

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

NOVEMBER 2025

03379

E-Filing Number: 2511053683

PLAINTIFF'S NAME WILLIAM KEW		DEFENDANT'S NAME SIG SAUER, INC.	
PLAINTIFF'S ADDRESS 4 RANDI DRIVE BROOKLINE NH 03033		DEFENDANT'S ADDRESS 72 PEASE BOULEVARD NEWINGTON NH 03801	
PLAINTIFF'S NAME MEREDITH KEW		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS 4 RANDI DRIVE BROOKLINE NH 03033		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME DARRELL MILLER-SMITH		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS 4606 CENTER TERRACE WILMINGTON DE 19802		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 5	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2P - PRODUCT LIABILITY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PRO PROTHY NOV 24 2025 C. SMITH	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>WILLIAM KEW , MEREDITH KEW ,</u> <u>DARRELL MILLER-SMITH , CODY MOYER ,</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY ROBERT W. ZIMMERMAN		ADDRESS 1650 MARKET ST. 52ND FL SALTZ MONGELUZZI & BENDESKY 52ND FLOOR PHILADELPHIA PA 19103	
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SUPREME COURT IDENTIFICATION NO. 208410		E-MAIL ADDRESS rzimmerman@smbb.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ROBERT ZIMMERMAN		DATE SUBMITTED Monday, November 24, 2025, 03:34 pm	

COMPLETE LIST OF PLAINTIFFS:

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<p>WILLIAM KEW AND MEREDITH KEW h/w 4 Randi Drive Brookline, New Hampshire 03033</p> <p><i>And</i></p> <p>DARRELL MILLER-SMITH 4606 Center Terrace Wilmington, Delaware 19802</p> <p><i>And</i></p> <p>CODY MOYER 505 Grove Circle, Unit 1305 Milton, Delaware 19968</p> <p><i>And</i></p> <p>WILLIAM SCHUELE 17786 Pimlico Road Milton, Delaware 19968</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>SIG SAUER, INC. 72 Pease Boulevard Newington, New Hampshire 03801</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>PHILADELPHIA COUNTY COURT OF COMMON PLEAS LAW DIVISION</p> <p>NOVEMBER TERM, 2025</p> <p>No.:</p> <p>JURY TRIAL DEMANDED</p>
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<p style="text-align: center;">“NOTICE</p> <p>“You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p> <p>“YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.</p> <p><u>THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.</u> <u>IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</u></p> <p>PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL and INFORMATION SERVICE One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-1701”</p>	<p style="text-align: center;">“AVISO</p> <p>“Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.</p> <p>USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. <u>ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.</u></p> <p><u>SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.</u></p> <p>ASOCIACION DE LICENCIADOS DE FILADELFA SERVICO DE REFERENCA E INFORMACION LEGAL One Reading Center Filadelfia, Pennsylvania 19107 Telefono: (215) 238-1701”</p>
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PLAINTIFFS’ COMPLAINT – CIVIL ACTION

1. Upon the information discovered through research and document production in the Sig Sauer P320 litigation, the Sig Sauer P320 is the most dangerous pistol sold in the United States market.
2. Plaintiffs are individuals, including federal law enforcement agents, police officers, and civilians, who dedicated significant portions of their lives to the safe use of weapons, but who were shot and injured by their defective P320s.
3. Sig Sauer knew, as early as 2016 and possibly earlier, that unintended discharges was a known risk of the P320’s design, as testified to by one of the P320’s chief designers, Matt Taylor.

4. Sig Sauer also knew that unintended discharges of the P320 could result in death to the user or a bystander.

5. Sig Sauer affirmatively told the U.S. Army that its design of the Sig Sauer P320 with the inclusion of a manual thumb safety would mitigate the risk of unintended discharges.

6. The vast majority of Sig Sauer P320 models sold to law enforcement and law abiding citizens does not come with a manual thumb safety even as an option.

7. No Sig Sauer P320s have come equipped with a tabbed trigger safety.

8. No Sig Sauer P320s have come equipped with a grip safety.

9. The vast majority of Sig Sauer P320 models sold to law enforcement and law abiding citizens do not come with an option to include any external safety .

10. External safeties have been used for many decades by Sig Sauer and its competitors to prevent or limit unintended discharges.

PARTIES

11. Plaintiff, William Kew (“Plaintiff” or “Kew”), is an adult individual, citizen and resident of the State of New Hampshire, residing at the above-captioned address.

12. Plaintiff, Meredith Kew (“Plaintiff” or “Mrs. Kew”), is the wife of William Kew, an adult individual, citizen, and resident of the State of New Hampshire, residing at the above-captioned address, and makes claims of loss of consortium as described herein.

13. Plaintiff, Darrell Miller-Smith (“Plaintiff” or “Miller-Smith”), is an adult individual, citizen, and resident of the State of Delaware, residing at the above-captioned address.

14. Plaintiff, Cody Moyer (“Plaintiff” or “Moyer”), is an adult individual, citizen, and resident of the State of Delaware, residing at the above-captioned address.

15. Plaintiff, William Schuele (“Plaintiff” or “Schuele”), is an adult individual, citizen, and resident of the State of Delaware, residing at the above-captioned address, makes claims of negligent infliction of emotional distress as described herein.

16. Defendant, Sig Sauer, Inc. (“Defendant” or “Sig Sauer”) is a corporation or other business entity with its principal place of business at 72 Pease Boulevard in Newington, New Hampshire 03801, organized and incorporated under the laws of Delaware.

JURISDICTION AND VENUE

17. This Court has jurisdiction over Sig Sauer under Pennsylvania’s Long-Arm Statute, as Sig Sauer has registered to do business in the Commonwealth of Pennsylvania as a foreign corporation (Filing No. 3105395), and maintains a registered office in Dauphin County, Pennsylvania. 15 Pa.C.S.A. § 411(a), (f); 42 Pa. C.S.A. § 5301(a)(2) and (b).

18. Under Pennsylvania law, an out-of-state corporation “may not do business in this Commonwealth until it registers” with the Department of State. 15 Pa.C.S.A. § 411(a). Registration requires that the out-of-state corporation “have, and continuously maintain, in this Commonwealth a registered office.” 15 Pa.C.S.A. § 411(f).

19. An out-of-state corporation registered to do business in the Commonwealth is subject to personal jurisdiction in Pennsylvania courts. 42 Pa. Cons. Stat. § 5301(a)(2)(i).

20. In *Mallory v. Norfolk So. Railway Co.*, the United States Supreme Court specifically upheld this statutory provision. *Mallory v. Norfolk So. Railway Co.*, 600 U.S. 122, 135 (2023)(“...Pennsylvania law is explicit that “qualification as a foreign corporation” shall permit state courts to “exercise general personal jurisdiction” over a registered foreign corporation, just as they can over domestic corporations. 42 Pa. Cons. Stat. § 5301(a)(2)(i).”); *see also Kennedy v. Crothall Healthcare, Inc.*, 321 A.3d 1065, 1072 (Pa. 2024)(citing *Mallory*, 600 U.S. at 134-

36)("The United States Supreme Court reversed, holding that the Pennsylvania statute does not offend due process because, by registering in Pennsylvania, the foreign corporation voluntarily consents to suit in the Commonwealth in order to avail itself of the opportunity to do business here.").

21. Sig Sauer has thereby consented to personal jurisdiction in Pennsylvania courts. 42 Pa. C.S.A. § 5301(b)(2)(i); *See also Mallory*, 600 U.S. at 134-36.

22. At all relevant times, Sig Sauer has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania, specifically in Philadelphia County.

23. Upon information and belief, the largest, or one of the largest, Sig Sauer P320 sellers/distributors in the country for law enforcement sales is Atlantic Tactical whose headquarters is in Pennsylvania and whose largest retail location is in Philadelphia, Pennsylvania.

24. Upon information and belief, a number of the law enforcement guns sold that were involved in the below referenced incidents were sold by and through Atlantic Tactical.

25. On November 30, 2022, after years of litigation in courthouses across the country involving the defective nature of the Sig Sauer P320, the undersigned firm filed an action in the District Court of New Hampshire, *Armendariz, et al. v. Sig Sauer, Inc.* No. 1:22-cv-00536-JL-AJ, consisting of 20 injured victims of the P320.

26. On March 24, 2023, Defendant filed a motion in the *Armendariz* case requesting that the Court sever the claims to be re-filed in the Plaintiffs' home states.

27. On June 27, 2023, the Honorable Joseph Laplante denied Defendant's motion to sever the claims.

28. Since that date, the undersigned firm has filed an additional 56 claims in the same District Court in New Hampshire, under the assignment of Judge Laplante. All claims have now been consolidated into two actions under the assignment of Judge Laplante: *Armendariz, et al. v. Sig Sauer, Inc.*, No.:22-cv-00536 and *Anderson, et. al. v. Sig Sauer, Inc.*, No.:1:25-cv-00113.

29. At all times described in the preceding paragraphs, the undersigned firm on behalf of its clients agreed to litigate these matters in Sig Sauer's home state, despite the potential risks of bias in suing a large employer in its home state.

30. In April 2025, in a strategic attempt to shield itself from liability from the victims of the P320, and to preclude claimants from filing additional actions in the District Court in New Hampshire, Sig Sauer lobbied the legislature and Governor in New Hampshire to provide the company immunity from the claims described herein. See Ex. A, NHPR Article: "Facing a wave of P320 lawsuits, Sig Sauer asked for immunity. NH lawmakers granted it." (May 28, 2025).

31. Sig Sauer's employees and/or representatives directly contacted New Hampshire lawmakers to lobby for this immunity.

32. Sig Sauer's employees and/or representatives were directly involved in the drafting of the immunity bill that it sought.

33. Sig Sauer's employees and/or representatives came up with the idea for the subject immunity bill in New Hampshire.

34. The immunity bill in New Hampshire is a direct result of the lobbying by Sig Sauer's employees and/or representatives.

35. Sig Sauer's success in securing immunity for itself has purportedly prevented additional Plaintiffs from filing actions in New Hampshire related to the claims described herein.

36. While the U.S. Supreme Court's *Mallory* decision afforded this court potential jurisdiction over claims against Sig Sauer since at least June of 2023, the undersigned firm continued to file claims in the District of New Hampshire to facilitate the efficient coordination of these claims. *See Harp, et. al. v. Sig Sauer, Inc.*, No. 1:24-cv-00058.

37. Sig Sauer's gamesmanship in blocking access to justice in New Hampshire is the sole reason why the undersigned firm is filing this action in Pennsylvania, as is made evident from the actions identified in the preceding averments.

GENERAL ALLEGATIONS

38. Sig Sauer designs and manufactures firearms for sale to military and commercial markets throughout the United States and internationally. It markets and sells its products directly and through dealers.

39. Sig Sauer was formerly known as SIG SAUERARMS Inc. and changed its name to Sig Sauer, Inc. in October 2007.

40. Its Chief Executive Officer at all times relevant to this Complaint was Ron J. Cohen.

41. Ron J. Cohen had direct involvement with the development of the Sig Sauer P320.

42. Ron J. Cohen had direct involvement in the design characteristics of the Sig Sauer P320.

43. The Sig Sauer P320 is susceptible to unintended discharges, meaning instances when a gun fires without user intent, at an alarmingly high rate.

44. There have been over 400 incidents (and likely multiples more) of the Sig Sauer P320 discharging without an intentional trigger pull.

45. Many of these unintended discharges have caused severe injury to the users and/or bystanders.

46. The vast majority of these users are law enforcement officers, former military personnel, and/or highly trained and practiced gun owners.

47. At all relevant times, Sig Sauer was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

48. This action seeks actual, compensatory, and punitive damages, and equitable relief, relating to Defendant, Sig Sauer Inc.'s negligence, gross negligence, recklessness, defective design, and unfair and deceptive marketing practices regarding the P320.

A. The P320

49. The P320 is the first striker-fired pistol Sig Sauer ever manufactured.

50. In 2012, Sig Sauer embarked on its plan to make a striker-fired pistol to compete with Glock and Smith and Wesson—the industry leaders in striker-fired pistols.

51. Sig Sauer assembled the P320 using the same frame from an earlier hammer-fired Sig Sauer model, the P250.

52. Sig Sauer specifically intended to make a shorter trigger pull than its competitors in the striker-fired pistol market, Glock and Smith and Wesson.

53. Sig Sauer's initial designs for the P320 included a trigger travel of .355 inches.

54. Yet, Sig Sauer made a pistol with a trigger travel distance far shorter, of just .165 inches (4.2mm) or less.

55. Sig Sauer's paid firearms consultant, Derek Watkins, admitted that "the SIG Sauer P320 takes approximately 38% less trigger displacement to discharge than the Glock 19 Gen 4."

56. As a result, the P320 will discharge with minimal trigger movement as compared to its competitors.

57. The P320 is a single-action pistol.
58. The trigger on a single-action pistol performs “the single-action” of releasing the hammer or striker.
59. Single-action guns generally have a short and light trigger.
60. All Single-Action pistols manufactured by Sig Sauer, other than the P320, have a manual thumb safety.
61. The trigger of a double-action pistol performs two actions: first cocking the hammer or striker, and the second releasing the hammer or striker.
62. For double-action pistols, the pistol remains de-cocked after each shot and does not require an external safety.
63. The P320’s chief designer, Sean Toner, admitted that the P320 is a Single-Action pistol. Toner Trial Testimony, *Abrahams v. Sig Sauer*, 86:8-10. (Q: And today in front of this jury you're telling them it is a single action pistol? A. Yes.)
64. Sig Sauer’s own expert witness, Derek Watkins, admitted that the P320 was single-action striker-fired pistol. Deposition of Derek Watkins, *Slatowski v. Sig Sauer*, 101:14-19

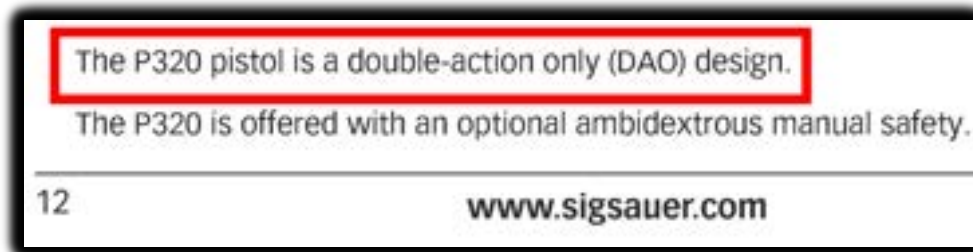
14 Q. What is the P320?
15 A. It's single.
16 Q. Okay. Meaning it is a cocked trigger?
17 A. It is nearly 100 percent cocked and
18 pulling the trigger releases the striker from the
19 sear.

65. The striker on a P320 is nearly fully cocked whenever there is a round in the chamber.

66. The P320's other designer, Matt Taylor, admitted that the striker for the P320 is 97% pre-cocked.

67. Users cannot see for themselves that the P320 is a single or double action gun.

68. For years, Sig Sauer represented to its users and customers that the P320 was a Double Action Only gun.



Sig Sauer P320 User Manual.

69. Sean Toner admitted under oath that Sig Sauer's representation of the P320 as a Double Action Only gun was a **false statement**:

Q: Can you read that out loud for the jury, sir?

A: Yes. P320 pistol is a double action only (DAO) design.

Q: DAO means double action only?

A: Yes, that's what it stands for.

Q: That's a false statement?

A: I wouldn't classify it as a double action only, no.

Q: Is there a reason you wouldn't consider that a false statement?

A: Yes, it's a false statement.

Toner Trial Testimony, *Abrahams v. Sig Sauer*, 10/29/2024 PM, 8:16-9:6.

70. Other than the P320, Sig Sauer does not make any other single-action guns without an external safety. Toner Trial Testimony, *Desrosiers v. Sig Sauer*, 7/21/2025 51:5-7 (“**Q:** Well,

can you name any single-action gun sold by Sig Sauer that does not have an external safety on it?

A: I believe they all do.”); Toner Trial Testimony, *Abrahams v. Sig Sauer*, 10/29/2024 PM, 10:21-

24 (“Q: So every single action gun Sig ever sold before the P320 had at least one external safety?

A: I believe that is correct.”).

71. Upon information and belief, at the time the P320 was designed and sold to the commercial market, every striker-fired pistol on the market except the P320 was equipped with some type of external safety; whether it be a thumb safety, tab trigger safety, grip safety, de-cocker, or hinge trigger.

72. Upon information and belief, Sig Sauer manufactures the only striker-fired pistols on the market that are not equipped with any form of external safety.

73. Sig Sauer designed, and continues to sell the P320 without *any* external safeties.

74. External safeties, at the time the subject guns were sold, were certainly technologically feasible for the P320.

75. Thumb safeties, at the time the subject gun was sold, were certainly technologically feasible for the P320.

76. Grip safeties, at the time the subject gun was sold, were certainly technologically feasible for the P320.

77. Trigger safeties, at the time the subject gun was sold, were certainly technologically feasible for the P320.

78. The P320s that injured Plaintiffs did not include a manual safety, grip safety, de-cocker, tabbed-trigger, trigger safety, *or any external safety*.

79. A properly functioning and active external safety, at the time the subject gun was sold, would preclude a properly functioning P320 from firing in an unintended fashion.

80. A properly functioning and active thumb safety, at the time the subject gun was sold, would completely preclude a properly functioning P320 from firing in an unintended fashion.

81. A properly functioning grip safety, at the time the subject gun was sold, would completely preclude a properly functioning P320 from firing unless the grip is pressed in a way that deactivates the grip safety.

82. A properly functioning trigger safety, at the time the subject gun was sold, would completely preclude a properly functioning P320 from firing unless the trigger is pressed in a way that deactivates the trigger safety.

83. A tabbed trigger is designed to prevent an unintended discharge when the trigger is subjected to any pressure that isn't a direct firing pull.

84. Nearly every one of Sig Sauer's competitors in the striker-fired pistol market uses a tabbed trigger, or some other form of a trigger safety.

85. A tabbed trigger was part of Sig Sauer's initial design for the P320.

86. Sig Sauer's 2014 marketing materials from its launch of the P320 demonstrates Sig Sauer planned to offer a "tabbed safety trigger" and a "standard trigger."



P320 Marketing Brochure

87. Without question, at was feasible to include a tabbed trigger safety on all P320 models.

88. Adding a tabbed trigger to the P320 would cost an addition \$5 per gun.

89. Sean Toner, testified that, to his knowledge, Sig Sauer has never produced a Sig P320 with a tab trigger safety.

90. The combination of the short displacement trigger, the single action design, and the lack of any external safety, renders the P320 defectively designed and unreasonably dangerous for its intended uses.

B. Sig Sauer Refusal to Warn the Public of Known Risks of the P320

1. Drop Fire

91. Sig Sauer knew of a drop-fire vulnerability with the P320, and failed to warn the public.

92. In 2013 and 2014, the P320 failed Sig Sauer's drop testing when, a P320 loaded with a primed casing, was dropped and the gun discharged on impact.

93. Despite failed drop tests in the design validation stages of the P320, Sig Sauer sold the pistol to the public that it knew, or should have known, was not drop safe.

94. In 2016, after hundreds of thousands of P320's were sold to the public and law enforcement, other entities performing drop testing of the P320 identified the drop-fire vulnerability with the gun.

95. In 2016, Sig Sauer submitted a bid for a P320 variant to be selected by German law enforcement and the P320 was subjected to drop testing in Ulm, Germany.

96. The P320 failed the Ulm drop testing.

97. As a result, Sig Sauer conducted a root cause analysis, determined that the drop test failure was repeatable, and identified the drop-fire vulnerability .

98. Also in 2016, a firearms seller, Carical, notified Sig Sauer that the P320 failed its drop testing and was not drop safe.

99. Also in 2016, Sig Sauer submitted a bid for a P320 variant, the M-17 and M-18, to compete for a \$580 million contract to supply the United States Army with a new service pistol in 2016.

100. The military P320 failed its drop testing standards when dropped with the safety in an off position.

101. In or about January or February of 2017, the United State Military notified Sig Sauer that the P320 failed drop tests when it discharged upon impact when dropped.

102. The United States military required Sig Sauer to redesign the trigger and internal components to make the gun drop safe.

103. Also in 2017, Sig Sauer was notified of multiple reported instances of P320's discharging when dropped in the United States.

104. Despite Sig Sauer having actual knowledge of the drop-fire vulnerability where the P320 would repeatedly fire on impact when drop at certain angles, it hid this information from the public.

105. On August 4, 2017, in the face of "internet rumors" that the P320 was not drop-safe, Sig Sauer published a press release, stating that "There have been zero (0) reported drop-related P320 incidents in the U.S. commercial market" and the P320 has safeties that ensure the gun will "only fire when the trigger is pressed."

106. These statements were false, as (1) both civilian and law enforcement agencies had reported P320 drop fires as of August 4, 2017, to Sig Sauer; (2) Sig Sauer's own internal testing

had identified the drop-fire vulnerability; and (3) the Ulm Testing, Caracal, and the US Military had alerted Sig Sauer to the drop-fire vulnerability with the P320.

107. On August 5, 2017, after communications with Sig Sauer went unanswered, Omaha Outdoors released a YouTube video showing the P320's drop fire vulnerability.

108. On August 8, 2017—*just four days after reaffirming the safety of the P320*-- Sig Sauer offered a new press release stating “Recent events indicate that dropping the P320 beyond U.S. standards for safety may cause an unintentional discharge.”

109. That same day, Sig Sauer 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. standards for safety.”

110. Sean Toner has admitted to this timeline:

Q: ...I'll take it in steps. You keep selling this gun that you know is a hazard for six months, right?

A: We did.

Q: Omaha Outdoors emailed you, says there's an issue, right?

A: Correct.

Q: They tell the public there's an issue?

A: Yes.

Q: And three days after they send you the email, you issue a voluntary upgrade?

A: That is the timeline.

Toner Trial Testimony, *Abrahams v. Sig Sauer*, 10/29/2024 PM Session, 41:20-42:6.

111. Sig Sauer's statement was also false, as there are no federal government standards for gun safety, a fact known to Sig Sauer when it issued this press release.

112. No federal agency oversees how firearms are designed or built. Firearms were expressly exempted by Congress from any federal regulation when Congress created the Consumer Product Safety Commission in 1972.

113. Sig Sauer'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, an internal disconnect switch, and an improved sear to prevent drop-fire discharges.

114. Even after re-designing the trigger mechanism to fix the drop-fire vulnerability, Sig Sauer has claimed the defective pre-upgrade guns are safe, despite the fact that citizens and law enforcement officers have been severely injured by these guns firing when dropped.

2. Unintended Discharge

115. In 2016-17, the United State Military required that Sig Sauer conduct a failure modes effects and criticality analysis.

116. The purpose of the FMECA was to assess the vulnerabilities of the P320 to certain health and safety risks associated with the use of the P320.

117. The FMECA identified the first five risks associated with the use of the P320 as being unintended discharges.

118. One of those five risks was the ***unintended trigger actuation by a foreign object***.

119. The risk of unintended trigger actuation was that it could kill someone.

120. The United States Army only agreed to the purchase of the P320 after Sig Sauer committed to designing an external manual safety for every military gun sold.

121. Sig Sauer acknowledged that the presence of an engaged manual safety prevents and/or reduces the probability of unintended discharge.

122. Despite this, Sig Sauer continued to sell the P320 without any external safeties to the public and law enforcement agencies, despite the known and unreasonable risk of unintended discharges posed by the P320's unique design.

123. In 2016 Sig Sauer was aware of multiple incidents in which the P320 discharged due to unintended trigger actuation—a known risk from the FMECA analysis.

124. At no time did Sig Sauer require that each P320 include at least one external safety.

125. Sig Sauer represented to the military that its P320 design decreased the chances of unintended discharges from unintended trigger actuation.

126. The only design feature of the P320 that decreased the chances of unintended discharges from unintended trigger actuations was the inclusion of a thumb safety for military versions.

127. The thumb safety is not even an option for almost 90 percent of Sig Sauer P320 models.

128. Indeed, it continues to sell P320's today with no external safeties to consumers, even when Sig Sauer knew of the unreasonable risks and danger associated with unintended discharges due to the P320's design for those guns without external safeties.

Prior Incidents

129. Sig Sauer knows of over 350 prior incidents unintended discharges with the P320.

130. There are hundreds of incidents that Sig Sauer first discovered by way of a legal letter or lawsuit directed towards it.

131. Without these legal letters or lawsuits, Sig Sauer had no other prior notice of these incidents.

132. Sig Sauer's incident tracking system is woefully deficient and does not capture the full extent of P320 unintended discharges.

133. Sig Sauer has never made another pistol with the rate or frequency of unintended discharges as the P320.

134. Sig Sauer's director of law enforcement sales, Matt Farkas, testified that Sig Sauer has seen more reports of unintended discharges from the P320 than any other gun sold by Sig Sauer. Matt Farkas Dep., *Powers v. Sig Sauer*, 73:10-17.

135. Farkas confirmed that he did not recall ever seeing a documented report of an unintended discharge from a law enforcement officer using the Sig Sauer P220, P226, P229, or P365. Matt Farkas Dep., *Cole v. Sig Sauer*, 80:13 – 81:19.

136. The below list is a small sample of P320 unintended discharges.

137. In February 2016, a fully-holstered P320 discharged in its holster without the user touching the gun in Roscommon, Michigan, when the officer moved to exit the vehicle during a snowstorm. The incident was captured on the Officer's body-worn camera.

138. Sig Sauer has known about the risk to users of the P320 discharging in its holster without the user touching the gun since at least February 2016.

139. Despite its knowledge of over 400 incidents (and likely multiples more) of the P320 discharging without the user's intent, it has not changed the design of the gun.

140. Some of the unintended discharges experienced by P320 users were captured on video, proving that their P320 discharged without an intentional trigger pull.

141. On March 13, 2019, a Galveston County Sheriff, Officer John Bocquet's P320 discharged while his finger is outside of the trigger guard the entire time. The discharge incident is caught on video and the screen shots in the moments before and after the discharge are identified below.



142. On August 3, 2021, in St. Clair, Minnesota, Officer Robert Greene was adjusting his P320 with his trigger finger clearly visible on the slide of his gun and not on the trigger, when his P320 discharged.



143. On March 28, 2022, Houston, Texas, Police Sergeant Marvin Reyes's P320 discharged from its holster while he was entering his car.

144. Sergeant Reyes' incident was captured on video, which unmistakably shows that Sergeant Reyes's hands were reaching into his truck and not near his holstered P320 at the time it discharged visible below.



Officer Marvin Reyes, Houston, TX

P320 discharging in its holster

145. On May 4, 2022, Detective David Cole of the Somerset County, Maine, Sheriff's Department was walking to his truck after serving a search warrant when his P320 that was secured in its holster discharged into his right leg.

146. Body camera footage immediately after his discharge showed his gun was fully holstered at the time (see below).

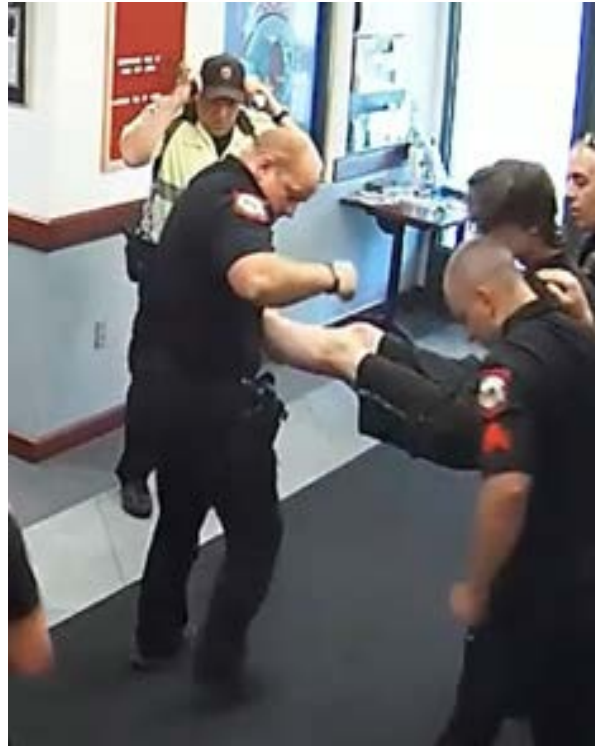


Officer David Cole, Piscataquis, ME

147. The Somerset County Sheriff's Office banned that P320 afterwards.

148. On July 24, 2023, Officer Daniel Witts P320 discharged while in its holster without him touching the gun as his arms were wrapped around a suspect's legs.

149. This incident was also captured on security camera and body camera which show his hands nowhere near the gun at the time of discharge.



*Officer Daniel Witts, Montville, CT
P320 discharging in its holster*

150. On May 9, 2024, in La Grange, Texas, Officer Currington was shot by his holstered P320 duty pistol which pierced his leg and caused him to nearly bleed to death.



151. Sig Sauer is aware of many, many other claims of unintended discharges involving the P320 beyond those identified above.

152. As of the date this Complaint, Sig Sauer has been aware of over 350 reports or claims of P320 unintended discharges.

153. As of the date this Complaint, Sig Sauer has been aware of claims that P320 unintended discharges have killed users.

Sig Sauer's Failure to Warn Users of the Danger

154. In its "Safety Without Compromise" marketing materials for the P320, Sig Sauer promises:



155. Despite this express representation, which Sig Sauer has made for the last several years to the present, the weapon lacks industry-standard safety features and has fired without the user deliberately pulling the trigger many, at least hundreds and likely thousands of times.

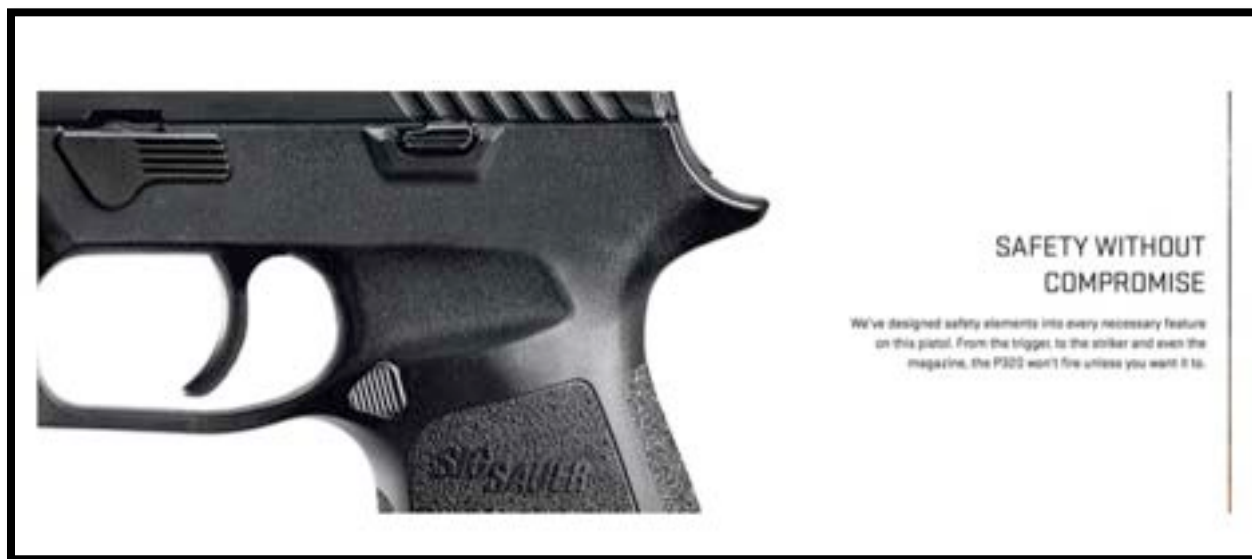
156. Defendant, Sig Sauer, had knowledge long before the sales of the P320's used by Plaintiffs that the P320 - its first ever striker-fired pistol - was capable of firing unintentionally due to defective components and/or the lack of necessary safety features, including but not limited to: a manual safety, a tabbed trigger safety, a de-cocker and/or a grip safety.

157. Sig Sauer is aware that the Sig Sauer P320 is capable of firing without a full trigger pull.

158. Sig Sauer is aware that the Sig Sauer P320 is capable of firing without the trigger's firing "wall" being cleared or passed.

159. For many years since the weapon was first introduced to the market in 2014, Sig Sauer has wantonly failed to recall the P320 despite knowing of scores of grievous wounds inflicted upon users and bystanders.

160. For years before the subject incidents giving rise to this action, Sig Sauer expressly represented that the weapon will not fire unless the user wants it to: "[w]e'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":



161. Many U.S. law enforcement agencies, local police departments, military personnel at a commander's discretion, and private owners routinely carry pistols with a chambered round.

162. Sig Sauer knew at all relevant times that its customers routinely carry P320s with a chambered round.

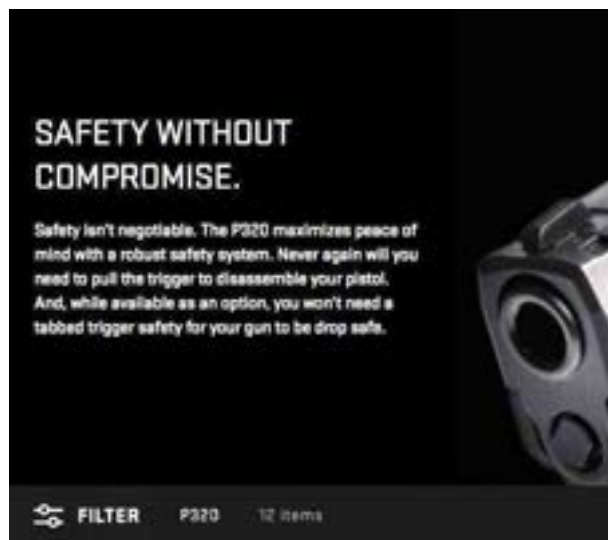
163. Sig Sauer knew at all relevant times that many law enforcement departments, including those that carry P320s, mandate that pistols be carried with a chambered round.

164. Sig Sauer has sold P320s to law enforcement departments that it has known, prior to the sale, require employees to carry with a chambered round.

165. Sig Sauer advertises that users can carry the P320 with a round chambered by annotating the P320's capacity in various configurations as "10 + 1," "12 + 1," etc.

166. The "+ 1" represents a chambered round.

167. Since the P320's manufacture and distribution into the stream of commerce, Sig Sauer has expressly represented that the weapon possessed a "robust safety system":



168. Indeed, Sig Sauer originally manufactured the P320 to include a tabbed trigger safety as an optional external safety for the P320.

169. Despite their representations, Sig Sauer never made a tabbed trigger safety, or any trigger safety available as an option for the P320.

170. In fact, Sig Sauer's original design and manufacture of the P320 rendered the weapon unreasonably dangerous for its intended uses and for any foreseeable uses, including normal carrying, holstering, un-holstering, and/or handling.

171. When Sig Sauer shipped P320's to dealers for sale to civilian consumers, Sig Sauer knew or should have known; a.) that the weapon was defective in its design and unreasonably dangerous for its ordinary uses, intended uses, and all other foreseeable uses; and b.) that unintended discharges could occur in the ordinary course of using the weapon, including when the pistol is holstered.

172. The injuries suffered by Plaintiffs, and harm caused to many others, were the foreseeable results outlined in Sig Sauer's own failure modes and effects criticality analysis ("FMECA") performed by Sig Sauer for both its internal use and analysis, and for the United States Military in or around late 2016 or early 2017.

173. Defendant was on notice of the risks of the P320's design since at least 2016.

Objective Evidence of the P320's Defective Design

174. Multiple law enforcement agencies have experienced a substantial increase in unintended discharge after issuing the P320 to its officers.

175. The Department of Immigration and Customs Enforcement ("ICE") switch its duty pistol from the Glock, that included a tabbed trigger safety, to the P320 which does not, and almost immediately noticed a dramatic increase in unintended discharges among the same user population.

176. ICE's circulated an internal memo titled "Increase in ICE Unintentional Discharges" and noted that the results of its research indicated "since January 2017, most of the UDs [unintended discharge] occurred with the Sig P320, which is a weapon that has only been approved for use within the last 18 months.

177. The ICE Memorandum notes a significant increase in unintended discharges following the introduction of the P320 when switching from the Glock.

178. ICE produced an additional list of discharges between December 2020 and November 2022 showing 27 confirmed unintentional discharges involving a P320 and 11 unintentional discharges involving an “unknown” weapon.

179. Comparing the seven combined unintended discharges in the two years prior to ICE’s introduction of the P320 to the 26-39 in the 23-month span included in ICE’s data most recent data production shows *the P320 is 3.8-5.5x more prone to unintended discharges than the tabbed trigger-equipped Glock.*¹

180. Cambridge Police Department officer Joseph DeSimone testified in the *Desrosiers v. Sig Sauer* matter that he did not recall a single unintended discharge among CPD officers from 1991 until Cambridge switched to the P320 in September 2018.²

181. In 2019 alone, there were at least three unintended discharges by CPD officers using the P320.

182. The Puerto Rico Police department responded to a subpoena in another matter involving an unintended discharge with a Sig Sauer P320 and provided all known unintended discharges from 2020 – March 2024.

183. The Puerto Rico Police reported 84 unintended discharges within that time period: 77 were from pistols, including the Glock, Smith and Wesson M&P, and the Sig Sauer P320. *Id.*

¹ This calculation assumes all five incidents referenced in the ICE memorandum 2017 involved a Glock, which may not be the case. In the event any of the 2017 incidents involved another firearm, the relative number of incidents involving a P320 would be even greater.

² Prior to the P320, the CPD used the Sig Sauer P228 and P229. Both pistols are hammer-fired guns with the first trigger-pull being a double-action, meaning it both cocks and releases the hammer. This results in a much heavier trigger pull.

184. Of those 77 unintended discharges with pistols, 68 were associated with the Sig Sauer P320.³

185. In response to the dramatic increase in unintended discharges experienced by law enforcement agencies nationwide, multiple agencies have switched out of the P320 or banned the gun entirely.⁴

186. The Pennsylvania State Police banned the P320 due to safety concerns and does not allow its officers to carry the P320 even off-duty.

187. Federal, state, and local law enforcement agencies have either banned the P320 or have discontinued its use, including: The Milwaukee Police Department, Wyoming Highway Patrol,, Southeastern Pennsylvania Transit Authority Police, the Chicago Police Department, Pennsylvania State Police Department, Cambridge Police Department, the Denver Police Department, the Houston Police Department, the Austin Police Department, the Somerset County Sheriff's Office (ME), the Philipsburg Police Department (NJ), and many others.

³ Chris Meyer, Sig Sauer's corporate designee, could not confirm whether this addition 68 unintended discharge in a single law enforcement agency was included in the over 350 incident Sig Sauer was aware of.

⁴ *Milwaukee police will stop using gun that keeps going off by mistake*. VICE. (November 3, 2022). Retrieved February 23, 2024, from <https://www.vice.com/en/article/epzkkj/milwaukee-police-sig-sauer-pistol> ; *WYO Highway Patrol got rid of Sig Sauer pistols after Trooper's gun discharged accidentally* Cowboy State Daily. (December 7, 2022). Retrieved February 23, 2024, from <https://cowboystatedaily.com/2022/12/07/wyo-highway-patrol-got-rid-of-sig-sauer-pistols-after-troopers-gun-discharged-accidentally/> ; *SEPTA Transit Police replace SIG Sauer pistols after service weapon fires while in holster*. PhillyVoice. (September 12, 2019). Retrieved February 23, 2024, from <https://www.phillyvoice.com/septa-transit-police-sig-sauer-p320-pistols-gun-accidentally-fires-holster-philadelphia/> ; *Wis. FOP recommends police across the state stop using the Sig Sauer P320*. WISN. (September 14, 2022) Retrieved February 23, 2024, from <https://www.wisn.com/article/wis-fop-recommends-police-across-the-state-stop-using-sig-sauer-p320/41202525>.

188. On November 21, 2024, the National Fraternal Order of Police sent a public letter to Ron Cohen, the CEO of Sig Sauer, “to address a pressing concern regarding the reported safety issues with the SIG Sauer P320 firearm.”

189. In February 2025, the Washington State Criminal Justice Training Commission assembled a work-group and published a report on the P320.

190. The workgroup was initiated in response to an October 9, 2024 unintended discharge where, during a training session a “[r]ecruit drew their firearm (Sig Sauer P320) to engage the course of fire [and] their gun immediately self-discharged.”⁵

191. Based on the WCJTC’s investigation, there was “an abundance of allegations of un-commanded discharges occurring around the country and world **attributed nearly exclusively to the Sig Sauer P320**, M17, and M18 platforms.” *Id.*, p. 8.

192. Sig Sauer still sells the P320 to law enforcement agencies with its short displacement trigger, its single-action design, and no external safeties.

193. As of the date this Complaint, Sig Sauer has been aware of more unintended discharges of Sig Sauer P320s than any other gun it makes since the time the P320 first went to market.

194. The problem of unintended discharges with the P320 has shown no signs of abating, but Sig Sauer refuses to recall the gun and/or address and correct the defective design.

195. Firearms are consumer product exempt from the Consumer Product Safety Commission.

196. The CPSC cannot require firearms manufacturers to recall defective guns.

⁵ The report also identified three other Washington police agencies who have banned the P320 (Vancouver Police Department, Clark County Sheriff’s Office, and Pierce County Sheriff).

197. The decision to issue a mandatory recall is left entirely to Sig Sauer's discretion.

198. The decision to redesign the P320 to include necessary, industry-wide safeties that the P320 lacks, is left entirely to Sig Sauer's discretion.

199. To date, Sig Sauer has never issued a mandatory recall of the P320 and continues to sell the P320, putting profits above the health and safety of its users.

200. Our firm's clients desperately plead with Sig Sauer to recall this weapon before more victims are injured.

PLAINTIFFS' INCIDENTS

William Kew

201. Prior to September 19, 2025, William Kew had extensive firearms training and experience through his 15 years in law enforcement.

202. Prior to September 19, 2025, Kew was issued a P320 by ICE/HSI.

203. On September 19, 2025, in Chelsea, Massachusetts, Kew was sitting in his car when his holstered P320 suddenly and unexpectedly discharged.

204. Plaintiff's finger never touched the face of the P320's trigger and he did not intend to fire the weapon.

205. At the time of the unintended discharge, all of the vehicle's doors and windows were closed, causing Kew to sustain hearing loss, tinnitus, and severe emotional trauma.

206. While the full extent of the physical damage to Kew is not yet known, it is likely that he will never be able to return to his pre-incident form as a result of diminished physical capacity

207. As a direct and proximate result of Defendant's negligence, carelessness, recklessness, strict liability and/or other liability producing conduct, Kew was forced to suffer

serious, disabling, and permanent injuries and emotional distress, the full extent of which has yet to be determined. Kew has in the past and is reasonably likely to require medicines, medical care and treatment. Kew has in the past and may in the future continue to be compelled to expend monies and incur further obligations for such medical care and treatment. Kew has in the past and may in the future continue to suffer agonizing aches, pains, and psychological and emotional anguish. Kew has in the past and may in the future continue to be disabled from performing his usual duties, occupations, and avocations, all to Kew's great loss and detriment. The incident has resulted in substantial physical harm and related trauma to Kew, who has received substantial and ongoing treatments and medicines.

Darrell Miller-Smith

208. Prior to July 26, 2024, Darell Miller-Smith had extensive firearms training and experience as a gun owner and through his 10 years as an armed security guard.

209. Prior to July 26, 2024, Miller-Smith purchased a P320 for personal use.

210. On July 26, 2024, in Wilmington, Delaware, Miller-Smith's holstered P320 suddenly and unexpectedly discharged.

211. Plaintiff's finger never touched the face of the P320's trigger and he did not intend to fire the weapon.

212. The bullet struck Miller-Smith in his right hip, causing substantial injury, maceration of tissue, blood loss, and nerve damage, along with severe emotional trauma. The bullet still remains in Miller-Smith's right hip.

213. While the full extent of the physical damage to Miller-Smith's right leg is not yet known, he has had (and it is likely that he will have) trouble walking, running, standing and/or

sitting as he had before the incident, and will likely never be able to return to his pre-incident form as a result of diminished physical capacity.

214. As a direct and proximate result of Defendant's negligence, carelessness, recklessness, strict liability and/or other liability producing conduct, Miller-Smith was forced to suffer serious, disabling, and permanent injuries and emotional distress, the full extent of which has yet to be determined. Miller-Smith has in the past and is reasonably likely to require medicines, medical care and treatment. Miller-Smith has in the past and may in the future continue to be compelled to expend monies and incur further obligations for such medical care and treatment. Miller-Smith has in the past and may in the future continue to suffer agonizing aches, pains, and psychological and emotional anguish. Miller-Smith has in the past and may in the future continue to be disabled from performing his usual duties, occupations, and avocations, all to Miller-Smith's great loss and detriment. The incident has resulted in substantial physical harm and related trauma to Miller-Smith, who has received substantial and ongoing treatments and medicines.

Cody Moyer and William Schuele

215. On April 30, 2025, Delaware State Trooper Cody Moyer worked with Delaware State Trooper William Schuele on a DUI investigation in Laurel, Delaware.

216. Prior to April 30, 2025, Officer Moyer and Officer Schuele had undergone extensive firearms training in their capacity as police officers.

217. Prior to April 30, 2025, Officer Schuele was issued a P320 by the Delaware State Police.

218. On April 30, 2025, Officer Schuele's holstered P320 suddenly and unexpectedly discharged in proximity to Officer Moyer.

219. Plaintiff's finger never touched the face of the P320's trigger and he did not intend to fire the weapon.

220. The bullet struck Officer Moyer in his left thigh, causing substantial injury and blood loss, along with severe emotional trauma.

221. While the full extent of the physical damage to Officer Moyer's right leg is not yet known, he has had (and it is likely that he will have) trouble walking, running, standing and/or sitting as he had before the incident, and will likely never be able to return to his pre-incident form as a result of diminished physical capacity.

222. As a direct and proximate result of Defendant's negligence, carelessness, recklessness, strict liability and/or other liability producing conduct, Officer Moyer was forced to suffer serious and disabling injuries and emotional distress, the full extent of which has yet to be determined. Officer Moyer has in the past and is reasonably likely to require medicines, medical care and treatment. Officer Moyer has in the past and may in the future continue to be compelled to expend monies and incur further obligations for such medical care and treatment. Officer Moyer has in the past and may in the future continue to suffer agonizing aches, pains, and psychological and emotional anguish. Officer Moyer has in the past and may in the future continue to be disabled from performing his usual duties, occupations, and avocations, all to Officer Moyer's great loss and detriment. The incident has resulted in substantial physical harm and related trauma to Officer Moyer, who has received substantial and ongoing treatments and medicines.

223. Plaintiff William Schuele witnessed the unintentional discharge that seriously injured Plaintiff Moyer, and was within the zone of danger. As a result, Plaintiff William Schuele has suffered, and continues to suffer, from severe emotional distress, and other psychological and mental injuries.

COUNT I – NEGLIGENCE
WILLIAM KEW V. SIG SAUER

224. Plaintiff re-adopts and re-alleges all paragraphs of this Complaint as if fully set forth herein.

225. At all relevant times, Sig Sauer owed Kew the duty to design the P320 weapon in such a manner and with the exercise of reasonable care, so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

226. At all relevant times, Sig Sauer owed Kew the duty to design, manufacture, assemble, inspect and/or test its P320s in such a manner and with the exercise of reasonable care, so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

227. At all relevant times, Sig Sauer owed a duty to unambiguously warn consumers and/or intended users of the P320, including Kew, of known or suspected defects that rendered the gun unreasonably dangerous to handle or use. Upon information and belief, Sig Sauer knew or had reason to know that the P320 posed an unreasonable risk of harm by virtue of informal and formal claims arising from substantially similar incidents, internal testing and research, industry publications and research, and other sources of information to be developed in discovery.

228. Sig Sauer breached the above-cited duties in various ways, including but not limited to, one or more of the following negligent acts:

- i. By failing to use due care in designing and manufacturing the P320's firing and striker assembly to prevent or mitigate against unintended discharges ;
- ii. By failing to use due care in designing the P320, failing to incorporate a manual external safety, tabbed trigger safety, or grip safety to prevent or mitigate against unintended discharges;

- iii. By failing to use due care in designing and manufacturing the P320's internal components, including its sear, and by omitting a mechanical disconnect switch, to prevent or mitigate against unintended discharges ;
- iv. By failing to issue a mandatory recall of the P320 as Sig Sauer had done in the past with other defective products;
- v. By failing to make reasonable tests and/or inspections to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull as described above;
- vi. By negligently failing to unambiguously warn purchasers and end users of the gun, including Kew, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, about which it knew or should have known through the exercise of ordinary care;
- vii. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull while in the possession of Sig Sauer, and during which times employees, servants or agents of Sig Sauer had an opportunity to inspect, service and work on the gun;
- viii. By negligently failing to place a warning about mere "vibration" of the gun in a conspicuous manner, such as on its case, which could be easily understood by a consumer, instead of relying on changing the bottom of page 25 of the user manual for the gun after several incidents of unintended discharges;
- ix. By including a defective and improper holster in the original packaging with the gun;
- x. By misrepresenting the dangers and hazards posed by the gun;

- xi. By failing to design a firearm that would be safe for all users to operate under ordinary circumstances;
- xii. By negligently misrepresenting that the P320 is safe when carried with a round in the chamber;
- xiii. By failing to incorporate safeties which were standard among all of the P320s' competitors; and
- xiv. Other negligent acts and omissions to be developed in the course of discovery.

229. Sig Sauer knew, or should have known, that exposing users to the dangerous and defective and hazardous conditions existing in the gun would or could give rise to serious bodily injuries to such users, up to and including death.

230. The gun's defective condition was not visible, and Kew was not capable of realizing the dangerous condition and could not have discovered the dangerous condition even upon performing a reasonable inspection of the same.

231. Sig Sauer's negligence, as alleged in this Count, directly and proximately caused the September 19, 2025, unintended discharge and Kew's resultant injuries.

232. As a direct and proximate result of the negligence set forth in this Count, Kew suffered severe physical injury, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical deformity and handicap and embarrassment associated with the same, loss of earnings and earning capacity, incurred medical, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature, and Kew will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT II – STRICT PRODUCT LIABILITY
WILLIAM KEW V. SIG SAUER

233. Plaintiff re-adopts and re-allege all paragraphs of this Complaint as if fully set forth herein.

196. Sig Sauer, by and through its agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, is strictly liable to Plaintiff because:

- i. Sig Sauer is engaged in the regular business of designing, assembling, manufacturing, selling, supplying, distributing, and/or placing into the stream of commerce firearms, including the P320 that injured Plaintiff;
- ii. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by Sig Sauer;
- iii. The product was expected to and did reach users without substantial change in the condition in which it was designed, assembled, manufactured, sold, supplied, distributed and/or placed into the stream of commerce;
- iv. The product was designed, assembled, manufactured, sold, supplied, distributed, and/or placed into the stream of commerce in the defective condition for the reasons set forth above.

197. At all relevant times, the P320 was used in a manner that was intended or directed or reasonably foreseeable to, and was known or foreseen by, Sig Sauer.

198. The P320 was in a defective condition, as it failed to perform in the manner reasonably to be expected in light of its nature and intended function.

199. The P320 was in a defective condition, as the danger contained therein was unknowable and unacceptable to the average or ordinary customer.

200. The P320 was in a defective condition, as a reasonable person would conclude that the probability and seriousness of the harm caused by the P320 outweighed the burden or costs of taking precautions.

201. Sig Sauer breached its duties, by and through their agents, servants, workers and/or employees, and was jointly and severally careless, negligent, grossly negligent and/or reckless in the performance of its obligations.

202. The defective condition of the P320 caused Plaintiff's injuries.

203. Defendant's failure to warn of the P320's susceptibility to discharge without an intentional trigger pull caused Plaintiff's injuries.

204. Sig Sauer is therefore strictly liable to Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT III – NEGLIGENCE
DARRELL MILLER-SMITH V. SIG SAUER

234. Plaintiff re-adopts and re-alleges all paragraphs of this Complaint as if fully set forth herein.

235. At all relevant times, Sig Sauer owed Miller-Smith the duty to design the P320 weapon in such a manner and with the exercise of reasonable care, so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

236. At all relevant times, Sig Sauer owed Miller-Smith the duty to design, manufacture, assemble, inspect and/or test its P320s in such a manner and with the exercise of reasonable care,

so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

237. At all relevant times, Sig Sauer owed a duty to unambiguously warn consumers and/or intended users of the P320, including Miller-Smith, of known or suspected defects that rendered the gun unreasonably dangerous to handle or use. Upon information and belief, Sig Sauer knew or had reason to know that the P320 posed an unreasonable risk of harm by virtue of informal and formal claims arising from substantially similar incidents, internal testing and research, industry publications and research, and other sources of information to be developed in discovery.

238. Sig Sauer breached the above-cited duties in various ways, including but not limited to, one or more of the following negligent acts:

- i. By failing to use due care in designing and manufacturing the P320's firing and striker assembly to prevent or mitigate against unintended discharges ;
- ii. By failing to use due care in designing the P320, failing to incorporate a manual external safety, tabbed trigger safety, or grip safety to prevent or mitigate against unintended discharges;
- iii. By failing to use due care in designing and manufacturing the P320's internal components, including its sear, and by omitting a mechanical disconnect switch, to prevent or mitigate against unintended discharges ;
- iv. By failing to issue a mandatory recall of the P320 as Sig Sauer had done in the past with other defective products;
- v. By failing to make reasonable tests and/or inspections to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull as described above;

- vi. By negligently failing to unambiguously warn purchasers and end users of the gun, including Miller-Smith, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, about which it knew or should have known through the exercise of ordinary care;
- vii. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull while in the possession of Sig Sauer, and during which times employees, servants or agents of Sig Sauer had an opportunity to inspect, service and work on the gun;
- viii. By negligently failing to place a warning about mere "vibration" of the gun in a conspicuous manner, such as on its case, which could be easily understood by a consumer, instead of relying on changing the bottom of page 25 of the user manual for the gun after several incidents of unintended discharges;
- ix. By including a defective and improper holster in the original packaging with the gun;
- x. By misrepresenting the dangers and hazards posed by the gun;
- xi. By failing to design a firearm that would be safe for all users to operate under ordinary circumstances;
- xii. By negligently misrepresenting that the P320 is safe when carried with a round in the chamber;
- xiii. By failing to incorporate safeties which were standard among all of the P320s' competitors; and
- xiv. Other negligent acts and omissions to be developed in the course of discovery.

239. Sig Sauer knew, or should have known, that exposing users to the dangerous and defective and hazardous conditions existing in the gun would or could give rise to serious bodily injuries to such users, up to and including death.

240. The gun's defective condition was not visible, and Miller-Smith was not capable of realizing the dangerous condition and could not have discovered the dangerous condition even upon performing a reasonable inspection of the same.

241. Sig Sauer's negligence, as alleged in this Count, directly and proximately caused the July 26, 2024, unintended discharge and Miller-Smith's resultant injuries.

242. As a direct and proximate result of the negligence set forth in this Count, Miller-Smith suffered severe physical injury, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical deformity and handicap and embarrassment associated with the same, loss of earnings and earning capacity, incurred medical, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature, and Miller-Smith will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT IV – STRICT PRODUCT LIABILITY
DARRELL MILLER-SMITH V. SIG SAUER

243. Plaintiff re-adopts and re-alleges all paragraphs of this Complaint as if fully set forth herein.

244. Sig Sauer, by and through its agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, is strictly liable to Plaintiff because:

- i. Sig Sauer is engaged in the regular business of designing, assembling, manufacturing, selling, supplying, distributing, and/or placing into the stream of commerce firearms, including the P320 that injured Plaintiff;
- ii. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by Sig Sauer;
- iii. The product was expected to and did reach users without substantial change in the condition in which it was designed, assembled, manufactured, sold, supplied, distributed and/or placed into the stream of commerce;
- iv. The product was designed, assembled, manufactured, sold, supplied, distributed, and/or placed into the stream of commerce in the defective condition for the reasons set forth above.

245. At all relevant times, the P320 was used in a manner that was intended or directed or reasonably foreseeable to, and was known or foreseen by, Sig Sauer.

246. The P320 was in a defective condition, as it failed to perform in the manner reasonably to be expected in light of its nature and intended function.

247. The P320 was in a defective condition, as the danger contained therein was unknowable and unacceptable to the average or ordinary customer.

248. The P320 was in a defective condition, as a reasonable person would conclude that the probability and seriousness of the harm caused by the P320 outweighed the burden or costs of taking precautions.

249. Sig Sauer breached its duties, by and through their agents, servants, workers and/or employees, and was jointly and severally careless, negligent, grossly negligent and/or reckless in the performance of its obligations.

250. The defective condition of the P320 caused Plaintiff's injuries.

251. Defendant's failure to warn of the P320's susceptibility to discharge without an intentional trigger pull caused Plaintiff's injuries.

252. Sig Sauer is therefore strictly liable to Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT V - BREACH OF IMPLIED WARRANTY
DARRELL MILLER-SMITH V. SIG SAUER

253. Plaintiff re-affirms and re-alleges all the preceding paragraphs of this Complaint as if fully set forth herein.

254. At all relevant times, Sig Sauer was in the business of marketing, selling, and distributing weapons, including Plaintiff's P320 pistol.

255. Sig Sauer knew of the ordinary purposes for which the gun was intended and impliedly warranted it to be of merchantable quality, safe, and fit for such purposes (which included "vibrated" and handled while situated within and without a holster) and all other reasonably foreseeable uses.

256. At all relevant times, Plaintiff used the gun in its intended manner and for its intended purpose and reasonably relied on the skill, judgment and implied warranty of Sig Sauer.

257. Sig Sauer breached the above-referenced implied warranties as to the gun because, at the time it left Sig Sauer's possession, it was not of merchantable quality and was unreasonably dangerous and unfit for the ordinary and reasonably foreseeable purposes for which it was intended due to Sig Sauer:

- i. Failing to use due care in designing and manufacturing the P320's internal components and by omitting a mechanical disconnect switch to prevent or mitigate against unintended discharges;
- ii. Failing to issue a mandatory recall of the P320 as Sig Sauer had done in the past with other defective products;
- iii. Failing to make reasonable tests and/or inspections to discover the potentially dangerous conditions relating to the gun's ability to discharge without an intentional trigger pull;
- iv. Negligently failing to unambiguously warn purchasers/users of the gun of said faulty conditions relating to its design and manufacture;
- v. Failing to discover the potentially dangerous conditions relating to the gun's ability to discharge without an intentional trigger pull while in the possession of Sig Sauer, and during which times employees, servants or agents of Sig Sauer had an opportunity to inspect, service and work on the gun.

258. Plaintiff, as the end user of the gun, was a person who would foreseeably be injured by Sig Sauer breaching the implied warranties referenced in this Count and Sig Sauer's breach of the implied warranties of merchantability and/or fitness for a particular purpose, as alleged herein, directly and proximately caused the subject incident on July 26, 2024, and the resulting injuries to Plaintiff.

259. As a direct and proximate result Defendant's breach of the implied warranties of merchantability and/or fitness for a particular purpose, as alleged herein, Plaintiff suffered severe physical injury, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical deformity and handicap and embarrassment associated with the same, loss of earnings and earning capacity, incurred medical, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature, and Plaintiff will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT VI – NEGLIGENCE
CODY MOYER V. SIG SAUER

260. Plaintiff re-adopts and re-alleges all paragraphs of this Complaint as if fully set forth herein.

261. At all relevant times, Sig Sauer owed Moyer the duty to design the P320 weapon in such a manner and with the exercise of reasonable care, so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

262. At all relevant times, Sig Sauer owed Moyer the duty to design, manufacture, assemble, inspect and/or test its P320s in such a manner and with the exercise of reasonable care, so as to prevent it from firing without an intentional trigger pull before selling the gun and placing it into the stream of commerce.

263. At all relevant times, Sig Sauer owed a duty to unambiguously warn consumers and/or intended users of the P320, including Moyer, of known or suspected defects that rendered the gun unreasonably dangerous to handle or use. Upon information and belief, Sig Sauer knew or had reason to know that the P320 posed an unreasonable risk of harm by virtue of informal and formal claims arising from substantially similar incidents, internal testing and research, industry publications and research, and other sources of information to be developed in discovery.

264. Sig Sauer breached the above-cited duties in various ways, including but not limited to, one or more of the following negligent acts:

- i. By failing to use due care in designing and manufacturing the P320's firing and striker assembly to prevent or mitigate against unintended discharges ;
- ii. By failing to use due care in designing the P320, failing to incorporate a manual external safety, tabbed trigger safety, or grip safety to prevent or mitigate against unintended discharges;
- iii. By failing to use due care in designing and manufacturing the P320's internal components, including its sear, and by omitting a mechanical disconnect switch, to prevent or mitigate against unintended discharges ;
- iv. By failing to issue a mandatory recall of the P320 as Sig Sauer had done in the past with other defective products;
- v. By failing to make reasonable tests and/or inspections to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull as described above;
- vi. By negligently failing to unambiguously warn purchasers and end users of the gun, including Moyer, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, about which it knew or should have known through the exercise of ordinary care;
- vii. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge without an intentional trigger pull while in the possession of Sig Sauer, and during which times employees, servants or agents of Sig Sauer had an opportunity to inspect, service and work on the gun;
- viii. By negligently failing to place a warning about mere "vibration" of the gun in a conspicuous manner, such as on its case, which could be easily understood by a consumer, instead of relying on changing the bottom of page 25 of the

user manual for the gun after several incidents of unintended discharges;

- ix. By including a defective and improper holster in the original packaging with the gun;
- x. By misrepresenting the dangers and hazards posed by the gun;
- xi. By failing to design a firearm that would be safe for all users to operate under ordinary circumstances;
- xii. By negligently misrepresenting that the P320 is safe when carried with a round in the chamber;
- xiii. By failing to incorporate safeties which were standard among all of the P320s' competitors; and
- xiv. Other negligent acts and omissions to be developed in the course of discovery.

265. Sig Sauer knew, or should have known, that exposing users to the dangerous and defective and hazardous conditions existing in the gun would or could give rise to serious bodily injuries to such users, up to and including death.

266. The gun's defective condition was not visible, and Moyer was not capable of realizing the dangerous condition and could not have discovered the dangerous condition even upon performing a reasonable inspection of the same.

267. Sig Sauer's negligence, as alleged in this Count, directly and proximately caused the April 30, 2025, unintended discharge and Moyer's resultant injuries.

268. As a direct and proximate result of the negligence set forth in this Count, Moyer suffered severe physical injury, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical deformity and handicap and embarrassment associated with the same,

loss of earnings and earning capacity, incurred medical, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature, and Moyer will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT VII – STRICT PRODUCT LIABILITY
CODY MOYER V. SIG SAUER

269. Plaintiff re-adopts and re-allege all paragraphs of this Complaint as if fully set forth herein.

270. Sig Sauer, by and through its agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, is strictly liable to Plaintiff because:

- i. Sig Sauer is engaged in the regular business of designing, assembling, manufacturing, selling, supplying, distributing, and/or placing into the stream of commerce firearms, including the P320 that injured Plaintiff;
- ii. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by Sig Sauer;
- iii. The product was expected to and did reach users without substantial change in the condition in which it was designed, assembled, manufactured, sold, supplied, distributed and/or placed into the stream of commerce;
- iv. The product was designed, assembled, manufactured, sold, supplied, distributed, and/or placed into the stream of commerce in the defective condition for the reasons set forth above.

271. At all relevant times, the P320 was used in a manner that was intended or directed or reasonably foreseeable to, and was known or foreseen by, Sig Sauer.

272. The P320 was in a defective condition, as it failed to perform in the manner reasonably to be expected in light of its nature and intended function.

273. The P320 was in a defective condition, as the danger contained therein was unknowable and unacceptable to the average or ordinary customer.

274. The P320 was in a defective condition, as a reasonable person would conclude that the probability and seriousness of the harm caused by the P320 outweighed the burden or costs of taking precautions.

275. Sig Sauer breached its duties, by and through their agents, servants, workers and/or employees, and was jointly and severally careless, negligent, grossly negligent and/or reckless in the performance of its obligations.

276. The defective condition of the P320 caused Plaintiff's injuries.

277. Defendant's failure to warn of the P320's susceptibility to discharge without an intentional trigger pull caused Plaintiff's injuries.

278. Sig Sauer is therefore strictly liable to Plaintiff.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT VIII - BREACH OF IMPLIED WARRANTY
CODY MOYER V. SIG SAUER

279. Plaintiff re-affirms and re-alleges all the preceding paragraphs of this Complaint as if fully set forth herein.

280. At all relevant times, Sig Sauer was in the business of marketing, selling, and distributing weapons, including Plaintiff's P320 pistol.

281. Sig Sauer knew of the ordinary purposes for which the gun was intended and impliedly warranted it to be of merchantable quality, safe, and fit for such purposes (which included “vibrated” and handled while situated within and without a holster) and all other reasonably foreseeable uses.

282. At all relevant times, Plaintiff used the gun in its intended manner and for its intended purpose and reasonably relied on the skill, judgment and implied warranty of Sig Sauer.

283. Sig Sauer breached the above-referenced implied warranties as to the gun because, at the time it left Sig Sauer’s possession, it was not of merchantable quality and was unreasonably dangerous and unfit for the ordinary and reasonably foreseeable purposes for which it was intended due to Sig Sauer:

- i. Failing to use due care in designing and manufacturing the P320’s internal components and by omitting a mechanical disconnect switch to prevent or mitigate against unintended discharges;
- ii. Failing to issue a mandatory recall of the P320 as Sig Sauer had done in the past with other defective products;
- iii. Failing to make reasonable tests and/or inspections to discover the potentially dangerous conditions relating to the gun’s ability to discharge without an intentional trigger pull;
- iv. Negligently failing to unambiguously warn purchasers/users of the gun of said faulty conditions relating to its design and manufacture;
- v. Failing to discover the potentially dangerous conditions relating to the gun’s ability to discharge without an intentional trigger pull while in the possession of Sig Sauer, and during which times employees, servants or agents of Sig Sauer had an opportunity to inspect, service and work on the gun.

284. Plaintiff, as the end user of the gun, was a person who would foreseeably be injured by Sig Sauer breaching the implied warranties referenced in this Count and Sig Sauer’s breach of the implied warranties of merchantability and/or fitness for a particular purpose, as alleged herein,

directly and proximately caused the subject incident on April 30, 2025, and the resulting injuries to Plaintiff.

285. As a direct and proximate result Defendant's breach of the implied warranties of merchantability and/or fitness for a particular purpose, as alleged herein, Plaintiff suffered severe physical injury, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical deformity and handicap and embarrassment associated with the same, loss of earnings and earning capacity, incurred medical, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature, and Plaintiff will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in his favor and against Sig Sauer for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

COUNT IX - NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
WILLIAM SCHUELE V. SIG SAUER

286. Plaintiff re-adopts and re-allege all paragraphs of this Complaint as if fully set forth herein.

287. By its actions, Defendant Sig Sauer knew, or should have known, that the design and/or manufacturing defect in the gun rendered it capable of discharging without the trigger being pulled. Yet it presented to the Delaware State Police Department, Officer Schuele, and the general public, in marketing materials that numerous safeties would prevent the gun from firing unless the trigger was pulled.

288. Defendant's conduct created an unreasonable risk of causing the Plaintiff emotional distress. Officer Schuele's emotional distress was foreseeable.

289. The emotional distress was severe enough that it might result in illness or bodily harm.

290. Defendant's conduct was the direct and proximate cause of Officer Schuele's distress.

291. The trigger was not pulled by Officer Schuele, yet the weapon still fired and shot his coworker, Officer Moyer, in the leg.

292. As a result of witnessing Officer Moyer's serious physical injuries at the scene of the incident, Plaintiff William Schuele suffered and continues to suffer from severe emotional distress, physiological pain, emotional scarring, fear, anxiety, mental anguish, and other debilitating emotional, psychological, and mental injuries, some or all of which manifested as a physical injury, the full extent of which may not have yet been realized.

293. As a result of Defendants' negligence, gross negligence, careless and reckless conduct and/or other liability producing conduct, as previously averred herein, Defendant is are liable to Plaintiff William Schuele for negligent infliction of emotional distress.

COUNT X – LOSS OF CONSORTIUM
MEREDITH KEW

294. Plaintiff incorporates by reference all preceding paragraphs of this Complaint, the same as if fully set forth hereinafter.

295. At all relevant times hereto, Plaintiff, Meredith Kew, was the lawfully wedded wife of husband-plaintiff, William Kew, with whom he lives.

296. As a result of the injuries sustained by Mr. Kew, wife-plaintiff Mrs. Kew has been and will continue to be deprived of the love, assistance, companionship, consortium and society of her husband, all to his great loss and detriment.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant for compensatory and punitive damages, together with lawful interest, attorneys' fees, costs of suit, and all other claims available by law.

Respectfully submitted,

SALTZ MONGELUZZI & BENDESKY P.C.

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