaintiffs.

146. **DAMAGES.** As a direct and proximate result of the Florida Bullet's negligence, Officer Northrop was injured in and about the body and suffered, *inter alia*: permanent injury,

disability, disfigurement, scarring, pain and suffering, aggravation of preexisting conditions, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and medical expenses in the care of treatment of said injuries. All injuries are permanent within a reasonable degree of medical probability and will require future medical treatment. Brenda Schiro suffered associated damages stemming from the aforementioned. Collectively, Plaintiffs will continue to suffer damages in the future.

WHEREFORE, Plaintiffs demand judgment against Defendant, Florida Bullet, Inc., including for an award of damages in an amount in excess of the jurisdictional limit of this Court—thirty thousand dollars—and for all other damages to which Plaintiffs are legally entitled, along with all fees, costs, and interest as allowable by law, and for all other such other relief as this Honorable Court deems just and proper. Respectfully, Plaintiffs hereby demand a trial by jury on all issues so triable as a matter of right.

COUNT IV
STRICT LIABILITY OF FLORIDA BULLET, INC.

147. Plaintiffs reallege all paragraphs as if fully set forth herein.

148. **THE BUSINESS.** Defendant, Florida Bullet, is engaged in the business of marketing, advertising, selling, and distributing firearms, including the Subject Handgun as part of “P320” handgun platform sales made possible by SIG Sauer since at least 2014.

149. **THE PRODUCT.** Florida Bullet placed the Subject Handgun on the market along with other P320s knowing that the Subject Handgun was reasonably likely to be used without inspection for defects and dangers by the end user.

150. Specifically, Florida Bullet knew or should have known that end users would not and could not properly inspect the Subject Handgun for defects and dangerous conditions and that the detection of such defects and dangers would be beyond the capabilities of such persons.

151. **THE DEFECTS.** The Subject Handgun was defective and unreasonably dangerous to end users—including Officer Northrop—as well as bystanders within range of a bullet at the time that Florida Bullet marketed, sold, and/or distributed the Subject Handgun and, at that same time, the Subject Handgun was defective at the time it was sold by Florida Bullet to the government of the City of Tampa, as the result of one or more of the following:

- a. **Design Defect.** SIG Sauer designed the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:
 - i. Failing to design an external safety capable of preventing defective discharge of the Subject Handgun;
 - ii. Failing to design a trigger safety capable of preventing defective discharge of the Subject Handgun;
 - iii. Failing to design adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
 - iv. Failing to design adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
 - v. Failing to design the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of an defective discharge;
 - vi. Failing to adequately design the internal components of the Subject Handgun so as to prevent the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
 - vii. Failing to design component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
 - viii. Failing to design the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;

- ix. Permitting the Subject Handgun to be manufactured without one or more of the foregoing conditions rectified;
- x. Failing to properly assemble, inspect, and test, prior to February 27, 2020, the entire P320 line including prototypes and the design stage and other similar weapons platforms like the P250, such that ordinary use would permit the Subject Handgun to defectively discharge without warning; and/or
- xi. Failing to recall the Subject Handgun as defectively designed or, alternatively, to warn of the same.

b. **Manufacturing Defect.** SIG Sauer manufactured the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:

- i. Failing to manufacture the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to manufacture the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to manufacture the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to manufacture the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to manufacture the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is not intentionally fired;
- vi. Failing to manufacture the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to manufacture the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
- viii. Failing to manufacture the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun;

- ix. Failing to manufacture the Subject Handgun without one or more of the foregoing conditions rectified;
- x. Failing to properly assemble, inspect, and test the Subject Handgun such that ordinary use would permit the Subject Handgun to defectively discharge without warning; and/or
- xi. Failing to recall the Subject Handgun as defectively manufactured or, alternatively, to warn of the same.

c. **Sale/Distribution of Defective Product.** SIG Sauer sold and/or distributed the Subject Handgun and component parts in such an unreasonably dangerous and defective manner as to permit the Subject Handgun to defectively discharge, including by:

- i. Failing to sell the Subject Handgun with an external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to sell the Subject Handgun with a trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to sell the Subject Handgun with adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to sell the Subject Handgun with adequate redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to sell the Subject Handgun in such a manner as to prevent any discharge when the Subject Handgun is capable of an defective discharge;
- vi. Failing to sell the Subject Handgun with internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to sell the Subject Handgun with component parts of proper size, dimension, and weight so as to prevent defective discharge of the Subject Handgun;
- viii. Failing to sell the Subject Handgun in such a manner as to require the use of only raw materials which are capable of enduring the ordinary forces associated with repeated cartridge discharge without also permitting defective discharge of the Subject Handgun; and/or
- ix. Failing to sell the Subject Handgun without one or more of the foregoing conditions rectified.

d. **Failure to Warn of Defective Product.** SIG Sauer made the Subject Handgun and component parts available to the general

public, Captive Users, and those individuals responsible for selecting weapons carried by Captive Users, without adequate warning of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including by:

- i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is capable of an defective discharge;
- vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;
- viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
- ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.

- e. **Post-Sale Duty to Warn of Defective Product.** After learning of the dangerous and defective condition of its P320 platform—including and affecting the Subject Handgun — SIG Sauer failed to adequately warn anyone of the unreasonably dangerous and defective nature of the Subject Handgun permitting the Subject Handgun to defectively discharge, including by:

- i. Failing to adequately warn of the lack of external safety capable of preventing defective discharge of the Subject Handgun;
- ii. Failing to adequately warn of the lack of trigger safety capable of preventing defective discharge of the Subject Handgun;
- iii. Failing to adequately warn of the lack of adequate internal safety mechanisms capable of preventing defective discharge of the Subject Handgun;
- iv. Failing to adequately warn of the lack of redundant safeties or similar devices capable of preventing defective discharge of the Subject Handgun;
- v. Failing to adequately warn of the lack of safety systems capable of preventing a discharge when the Subject Handgun is not intentionally fired;
- vi. Failing to adequately warn of the lack of internal components capable of preventing the movement of any firing mechanism internal component part unless the trigger is first pulled, thereby preventing defective discharge of the Subject Handgun;
- vii. Failing to adequately warn of the use of component parts which were improperly sized, of incorrect dimension, and which were far too heavy, thereby making defective discharge of the Subject Handgun foreseeable;
- viii. Failing to adequately warn of the use of raw materials which were not capable of enduring the ordinary forces associated with repeated cartridge discharge, thereby making defective discharge of the Subject Handgun foreseeable; and/or
- ix. Failing to warn that the Subject Handgun was being sold without one or more of the foregoing conditions rectified.

f. **Marketing and Advertising.** SIG Sauer marketed, promoted, advertised, or otherwise represented that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, and unloading when, in reality, foreseeable use alone permits the Subject Handgun to defectively discharge; in so doing, SIG Sauer marketed, promoted, advertised, and represented that the Subject Handgun was reasonably safe for use, handling, movement, assembly, disassembly, loading, or unloading when, in reality, a safer alternative was readily available and feasible from SIG Sauer, but that that safer alternative was intentionally made to be more expensive by SIG Sauer, in the pursuit of profits.

152. On February 27, 2020, the Subject Handgun remained substantially unchanged from the “completed product” condition in which the Subject Handgun was transferred by Florida Bullet to the government of the City of Tampa.

153. For the reasons set forth herein, the Subject Handgun was unreasonably dangerous to foreseeable users, including Plaintiffs.

154. **CAUSATION.** The defects, described herein, did directly and proximately cause the injuries suffered by Officer Northrop, and thus the damages of Plaintiffs, in that the defects did directly and in natural and continuous sequence, produce or contribute substantially to Plaintiffs’ injuries.

155. **DAMAGES.** As a direct and proximate result of the defects described herein, Officer Northrop was injured in and about the body and suffered, *inter alia*: permanent injury, disability, disfigurement, scarring, pain and suffering, aggravation of preexisting conditions, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and medical expenses in the care of treatment of said injuries. All injuries are permanent within a reasonable degree of medical probability and will require future medical treatment. Brenda Schiro suffered associated damages stemming from the aforementioned. Plaintiffs will continue to suffer damages in the future.

WHEREFORE, Plaintiffs demand judgment against Defendant, Florida Bullet, Inc., including for an award of damages in an amount in excess of the jurisdictional limit of this Court—thirty thousand dollars—and for all other damages to which Plaintiffs are legally entitled, along with all fees, costs, and interest as allowable by law, and for all other such other relief as this Honorable Court deems just and proper. Respectfully, Plaintiffs hereby demand a trial by jury on all issues so triable as a matter of right.

COUNT V
SPOUSAL LOSS OF CONSORTIUM BY BRENDA SCHIRO

156. Plaintiff, Brenda Schiro, realleges all paragraphs as if fully set forth herein.

157. **MARRIAGE.** At all times relevant to this cause of action, Brenda Schiro was legally married to and cohabitant with Plaintiff, Howard Northrop.

158. **BREACH.** The misconduct of Defendants, described herein, did directly and in natural and continuous sequence, produce or contribute substantially to Officer Northrop's injuries.

159. **LEGAL CAUSATION.** The misconduct of Defendants, described herein, did cause Brenda Schiro to experience loss of consortium and related damages as a direct and proximate result of the injuries to Officer Northrop.

160. **DAMAGES.** As a result of the misconduct of Defendants and the resulting injuries to Officer Northrop, Brenda Schiro has suffered and will continue to suffer:

- a. the loss of the companionship and fellowship of husband and wife, including the affection, solace, comfort, companionship, conjugal life, fellowship, society and assistance of her husband;
- b. the loss of the support and financial comfort which was furnished to her by her husband prior to Defendants' negligence which caused a reduction in earned livelihood; and
- c. loss of the enjoyment of life as caregiver which limits or restricts her normal activities in the enjoyment of life.

WHEREFORE, Brenda Schiro demands judgment against Defendants, SIG Sauer, Inc. and Florida Bullet, Inc., including for an award of damages in an amount in excess of the jurisdictional limit of this Court—thirty thousand dollars—and for all other damages to which Plaintiff is legally entitled, along with all fees, costs, and interest as allowable by law, and for all other such other relief as this Honorable Court deems just and proper. Respectfully, Plaintiff hereby demands a trial by jury on all issues so triable as a matter of right.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of Court along using Florida Courts' E-Filing Portal system, providing notice in compliance with FLA. R. JUD. ADMIN. 2.516.

FOR GURNEY LAW, PLLC

/s/ 

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