

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

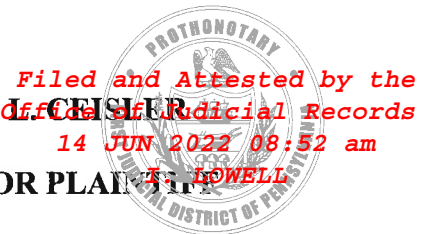
JUNE 2022

001213

E-Filing Number: 2206026605

PLAINTIFF'S NAME GEORGE ABRAHAMS		DEFENDANT'S NAME SIG SAUER, INC.	
PLAINTIFF'S ADDRESS 1518 WEIDNER PLACE PHILADELPHIA PA 19141		DEFENDANT'S ADDRESS 72 PEASE BOULEVARD NEWINGTON NH 03801	
PLAINTIFF'S NAME		DEFENDANT'S NAME FIRING LINE, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1532 FRONT STREET PHILADELPHIA PA 19147	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	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 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<p style="text-align: center;">FILED PRO PROTHY</p> <p style="text-align: center;">JUN 14 2022</p> <p style="text-align: center;">I. LOWELL</p>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
<p>TO THE PROTHONOTARY:</p> <p>Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>GEORGE ABRAHAMS</u></p> <p>Papers may be served at the address set forth below.</p>			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY LARRY E. BENDESKY		ADDRESS SALTZ MONGELUZZI & BENDESKY P. 1650 MARKET STREET 52ND FLOOR PHILADELPHIA PA 19103	
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SUPREME COURT IDENTIFICATION NO. 51026		E-MAIL ADDRESS lbendesky@smbb.com	
SIGNATURE OF FILING ATTORNEY OR PARTY LARRY BENDESKY		DATE SUBMITTED Tuesday, June 14, 2022, 08:52 am	

SALTZ MONGELUZZI & BENDESKY P.C.
BY: LARRY BENDESKY/ROBERT W. ZIMMERMAN/DANIEL OFFICER
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ATTORNEYS FOR PLAINTIFF

GEORGE ABRAHAMS
1518 Weidner Place
Philadelphia, PA 19141

v.

SIG SAUER, INC.
72 Pease Boulevard
Newington, NH 03801

And

FIRING LINE, INC.
1532 Front Street
Philadelphia, PA 19147

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
LAW DIVISION

JUNE TERM, 2022

CIVIL CASE NUMBER:

JURY TRIAL DEMANDED

***NOTICE**

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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.

"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.

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.
IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL and INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-1701"

***AVISO**

"Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas Sig Saueruientes, tiene veinte (20) dias, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y 1lvio1 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 1lvio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PARGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASSISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.

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.

ASSOCIACION DE LICENCIADOS DE FILADELFIA
SERVICO DE REFERENCA E INFORMACION LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: (215) 238-1701"

COMPLAINT – CIVIL ACTION

1. Upon information, research and belief, the Sig Sauer P320 is the most dangerous pistol for its users sold in the United States market.

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

3. Well over 75 users, and perhaps multiples more, are believed to be victims of unintended P320 discharges.

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

5. Plaintiff, George Abrahams (“Plaintiff” or “Abrahams”), is an adult individual, citizen, and resident of the State of Pennsylvania, residing at the above captioned address.

6. Mr. Abrahams served with distinction in the United States Army and has extensive training and experience in the safe use of firearms.

7. Defendant, Sig Sauer, Inc. (“Sig Sauer” 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.

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

9. 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.

10. Defendant, Firing Line, Inc. (“Firing Line”) is a corporation or other business entity with its principal place of business at 1532 Front Street, Philadelphia, Pennsylvania 19147, and is organized and incorporated under the laws of Pennsylvania.

11. This action seeks actual, compensatory, and punitive damages, and equitable relief, relating to Defendant, Sig Sauer Inc.’s (hereinafter “Defendant” or “Sig Sauer”), negligence, defective design, and unfair and deceptive marketing practices regarding a semi-automatic gun.

12. Specifically, this matter involves a striker-fired, semi-automatic pistol known as the “P320” that has fired without the trigger being pulled or deliberately actuated by the user, on numerous civilians and law enforcement agents across the nation and throughout the world.

13. Prior to this incident, Sig Sauer received multiple complaints and notifications of P320 pistols firing when the trigger was either not pulled, or not deliberately actuated by the user.

14. Prior to this incident, Firing Line was aware of public complaints that the P320 fired without the trigger being pulled or being deliberately actuated by the user.

15. On October 15, 2018, Abrahams purchased a Sig Sauer P320 pistol, serial number 58A115746 from Firing Line at 1532 South Front Street, Philadelphia, Pennsylvania 19147. The pistol included a holster which Sig Sauer represented could be used with the P320.

16. In its “Safety Without Compromise” marketing materials for the P320, Sig Sauer states:



17. 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.

18. Plaintiff brings causes of action under Pennsylvania law for negligence and strict products liability in view of Sig Sauer's misrepresentations about the safety of the weapon and seeks compensatory and punitive damages for the same.

19. Defendant, Sig Sauer, had knowledge long before this sale that the P320--its first ever striker-fired pistol--was capable of firing by itself without the trigger being deliberately pulled due to defective components and/or the lack of necessary safety features, including but not limited to: a manual safety, a tabbed trigger safety, and/or a grip safety.

20. For many years since the weapon was first introduced to the market in 2014, Sig Sauer has recklessly failed to recall it despite knowing of scores of grievous wounds inflicted upon users.

ALLEGATIONS

21. Plaintiff has suffered permanent physical injury and disfigurement as a direct and proximate result of the negligence of Sig Sauer and the design and continued sale of this product.

22. Sig Sauer designs and manufactures firearms for sale to military and commercial markets in the State of Pennsylvania, throughout the United States, and internationally. It markets and sells its products directly and through dealers, like Firing Line.

23. Sig Sauer was formerly known as SIG SAUERARMS Inc. and changed its name to Sig Sauer, Inc. in October 2007. Its Chief Executive Officer at all times relevant to this Complaint was Ron J. Cohen.

24. Prior to June 19, 2020, Abrahams had undergone extensive firearms training while serving in the United States Army.

25. On June 19, 2020, Abrahams was in his home and had his P320 in the holster which came with the pistol in the same Sig Sauer packaging.

26. On that date, Abrahams placed the P320 in its holster, in the right pocket of his athletic pants, and zipped up the pocket the pants were being held in.

27. On that date, Abrahams walked downstairs with his holstered P320 inside the right pocket of his athletic pants with the pocket zipped up.

28. While walking down the stairs, the pistol suddenly and unexpectedly discharged.

29. Abrahams never touched the P320's trigger and did not intend to fire the gun.

30. Abrahams's finger could not have touched the P320's trigger while it was holstered, in his pocket, with the pocket zipped up.

31. The bullet struck Abrahams in his upper right thigh, travelled through his quad muscle, and exited above his right knee, causing substantial injury, maceration of tissue, blood loss, and nerve damage, along with severe emotional trauma.

32. While the full extent of the physical damage to his 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 will likely never be able to return to his pre-incident form as a result of diminished physical capacity.

33. As a direct and proximate result of Defendants' negligence, carelessness, recklessness, strict liability and/or other liability producing conduct, Abrahams was forced to suffer serious, disabling, and permanent injuries and emotional distress, the full extent of which has yet to be determined. Abrahams has in the past and is reasonably likely to require medicines,

medical care and treatment. Abrahams 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. Abrahams has in the past and may in the future continue to suffer agonizing aches, pains, and psychological and emotional anguish. Abrahams has in the past and may in the future continue to be disabled from performing his usual duties, occupations, and avocations, all to Abrahams's great loss and detriment. The incident has resulted in substantial physical harm and related trauma to Abrahams, who has received substantial and ongoing treatments and medicines.

34. Years before the incident occurred, through and including the date of the incident, Sig Sauer expressly represented that the weapon could not fire without a trigger pull: “[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”:



35. 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.”

36. 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.

37. It is standard operating procedure for many U.S. law enforcement agencies, local police departments, and the military, at a commander's discretion, as well as customary for many private owners, to carry pistols with a chambered round.

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

39. 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 pistol¹ it has ever manufactured.

¹ 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. The P320 is designed so that the rearward movement of the slide places the striker under significant spring tension, making it ready to fire once it is released. 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.



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

40. While competing for a \$580 million contract to supply the United States Army with a new service pistol in 2016, Sig Sauer's prototype P320s exhibited nearly 200 malfunctions during Army testing. The Army demanded that Sig Sauer fix all problems associated with the prototype.

41. 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.

42. To date, Sig Sauer's records related to unintended discharges encompass only those guns sold to law enforcement and private citizens, and none related to the P320s sold to the military that include an external manual safety.

43. In fact, of the nearly 20 models of non-military P320s, only 1 model offers a manual external safety as an "option."

44. An external manual safety, at the time the subject gun was sold, was certainly technologically feasible for the P320.

45. An activated external manual safety, at the time the subject gun was sold, would preclude a properly functioning P320 from firing in an unintended fashion.

46. Sometime after January 2017, when a Connecticut law enforcement agent was shot by a P320 that fell to the ground from less than three feet, Sig Sauer removed the warning on page 25 from the user manual regarding a chambered round, and replaced it with the following language:

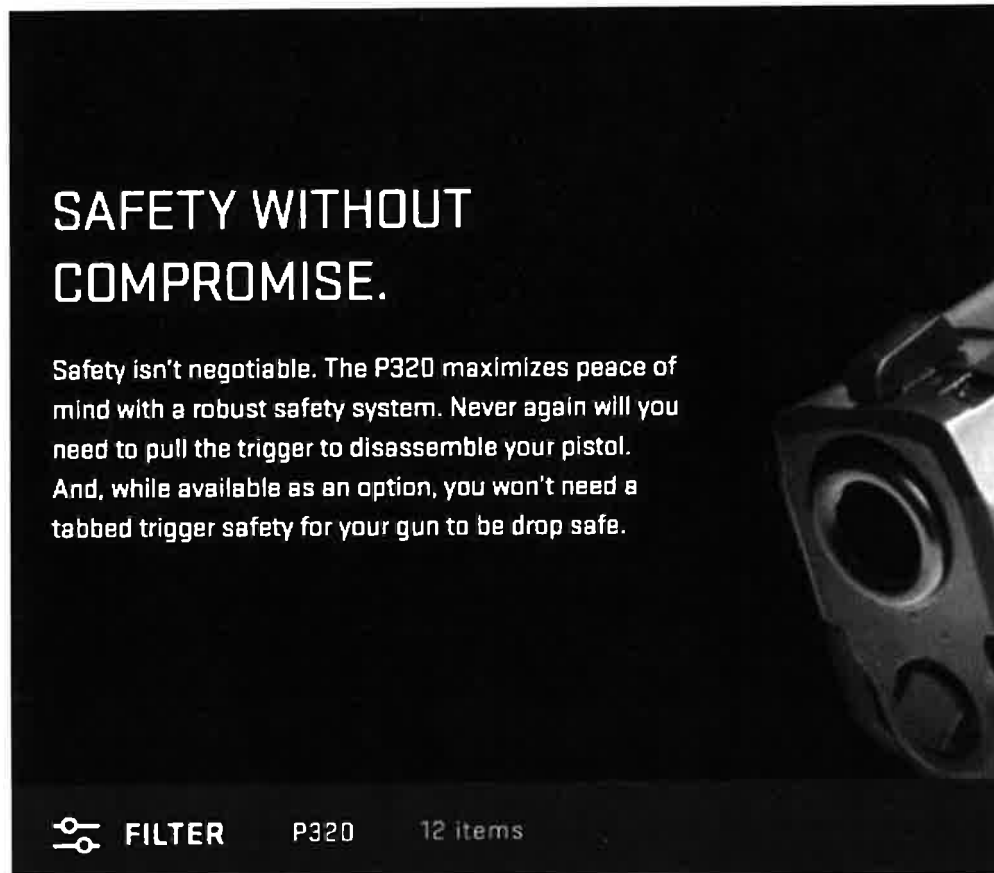


All SIG SAUER pistols incorporate effective mechanical safeties to ensure they only fire when the trigger is pressed. However, like any mechanical device, exposure to acute conditions (e.g. shock, vibration, heavy or repeated drops) may have a negative effect on these safety mechanisms and cause them 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).

47. 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.

48. 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”:



49. Despite their representations, Sig Sauer never made a tabbed trigger safety available as an option for the P320.²

50. 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 rough handling in an altercation or combat. This was true at the time Abrahams purchased his P320.

51. When Sig Sauer shipped P320s to the Firing Line for sale to civilian consumers, Sig Sauer knew or should have known, that the weapon was defective in its design and

² A tabbed-trigger safety is a small tab within the trigger which must be depressed in order for the entire trigger to be depressed; thus preventing incidental discharges.

unreasonably dangerous for its ordinary uses, intended uses, and all other foreseeable uses and un-commanded discharges that could occur in the ordinary course of using the weapon.

52. Before Abrahams purchased his P320, Sig Sauer was aware of other, prior un-commanded discharges of the P320 platform, and other Sig Sauer pistols, many of which pre-dated his purchase.

53. In 2015, a Pennsylvania State Trooper and firearms instructor killed another trooper with his Sig Sauer pistol when it discharged without a trigger pull while conducting safety training.

54. In 2016, a tactical response training instructor near Sacramento dropped his Sig Sauer, firing a bullet into a student's truck.

55. In the period between 2012 and 2015, the New York City Police Department reported 10 un-commanded discharges involving Sig Sauer weapons.

56. 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-worn camera.

57. In 2016, the Surprise, Arizona Police Department complained to Sig Sauer of two separate incidents of P320s firing without trigger pulls.

58. These latter three incidents were not disclosed by Sig Sauer, despite long outstanding discovery requests in two separate federal proceedings, until the last day of discovery in the second proceeding in early 2019.

59. 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.

60. In November 2016, a P320 fired un-commanded on an Officer in Holmes Beach Florida, striking him in his leg.

61. In 2017, a Sheriff's Deputy in Michigan's Sig Sauer pistol discharged without a trigger pull, striking a schoolteacher in the neck.

62. 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 SAUER'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.

63. On February 28, 2017, a P320 discharged without a trigger pull while in use by the University of Cincinnati Police Department.

64. On June 14, 2017, a P320 discharged without a trigger pull in Wilsonville, Oregon.

65. On June 20, 2017, a P320 discharged without a trigger pull while in use by the Howell Township, New Jersey Police Department.

66. In June of 2017, Sig Sauer 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.³

67. On July 28, 2017, a P320 discharged without a trigger pull in Tarrant County, Texas.

³ As noted *infra*, 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.

68. On August 4, 2017, the Stamford SWAT team member sued Sig Sauer in U.S. District Court in Connecticut for an un-commanded discharge of a commercial version of the P320 that shot him in his knee.

69. Four days later, Sig Sauer's CEO released a statement stating: "there have been zero (0) reported drop-related P320 incidents in the U.S. Commercial market."

70. This statement was false, in view of Sig Sauer'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 un-commanded discharges of the P320 had occurred before that date.

71. On August 8, 2017, 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. standard for safety."

72. This 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.

73. 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.

74. Sig Sauer's "upgrade" program, which was presented to the public as purely optional, not urgent, and not mandatory, offered to mark existing commercial versions of the P320 "better" by installing a much lighter trigger, and internal disconnect switch, an improved sear to prevent un-commanded discharges.

75. On August 9, 2017, the Police Chief of Morrow, Georgia issued an emergency order removing the P320 from service.

76. In October 2017, a P320 discharged without a trigger pull 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.

77. On November 12, 2017, a P320 discharged without a trigger pull in Dallas County, Texas.

78. On February 2, 2018, Tyler Herman of McCloud, Oklahoma was removing a holster containing his P320 from his belt. While in the process of removing the holster, and without him touching the trigger, Herman's P320 discharged, striking Herman and causing catastrophic injuries.

79. 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.

80. Months later in April 2018, Sig Sauer issued a second "voluntary upgrade" notice to all users or owners of the P320, but still did not recall the weapon.

81. In May 2018, civilian Gunter Walker reported to Sig Sauer 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.

82. 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.

83. 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.

84. 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.

85. In October 2018, firearms and retired Law Enforcement Officer Stephen Mayes' P320 fired un-commanded while seated in its holster, causing severe injury to his right leg.

86. In December 2018, civilian Robert Lang's P320 fired on him un-commanded and caused severe tunneling wounds to this right leg.

87. 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 event near Harvard Square.

88. 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 SAUER certified armorer⁴ on the P320.

⁴ 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.Sig_Sauersaueracademy.com/course/armorer-certification

89. 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.

90. 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.

91. The transit authority replaced all Sig Sauer 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 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.

92. 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.

93. 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.

94. 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.

95. The Kneski discharge was investigated by Major Peter J Villani of the Veterans Affairs Police Agency, also a SIG SAUER 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].

96. 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.

97. 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.

98. 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.

99. Upon information and belief, employees at Sig Sauer's own training academy in New Hampshire have admitted to un-commanded discharges causing injury in both 2016 and 2017.

100. On February 27, 2020, Tampa Police Department Reserve Officer Howard Northrop was severely and permanently injured when his service-issued P320 discharged without a trigger pull, while inside his service-issued holster.

101. Northrop was struck in the left leg by a 9mm hollow-point bullet, which mushroomed and caused massive internal damage.

102. On September 21, 2020, a P320 fired un-commanded while in the possession of Deportation Officer Keith Slatowski, of Immigration and Customs Enforcement during a training exercise in New Castle, Delaware.

103. Slatowski's P320 fired while in its holster, and the casing did not eject.

104. Slatowski was severely wounded and has not been able to return to duty since the accident as of the date of this filing.

105. On December 8, 2020, a P320 fired un-commanded while in the possession of Deportation Officer Catherine Chargualaf, of Immigration and Customs Enforcement during a training exercise in Mt. Juliet, Tennessee.

106. Chargualaf's P320 fired while in its holster, striking her in the right hip.

107. On May 12, 2021, Department of Homeland Security Special Agent Amy Hendel was shot in the right upper thigh when her holstered P320 discharged without a trigger-pull.

108. Between 2015-2022, there have been at least nine incidents where an Oklahoma Highway Patrol Officer had a P320 discharge when the officer did not pull the trigger.

109. Sig is aware of other claims of unintended discharges involving the P320 beyond those identified above.

110. To date, Sig Sauer 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 lesser sales.

111. In an interview in 2013, Sig Sauer's former Chief Financial Officer, Timothy Scullin, just before the P320 was brought to market in 2014, noted that Sig Sauer'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."

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

At Sig Sauer, 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 - STRICT PRODUCT LIABILITY
PLAINTIFF V. SIG SAUER

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

114. Sig Sauer, by and through its agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, is strictly liable under §402(A) of the Restatement (Second) of Torts because:

- a. 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;
- b. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by Sig Sauer;
- c. 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;

- d. 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.

115. The P320 was in a defective condition as: (1) the danger contained therein was unknowable and unacceptable to the average or ordinary consumer; and/or (2) 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.

116. 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.

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

118. Sig Sauer is therefore strictly liable to Plaintiff.

WHEREFORE, Plaintiff demands judgment in their 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 – NEGLIGENCE
PLAINTIFF V. SIG SAUER

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

120. At all relevant times, Sig Sauer owed Abrahams 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 a trigger pull before selling the gun and placing it into the stream of commerce.

121. At all relevant times, Sig Sauer owed Abrahams the duty to 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 a trigger pull before selling the gun and placing it into the stream of commerce.

122. At all relevant times, Sig Sauer owed a duty to unambiguously warn consumers and/or intended users of the P320, including Abrahams, 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.

123. 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 un-commanded 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 unintended discharges;
- ii. 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 un-commanded discharges;
- iii. By failing to issue a mandatory recall of the P320 as SIG SAUER had done in the past with other defective products;
- iv. 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 un-commanded as described above;
- v. By negligently failing to unambiguously warn purchasers and end users of the gun, including Abrahams, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, which it knew or should have known through the exercise of ordinary care;

- vi. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the gun's propensity to discharge un-commanded 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;
- vii. 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 un-commanded discharges;
- viii. By including a defective and improper holster in the original packaging with the gun;
- viii. Other negligent acts and omissions to be developed in the course of discovery.

124. 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.

125. The gun's defective condition was not visible and Abrahams 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.

126. Sig Sauer's negligence, as alleged in this Count, directly and proximately caused the June 19, 2020 unintended discharge and Abraham's injuries resulting from the accident.

127. As a direct and proximate result of the negligence set forth in this Count, Abrahams 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 Abrahams will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in their favor and against the 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 – STRICT LIABILITY
PLAINTIFF V. FIRING LINE

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

129. Upon information and belief, Firing Line had knowledge of the various defects with the commercial version of the P320 gun years before Abrahams was shot on June 19, 2020.

130. At all relevant times, Firing Line was engaged in the business of selling firearms, including the P320.

131. Plaintiff purchased his P320 from the firing line on October 15, 2018.

132. Firing Line, by and through their agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and distributors are strictly liable under §402(A) of the Restatement (Second) of Torts because:

- (a) Firing Line was engaged in the regular business of selling, supplying, distributing, and/or placing into the stream of commerce firearms, including the product which injured plaintiff;
- (b) The product involved in the subject incident were marketed and placed in the general stream of commerce by Firing Line;
- (c) 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;
- (d) 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.

133. The product was in a defective condition as: (1) the danger contained therein is unknowable and unacceptable to the average or ordinary consumer; and/or (2) a reasonable person would conclude that the probability and seriousness of the harm caused by the product outweigh the burden or costs of taking precautions.

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

135. On information and belief, prior to the accident, there had been no substantial or material change in the condition of the product from the time when it was designed, manufactured, sold and/or distributed by defendants.

136. As a direct and proximate result of the breaches set forth in this Count, Abrahams 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, nursing, attendant care and life care expenses for his care and treatment. These injuries are either permanent or continuing in their nature and Abrahams will suffer such losses and impairments in the future.

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

COUNT IV – NEGLIGENCE
PLAINTIFF V. FIRING LINE

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

138. At the time Firing Line sold Plaintiff a P320, there had been numerous publicized incidents of the P320 discharging without a deliberate trigger pull.

139. Despite the fact that Firing Line knew or should have known that the P320 was dangerously defective, the Firing Line sold it to Plaintiff.

140. Over fourteen months prior to Firing Line selling the P320 to Plaintiff, Sig Sauer had initiated the Voluntary Upgrade Program.

141. Despite the fact that Firing Line knew or should have known that Sig Sauer had initiated the Voluntary Upgrade Program, Firing Line sold Plaintiff a gun without the “upgrade” and did not advise him of the upgrade program.

142. The negligence, gross negligence, carelessness, recklessness, and other wrongful and liability-producing conduct of Firing Line, its agents, servant, and/or employees which was a proximate cause of the incident described herein, consisted of, but is not limited to, the following:

- i. Failing to use due care by selling a handgun publicly known to be dangerously defective.
- ii. Failing to use due care by selling a dangerously defective handgun.
- iii. Failing to warn customers, such as Plaintiff, that the P320 was publicly known to be dangerously defective.
- iv. Failing to notify Plaintiff of the Voluntary Upgrade Program.

143. As a direct and proximate result of the breaches set forth in this Count, Abrahams 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, nursing, attendant care and life care expenses for care and treatment. These injuries are either permanent or continuing in their nature and Abrahams will suffer such losses and impairments in the future.

WHEREFORE, Plaintiff demands judgment in their favor and against Firing Line 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.

BY: /s/ Robert W. Zimmerman
LARRY BENDESKY
ROBERT W. ZIMMERMAN
DANIEL L. CEISLER
Attorneys for Plaintiff

Dated: June 14, 2022

VERIFICATION

The averments or denials of fact contained in the foregoing are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. This Verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

DATE: May 20, 2022



GEORGE ABRAHAMS