

CAROLE AND JOHN ANTHONY PRICE,
surviving parents of John Joseph Price,
and personal representatives of the
ESTATE OF JOHN JOSEPH PRICE,
3403 Millie Way
Manchester, Maryland 21102

Plaintiffs,

v.

STURM, RUGER & COMPANY, INC.,
1 Lacey Place
Southport, Connecticut 06490,

Serve on Maryland SDAT:
301 W. Preston Street
Room 801
Baltimore, Maryland 21201-2395

FALLSTON GUN AND PAWN, INC.
2800 Bel Air Road
Fallston, Maryland 21047,

Serve on Registered Agent:
Robert Scheuerman
2800 Belair Road
Fallston, Maryland 21047

DENNIS J. DANIELCZYK, JR.,
3806 Pinedale Drive
Baltimore, Maryland 21236,

LARRY ALEXANDER,
2009 Windys Run Road
Catonsville, Maryland 21228, and

PHILLIP ALEXANDER,
1925 Hillenwood Road
Baltimore, Maryland 21239,

Serve on both minor and parent:
Phillip and Phyllis Alexander
1925 Hillenwood Road
Baltimore, Maryland 21239,

Defendants.

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY
CASE NO. _____

COMPLAINT

(Wrongful Death, Survival Actions: Product Liability, Negligence, Breach of Warranty)

Plaintiffs Carole and John Anthony Price, as surviving parents of John Joseph Price, and as personal representatives of the Estate of John Joseph Price, by their undersigned attorneys, sue defendants, and allege:

NATURE OF THE CASE

1. This is a product liability, negligence and breach of warranty action arising out of the shooting death of a thirteen-year-old child by a nine-year-old child, with a defectively designed handgun that lacked adequate safety devices and warnings. The shooting occurred on August 20, 1998, shortly before John Joseph Price (“John”), age 13, was to begin eighth grade at Perry Hall Middle School in Baltimore. On that day, John, Phillip Alexander (“Phillip”), age 9, and two friends were playing unsupervised at Phillip’s father’s rented home, which was shared with the home’s owner, Dennis Danielczyk. Mr. Danielczyk owned a handgun, which he kept in his house.

2. While playing at his father’s home, Phillip obtained Mr. Danielczyk’s 9 mm handgun (“the gun”) and a loaded ammunition magazine from an unlocked dresser in Mr. Danielczyk’s bedroom. Soon after, with an empty magazine in the gun but a live round still concealed in the gun’s chamber, Phillip pulled the trigger, firing the gun and hitting John in the face, killing him. Neither Phillip nor his friends were aware that the gun was loaded, because there was no visible indication on the gun that the chamber was loaded.

3. This tragic shooting resulted from defendant Sturm, Ruger & Company, Inc.’s (“Ruger’s”) and Fallston Pawn and Gun, Inc.’s (“Fallston’s”) unreasonable and negligent failure to include safety features and adequate warnings with the gun used to kill John Joseph Price. Feasible safety features, which were known to Ruger and Fallston before the gun in this case was

manufactured, as well as adequate warnings, would have prevented the gun from being fired by Phillip Alexander, and thus prevented the killing of John Joseph Price. The shooting also resulted from Larry Alexander's and Dennis Danielczyk's negligent supervision of minors in a household with a gun present, Dennis Danielczyk's negligent storage of a handgun, and Phillip Alexander's negligent actions with a handgun. John's parents bring this suit to hold these defendants accountable for causing their son's death.

PARTIES AND VENUE

4. Carole and John Anthony Price are adult residents of Manchester, Maryland. They are the surviving parents of John Joseph Price, and the personal representatives of his estate.

5. Sturm, Ruger & Company, Inc. is a Delaware corporation located in Southport, Connecticut. Ruger manufactures handguns and sells them through distributors located throughout the United States. Ruger does business in Maryland by advertising, selling, shipping, and distributing its handguns in Maryland. Ruger designed, manufactured, and sold the 9 mm handgun used to kill John Joseph Price.

6. Fallston Gun and Pawn, Inc. is a Maryland corporation located in Fallston, Maryland, which sells handguns and other items. It sold Dennis J. Danielczyk, Jr. the 9 mm handgun used to kill John Joseph Price.

7. Dennis J. Danielczyk, Jr. is an adult resident of Baltimore City, Maryland and, at the time John Joseph Price was shot and killed, was the owner of the house at 8 Pine Cone Court, Baltimore County, Maryland where the shooting occurred. Mr. Danielczyk owns the handgun used to kill John Joseph Price.

8. Larry Alexander is an adult resident of Baltimore County, Maryland, and father of Philip Alexander.

9. Philip Alexander is a minor resident of Baltimore City, Maryland, who shot and killed John Joseph Price with a handgun owned by Mr. Danielczyk.

10. Venue is proper in Baltimore City, pursuant to § 6-201 of the Courts and Judicial Proceedings Article, in that two of the defendants, Mr. Danielczyk and Philip Alexander, reside here.

FACTS COMMON TO ALL COUNTS

The Shooting Death of John Joseph Price

11. In January 1994, Mr. Danielczyk purchased a Ruger 9 mm model P89 pistol, serial number 30496492, from Fallston Gun and Pawn, Inc. in Maryland.

12. Upon information and belief, Fallston sold the gun to Mr. Danielczyk without a device to prevent unauthorized use or a warning about such unauthorized use. This was done even though it was reasonably foreseeable to Fallston and Ruger that the gun would be used and stored in homes where children and other unauthorized users could gain access to the gun, and that significant numbers of people would not take reasonable and sufficient measures to lock or secure their guns to prevent unauthorized use.

13. Mr. Danielczyk kept the Ruger 9 mm gun and two ammunition magazines in his bedroom in a townhouse at 8 Pine Cone Court, Baltimore County, Maryland.

14. Before the shooting, Mr. Danielczyk was well aware that John and other children played in the house and frequently entered Mr. Danielczyk's bedroom. He also knew or should have known that these and other children would or did play with the gun and use it, as was done here. Nonetheless, he kept his bedroom door unlocked, stored the gun in an unlocked dresser in his bedroom, and kept a magazine loaded with bullet cartridges for the gun in the unlocked dresser.

15. Larry Alexander lived at Mr. Danielczyk's townhouse at 8 Pine Cone Court, renting a room in the townhouse.

16. On August 20, 1998, John Joseph Price was playing with Phillip Alexander and other friends in Mr. Danielczyk's house. No adults were home at the time.

17. Larry Alexander was aware that Phillip and other children would play in the townhouse, and allowed them to play there unsupervised even though he knew that a gun was present in the house. He also knew or should have known that these and other children would or did play with the gun and use it as was done here, yet he failed to ensure that the gun was locked in an area inaccessible to unauthorized users like Phillip Alexander.

18. Phillip Alexander retrieved the gun and a loaded and unloaded magazine from Mr. Danielczyk's bedroom.

19. With an empty magazine in the gun, but a live round hidden in the gun's chamber, Phillip pulled the trigger. The gun discharged, firing one round, which struck John, killing him.

The Ruger Pistol Model P89's Lack of Safety Features and Lack of Adequate Warnings

20. The Ruger pistol model P89 is a semi-automatic pistol, so that a single round of ammunition is fired with each pull of the trigger. In order to load the gun, the gun's slide is pulled or locked back and then released, loading a bullet cartridge from a detachable magazine into the gun's chamber. Further ammunition is then automatically fed into the firing chamber from a loaded magazine after each shot.

21. The gun is inherently dangerous and defective in that, among other attributes, it does not incorporate reasonable, feasible safety devices, including:

- A. a chamber loaded indicator to make users aware when a bullet is loaded into the gun's chamber,

- B. a magazine disconnect to prevent the gun from being capable of being fired when the magazine is removed from the gun, and
- C. other safety devices, such as a child-resistant manual safety, grip safety, built-in lock, and/or personalized gun technology that would have prevented unauthorized users, including children, from firing the gun.

22. The gun is also defective in that it does not include adequate warnings concerning the foreseeable use of the gun by unauthorized persons, including children. The defects in warnings include, but are not limited to, the willful failure to warn, in a manner calculated to inform the foreseeable user:

- A. that the gun could be fired by children and other unauthorized persons,
- B. that the gun posed a threat to the safety of children and others, and should not be used or stored without additional safety devices,
- C. that the gun automatically loads bullet cartridges into the gun's chamber after being fired or after the gun is released from a lockback position, and
- D. that the gun may already be loaded and can be fired even if the magazine is empty or disconnected from the gun.

23. The U.S. General Accounting Office has estimated that almost one-quarter of unintentional firearm shooting deaths occur because, as in this case, the gun user was not aware that a round of ammunition had been loaded into the gun's chamber.

24. Ruger markets the gun as a home protection weapon, to be used in emergencies to threaten or shoot home intruders. At the time the gun was manufactured and sold, Ruger and Fallston were aware that, in light of this marketing, the gun would frequently be kept loaded or near loaded magazines so that the gun could quickly be retrieved and fired at short notice,

including in bedrooms and elsewhere where children and other unauthorized users would gain access to them.

25. The danger posed by the defective design of the gun is severe, because injuries resulting from it are likely to be extremely serious, including severe physical injuries or death. The likelihood that this danger would occur is great and has been known to Ruger and Fallston for years, because it is common and foreseeable that owners of handguns purchased for personal protection will store their guns where they can quickly access them, which foreseeably results in children obtaining access to those weapons. The danger posed by the defective design threatens those who do not touch or use the gun and who therefore have no ability to avoid the danger by exercising care in using the product. Existing warnings and instructions have not eliminated or adequately reduced the danger, and the gun is defectively designed so that it does not have any warnings or instructions on the gun itself. The gun is not unavoidably unsafe, because a safer design would not result in any adverse consequences to the product or to the consumer, and can eliminate or greatly reduce the unsafe character of the product without impairing its usefulness or making it too expensive to maintain its utility.

26. At the time the gun was manufactured and sold, Ruger and Fallston had actual knowledge that, unless they provided reasonable and adequate safety devices and warnings, the gun would be routinely stored unlocked and readily accessible, including in homes with children and to which children visited; the gun would be found, handled and fired by unauthorized and irresponsible users, including children; users, including children, would mistakenly believe that the gun was unloaded, particularly when the magazine was empty or removed; and that the gun would then be fired, killing or injuring innocent people such as John.

27. In fact, in one survey of which Ruger was and/or should have been aware, which

examined the handguns responsible for unintentional, fatal shootings of children in California between 1977 and 1983, Ruger handguns accounted for more than one out of every eight such shootings.

28. Ruger, Fallston, and the handgun industry have had actual knowledge of the problem of unauthorized persons, including children, finding and accidentally firing handguns for over a century. To prevent shootings by children, one manufacturer, Smith & Wesson, developed and utilized a childproof grip safety in the 1880s. Since then, and before the gun was manufactured and sold, numerous other feasible and dependable gun safety devices were developed to prevent unauthorized and unintentional shootings. These include a chamber loaded indicator, a magazine disconnect, a built-in lock, and personalized gun technology which allows only the gun's owner or an authorized user to fire the gun.

29. Ruger and Fallston had actual knowledge of the existence of these feasible, dependable, and cost-effective safety devices when the gun in this case was placed into the stream of commerce. Nonetheless, Ruger and Fallston consciously and deliberately manufactured and/or sold, and continue to manufacture and/or sell, handguns that do not utilize such technology, including the gun used to shoot John.

30. The Centers for Disease Control and Prevention has publicly released data on the number of children killed in handgun accidents each year since 1979. According to these widely available and highly publicized statistics, 4,755 children age fourteen and under in America were accidentally killed by handguns between 1979 and 1998, the most recent year for which data is available. Thousands more were shot but lived. Most children who are victims of unintentional handgun shootings are shot by themselves or other children while playing with handguns.

31. A recent survey of National Center for Health Statistics data found that a majority of

gun owners living with children do not store their guns locked, unloaded, and separate from ammunition, and that 43% do not store firearms in any locked manner. The survey found that 8.3 million children in the United States live in homes where a firearm is stored unlocked, and 2.6 million live in homes where a firearm is stored loaded or with ammunition. This survey followed similar studies, conducted between 1987 and 1991 and cited in the Journal of the American Medical Association in June 1992, which found that over half of handgun owners stored their guns loaded, and 10% stored their guns “loaded, unlocked and within reach of children.”

32. At the time of the manufacture and sale of the gun, Ruger and Fallston had actual knowledge of these and/or other similar statistics, reports, and incidents demonstrating the foreseeability of this shooting, and the need for reasonable safety devices and warnings that would have prevented it.

33. Ruger and Fallston consciously and deliberately placed the gun into the stream of commerce in a defective and unreasonably dangerous condition, in that the design of the gun failed to incorporate reasonable, feasible safety devices or adequate warnings to prevent its use by unauthorized users, including children, and to alert users when the gun was loaded.

34. The Ruger gun had no design features to prevent it from being fired by a child or any other unauthorized user. Any child or other unauthorized person who obtained the gun could easily fire it as a result of the absence of such safety features.

35. The gun was consciously, deliberately, and deceptively designed so as not to alert users when the gun was loaded or to alert users that the gun could be fired when the magazine was empty or removed.

36. Ruger and Fallston had actual knowledge of the defective and dangerous condition of

the gun at the time it left Ruger's and Fallston's possession, and despite this actual knowledge, Ruger and Fallston consciously, deliberately, in bad faith, and knowing of the gun's defects and danger, disregarded the danger to children and others caused by these defects in the design and warnings accompanying the gun.

37. The conduct of the defendants was negligent, and each was a direct, proximate, and legal cause of John's death.

38. There was no substantial change in the gun's condition from the time Ruger and Fallston placed it into the stream of commerce until John's death.

39. As a direct and proximate result of the death of their son, caused directly and proximately by Ruger's defective design of the gun, Ruger's and Fallston's sale of the gun in this condition, and the negligent acts of the other defendants, Carole and John Anthony Price suffered pecuniary loss, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, filial care, attention, and services, and incurred substantial funeral expenses.

40. This complaint is timely filed within three years of John's death pursuant to § 3-904(g) of the Courts and Judicial Proceedings Article of the Maryland Annotated Code.

COUNT I –PRODUCT LIABILITY, DESIGN DEFECT, WRONGFUL DEATH (RUGER AND FALLSTON)

41. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

42. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

43. Ruger and Fallston are strictly liable because the gun was defective in design, unreasonably dangerous, and lacked elements necessary to make it safe for its intended use.

44. The risks of harm resulting from the defective design of the gun were known and

reasonably foreseeable to Ruger and Fallston when the gun was manufactured and sold.

Alternative designs existed at the time of design, manufacture, and sale of the gun that were safer, feasible, dependable, practical, and cost-effective.

45. As a direct and proximate result of Ruger's defective design of the gun as explained above, and Fallston's sale of the gun in this condition, John Joseph Price was killed. John would not have been shot with the gun if a safer alternative design had been used, because a child or other unauthorized user would not have fired the gun or been able to fire the gun. Therefore, Phillip would not have fired the gun, and so all injuries sustained by John are attributable to the defective design of the gun.

46. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

COUNT II –PRODUCT LIABILITY, DESIGN DEFECT, SURVIVAL ACTION (RUGER, FALLSTON)

47. Paragraphs 1-40 and 43-45 are incorporated by reference and realleged as if fully set forth herein.

48. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

COUNT III –NEGLIGENT DESIGN, WRONGFUL DEATH (RUGER, FALLSTON)

49. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

50. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

51. At all relevant times, Ruger and Fallston were subject to the duty imposed on all

persons not to expose others to reasonably foreseeable risks of injury. Ruger had a duty to exercise reasonable care in designing its product, and Ruger and Fallston had a duty of reasonable care in selling the gun not to expose others to reasonably foreseeable risks of injury.

52. Ruger breached its duty not to expose others to reasonably foreseeable risks of injury by designing the gun, and Ruger and Fallston breached their duty not to expose others to reasonably foreseeable risks of injury by selling the gun, without safety features including a chamber loaded indicator and safety devices that would prevent it from being fired by a child or other unauthorized person, without a safety feature that would personalize the gun and allow it to be fired only by an authorized user, without a child-proof or child-resistant safety device, and/or without adequate warnings or instructions on the gun itself.

53. As a direct and proximate result of Ruger's negligent design of the gun as explained above, and Fallston's sale of the gun in this condition, John Joseph Price was killed.

54. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

COUNT IV –NEGLIGENT DESIGN, SURVIVAL ACTION (RUGER, FALLSTON)

55. Paragraphs 1-40 and 51-53 are incorporated by reference and realleged as if fully set forth herein.

56. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

**COUNT V - PRODUCT LIABILITY, DEFECT IN FAILURE TO PROPERLY WARN,
WRONGFUL DEATH (RUGER AND FALLSTON)**

57. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

58. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

59. Ruger and Fallston are strictly liable because the gun was defective due to a lack of adequate warnings. This lack of adequate warnings includes the failure to adequately warn, in a manner calculated to inform the foreseeable user, that the gun could be fired by children and other unauthorized persons, posed a threat to the safety of children and others, and should not be used without additional safety devices. Ruger and Fallston also did not adequately warn that the gun automatically loads bullet cartridges into the gun's chamber after being fired or after the gun is released from a lockback position, and that the gun may already be loaded and will fire even if the magazine is empty or disconnected from the gun.

60. As a direct and proximate result of Ruger's and Fallston's failure to provide an adequate warning accompanying the gun, John Joseph Price died.

61. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

**COUNT VI –PRODUCT LIABILITY, DEFECT IN FAILURE TO PROPERLY WARN,
SURVIVAL ACTION (RUGER, FALLSTON)**

62. Paragraphs 1-40 and 59-60 are incorporated by reference and realleged as if fully set forth herein.

63. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for

all available damages on behalf of the estate.

**COUNT VII –NEGLIGENT FAILURE TO PROPERLY WARN, WRONGFUL DEATH
(RUGER AND FALLSTON)**

64. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

65. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

66. At all relevant times, Ruger and Fallston were subject to the duty imposed on all persons not to expose others to reasonably foreseeable risks of injury. Ruger and Fallston had a duty to exercise reasonable care in designing and/or selling its product not to expose others to reasonably foreseeable risks of injury.

67. Ruger and Fallston breached their duty not to expose others to reasonably foreseeable risks of injury by designing and/or selling the gun without adequate warnings. This lack of adequate warnings includes the failure to adequately warn, in a manner calculated to inform the foreseeable user, that the gun could be fired by children and other unauthorized persons, posed a threat to the safety of children, and should not be used without additional safety devices. Ruger and Fallston also did not adequately warn that the gun automatically loads bullet cartridges into the gun's chamber after being fired or after the gun is released from a lockback position, and that the gun may already be loaded and will fire even if the magazine is empty or disconnected from the gun.

68. As a direct and proximate result of Ruger's and Fallston's negligent failure to provide an adequate warning accompanying the gun, John Joseph Price died.

69. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

**COUNT VIII –NEGLIGENT FAILURE TO PROPERLY WARN, SURVIVAL ACTION
(RUGER AND FALLSTON)**

70. Paragraphs 1-40 and 66-68 are incorporated by reference and realleged as if fully set forth herein.

71. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

**COUNT IX – BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY,
WRONGFUL DEATH (RUGER, FALLSTON)**

72. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

73. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

74. When the gun was sold by Ruger and Fallston, there was an implied warranty that the gun would be fit for the ordinary purposes for which handguns are used.

75. Ruger and Fallston breached this warranty by selling the gun in a manner which was not fit for the ordinary purposes for which handguns are used, to wit, without safety devices or adequate warnings of the gun's defects.

76. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

**COUNT X – BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY,
SURVIVAL ACTION (RUGER, FALLSTON)**

77. Paragraphs 1-40 and 74-75 are incorporated by reference and realleged as if fully set forth herein.

78. Carole and John Anthony Price, as personal representatives of the estate of John

Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

COUNT XI – NEGLIGENCE, WRONGFUL DEATH (DENNIS DANIELCZYK, JR.)

79. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

80. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

81. At all relevant times, Mr. Danielczyk was subject to the duty imposed on all persons not to expose others to reasonably foreseeable risks of injury. Mr. Danielczyk had a duty to exercise reasonable care in supervising other children in his townhouse, particularly in a house in which he stored a handgun and ammunition. Mr. Danielczyk also had a duty to exercise reasonable care in storing his handgun and ammunition so that they would not be accessible to children and other unauthorized persons.

82. Mr. Danielczyk breached his duty not to expose others to reasonably foreseeable risks of injury by storing his gun unlocked and near live ammunition in an unlocked room in an unlocked dresser drawer, even though he knew children frequently played in his house and frequently entered his bedroom.

83. As a direct and proximate result of Mr. Danielczyk's negligence, Phillip Alexander was able to obtain the gun and shoot and kill John Joseph Price.

84. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

COUNT XII – NEGLIGENCE, SURVIVAL ACTION (DENNIS DANIELCZYK, JR.)

85. Paragraphs 1-40 and 81-83 are incorporated by reference and realleged as if fully set

forth herein.

86. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

COUNT XIII – NEGLIGENCE, WRONGFUL DEATH (LARRY ALEXANDER)

87. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

88. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

89. At all relevant times, Larry Alexander was subject to the duty imposed on all persons not to expose others to reasonably foreseeable risks of injury. Mr. Alexander had a duty to exercise reasonable care in supervising his son and other children, particularly in a home which he knew contained a handgun and ammunition. Mr. Alexander also had a duty to take reasonable precautions to make sure that the gun in the townhouse in which he lived was locked or otherwise inaccessible to children and other unauthorized users.

90. Mr. Alexander breached his duty not to expose others to reasonably foreseeable risks of injury by allowing his son and other children to play unsupervised in a home which he knew contained a handgun and ammunition.

91. As a direct and proximate result of Larry Alexander's negligence, Phillip Alexander was able to obtain the gun and shoot and kill John Joseph Price.

92. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

COUNT XIV – NEGLIGENCE, SURVIVAL ACTION (LARRY ALEXANDER)

93. Paragraphs 1-40 and 89-91 are incorporated by reference and realleged as if fully set forth herein.

94. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

COUNT XV – NEGLIGENCE, WRONGFUL DEATH (PHILLIP ALEXANDER)

95. Paragraphs 1-40 are incorporated by reference and realleged as if fully set forth herein.

96. Carole and John Anthony Price are primary beneficiaries in this action under §§ 3-901(e), 3-902(a), and 3-904(a) of the Courts and Judicial Proceedings Article.

97. At all relevant times, Phillip Alexander was subject to the duty imposed on all persons not to expose others to reasonably foreseeable risks of injury. Phillip had a duty to exercise reasonable care when handling a handgun and live ammunition.

98. Phillip breached his duty not to expose others to reasonably foreseeable risks of injury by obtaining a gun and negligently handling and using it in a manner that resulted in the death of John Joseph Price.

99. As a direct and proximate result of Phillip Alexander's negligent actions, Phillip Alexander shot and killed John Joseph Price.

100. Plaintiffs claim all damages available to them under the Maryland Wrongful Death statute.

COUNT XVI – NEGLIGENCE, SURVIVAL ACTION (PHILLIP ALEXANDER)

101. Paragraphs 1-40 and 97-99 are incorporated by reference and realleged as if fully

set forth herein.

102. Carole and John Anthony Price, as personal representatives of the estate of John Joseph Price, bring a survival action pursuant to § 7-401(y) of the Estates and Trusts Article for all available damages on behalf of the estate.

WHEREFORE, the plaintiffs request that this Court grant the following relief:

1. Enter judgment in favor of the plaintiffs and against the defendants, jointly and severally, for compensatory damages in the amount of \$1,000,000;
2. Enter judgment in favor of the plaintiffs and against defendant Ruger and Fallston for punitive damages in the amount of \$5,000,000; and
3. Grant plaintiffs such other relief as the Court deems necessary and appropriate.

Respectfully submitted,

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July 24, 2001

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Respectfully submitted,

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July 24, 2001