



President
Mark W. Pennak

March 5, 2025

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT,
MARYLAND SHALL ISSUE,
IN OPPOSITION TO HB 1287**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol and personal protection in the home and outside the home and muzzle loading. I appear today as President of MSI in Opposition to HB 1287.

The Bill and Existing State Law: This Bill amends MD Code, Criminal Law, § 4-301 to address a new type of firearm, viz., a “CONVERTIBLE PISTOL” which is defined to mean “ANY SEMIAUTOMATIC PISTOL THAT CAN BE CONVERTED INTO A MACHINE GUN SOLELY BY THE ATTACHMENT OF A SWITCH/AUTO–SEAR.” An “switch/auto sear” is already defined in MD Code, Criminal Law, § 4-301(n) of existing law to mean “a device that applies force to a firearm’s trigger bar to prevent it from limiting the weapon to firing only one round each time the trigger is depressed.” This Bill would then enact a new subsection 4-305.2 to the Criminal Law article to provide that “A PERSON MAY NOT MANUFACTURE, SELL, OFFER FOR SALE, PURCHASE, RECEIVE, OR TRANSFER A CONVERTIBLE PISTOL.”

A violation of new Section 4-305.2 would then be punishable under existing law with imprisonment “not exceeding 3 years or a fine not exceeding \$5,000 or both.” MD Code, Criminal Law, § 4-306(a). A person who uses such a “convertible pistol” “in the commission of a felony or a crime of violence as defined in § 5–101 of the Public Safety Article” is subject to imprisonment, for the first offense, “to imprisonment for not less than 5 years and not exceeding 20 years,” with a minimum, mandatory sentence of 5 years which may not be suspended. MD Code, Criminal Law, § 4-306(b). Such a person “is not eligible for parole in less than 5 years. *Id.* 4-306(b)(2)(iv).

The Bill Is Extreme

The Bill is most obviously aimed at one manufacturer, GLOCK GES.M.B.H., based in Deutsch-Wagram, Austria, and its subsidiary, GLOCK, INC., based in Smyrna, Georgia, and which together produce and market semi-automatic Glock pistols in the United States and throughout the world. The Bill is effectively designed to ban Glock pistols from Maryland. Full Stop. That is a drastic step. Glock pistols are among the most popular and most reliable handguns sold in the United States. Glock pistols are issued as standard equipment to law enforcement officers by the Maryland State Police and other police departments throughout the State. No State has attempted to ban Glocks pistols, not even California.

Indeed, California includes on its handgun roster older models of Glocks (Gen 3 models) but bars newer generations of Glock pistols. See <https://oag.ca.gov/firearms/certified-handguns/search>. Glock continues to sell these older models because those are the only models that may be sold in California under California law. This Bill may be construed as an attempt to ban these older models as well as banning improved newer models which are less susceptible to being modified for use with illegal auto-searers. Unlike California, Maryland is a relatively tiny market for Glock pistols. If this Bill becomes law, Glock will likely simply exit the Maryland market entirely and thus stop doing business in Maryland, rather than sacrifice its sales into the California market.

Glock is unlikely to modify its patented¹ and extremely reliable design of legal semi-auto pistols, just to please Maryland. While the Bill does not purport to ban continued “possession” of previously acquired Glocks and subtitle 3 of Title 4 of the Criminal Law article does not apply to law enforcement personnel of the State, see MD Code, Criminal Law, §4-302(1), Glock is unlikely to remain in Maryland just to continue the relatively small number of sales to police. Staying in Maryland would subject itself to the continuing threat of potential lawsuits and legal harassment created by this Bill. Sooner than later, police departments all over Maryland and the State Police will be forced to switch to other manufacturers of handguns and dispose of or destroy their existing stocks of Glock pistols at great expense.

Forcing Glock to exit Maryland will not stop the illegal use of illegal auto-sears in Maryland. Since the introduction of Glock pistols in 1982, there have been 20 million Glock pistols sold in the United States alone. <https://ammo.com/research/most-popular-guns>. As noted below, the mere possession of unregistered auto-sears is a major federal felony. Illegal possession and/or misuse of Glocks and auto-sears in a violent crime are serious crimes under existing State law. Persons who are willing to violate these existing laws will not be deterred by this Bill from acquiring Glocks from out-of-State sources and bringing these firearms into Maryland. Glock auto-sears are illegally manufactured abroad (principally in China) and smuggled illegally into the United States. Persons willing to possess and use such illegal devices and thereby risk many years of

¹ See Patent US5705763A. <https://bit.ly/4i1LhjM>

imprisonment will not be deterred by this Bill, regardless of whether Glock is forced out of Maryland. The Bill is simply pointless.

The Bill Is Hopelessly Vague and Overbroad

The City of Baltimore and the State of Maryland have recently filed suit against these corporate entities in Baltimore Circuit Court. A copy of that Complaint is attached. That complaint separates out Glock as the sole defendant, alleging that Glock pistols are being “illegally modified with the insertion of a simple, dime-sized device called an auto sear, a type of machine gun conversion device.” Complaint ¶ 2. That complaint contains detailed provisions that differentiate Glock from other “striker-fired” pistols, such as those manufactured by Sig Sauer, Smith & Wesson, Springfield Armory, or Walther Arms. See Complaint ¶¶ 42-43, 74, 75.²

In contrast to the focused approach followed by Baltimore and the Maryland State Attorney General’s Office in the Glock complaint, this Bill defines “convertible pistol” to include any semiautomatic pistol that “can be converted into a machine gun solely by the attachment of a switch/auto-sear.” That language literally could be read to include virtually **any** semiautomatic pistol, including the very pistols that were deliberately left out of the Glock lawsuit by the Attorney General and the City of Baltimore. As the Bill is written, even decades-old hammer-fired pistols may be banned under this Bill if they contain a part that can be considered a “trigger bar,” such as the Colt 1911, Beretta 92, or Browning Hi-Power, all of which on the Maryland Handgun Roster. See <https://bit.ly/3DgBhnJ>.³

² Also arguably covered by this Bill are so-called “Glock clones” such as the PSA Dagger, ZEV Technologies, Shadow Systems 920, Lone Wolf D19, and the Ruger RXM. <https://bit.ly/4idYkyu>.

³ For a switch/auto-sear to work on a Glock or on Glock clones, the backplate must be removed **and** the frame must be modified with a groove physically cut into the frame. Without such a modification of the frame, the arm of the illegal auto-sear (which is attached to the slide) would catch on the frame and prevent the pistol from going into battery, thereby preventing the pistol from being fired. See image

Under this Bill, it does not matter if such a “switch/auto-sear” even exists or is being used currently. The bans imposed by this Bill would appear to apply to a firearm if it can be **illegally modified** to render it **merely capable** of accepting an **illegal device**, **regardless of whether it was designed to accept the device and regardless of when the device comes to exist**. It is theoretically possible to design, build and attach such an auto-sear for any of these pistols and to modify any such pistol to render it capable of accepting the device. At the least, the bans would apply not only to Glock, but also to the myriad firearms compatible with Glock fire controls which have become massively popular for self defense. These include the Palmetto State Armory Dagger, ZEV OZ9, Shadow Systems DR920, Anderson Kiger-9C, and the Lone Wolf Arms LTD19, all of which are also on the Maryland Handgun Roster <https://bit.ly/3DgBhnJ> and all of which could all face extinction in Maryland under this Bill. The Bill thus arguably bans an entire class of firearms.

In short, the language of the Bill is hopelessly vague and vastly overbroad. Such a Bill is a violation of the Due Process Clause of the Fourteenth Amendment and Article 24 of the Maryland Declaration of Rights. Article 24 of the Maryland Declaration of Rights prohibits the enactment or enforcement of vague legislation. Under Article 24, “[t]he void-for-vagueness doctrine as applied to the analysis of penal statutes requires that the statute be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.” *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001). A statute must provide “legally fixed standards and adequate guidelines for police . . . and others whose obligation it is to enforce, apply, and administer [it]” and “must eschew arbitrary enforcement in addition to being intelligible to the reasonable person.” (*Id.* at 615).

below.



Under this test, a statute must be struck down if it is “so broad as to be susceptible to irrational and selective patterns of enforcement.” (*Id.* at 616). See also *Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 343-44, 235 A.3d 873 (2020). “A statute can be impermissibly vague for either of two independent reasons. First, if it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits. Second, if it authorizes or even encourages arbitrary and discriminatory enforcement.” *Hill v. Colorado*, 530 U.S. 703, 732 (2000) (citing *Chicago v. Morales*, 527 U.S. 41, 56–57 (1999)). A statute is invalid if it is “so broad as to be susceptible to irrational and selective patterns of enforcement.” *Galloway*, 365 Md. at 616, quoting *Bowers v. State*, 283 Md. 115, 122, 389 A.2d 341 (1978). See also *Ashton v. Brown*, 339 Md. 70, 89, 660 A.2d 447 (1995); *In Re Leroy T.*, 285 Md. 508, 403 A.2d 1226 (1979).

Federal constitutional law is in accord. See, e.g., *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074, 1079 (4th Cir. 2006) (recognizing that “[a] statute is impermissibly vague if it either (1) fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits or (2) authorizes or even encourages arbitrary and discriminatory enforcement” (internal quotations omitted)). Such a statute need not be vague in all possible applications in order to be void for vagueness under the Due Process Clause. *Johnson v. United States*, 576 U.S. 591, 602 (2015) (“our holdings squarely contradict the theory that a vague provision is constitutional merely because there is some conduct that clearly falls within the provision’s grasp”). And the rule is well established that the government “cannot find clarity in a wholly ambiguous statute simply by relying on the benevolence or good faith of those enforcing it.” *Wollschlaeger v. Governor, Fla.*, 848 F.3d 1293, 1322 (11th Cir. 2017) (en banc). Such statutes are facially invalid.

The Bill Imposes Severe Penalties That Are Redundant Of Penalties Already Imposed Under Federal And State Law

The Bill imposes severe enhanced penalties for any “use” of a “convertible pistol” in a felony or a crime of violence. As the Bill is drafted, this enhanced punishment is for use of a “**convertible**” pistol, **not** for use of a “**converted**” pistol. Thus, a person who “uses” an ordinary Glock **without** conversion is subject, under this Bill, to the same enhanced and severe mandatory minimum penalties as a person who uses a Glock that had been illegally converted into a machine gun. On its face, that sort of punishment is irrational. That is particularly so given that illegal possession of a machine gun, including an auto sear, is already punished severely under existing federal and State law.

Federal law makes mere possession of a Glock switch/auto-sear a federal felony. Under the definition of a machinegun in 26 U.S.C. § 5845(b):

The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, **any part** designed and intended solely and exclusively, or combination of parts designed and

intended, for use in converting a weapon into a machinegun, and **any combination of parts** from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(Emphasis added).

As emphasized, this definition expressly includes “any part” used exclusively in a machinegun or any combination of parts that could be used to convert a firearm into a machinegun. That definition includes all auto-sears, including “auto-sear” addressed by this Bill. See, e.g., *United States v. Bailey*, 123 F.3d 1381, 1389 (11th Cir. 1997) (conviction affirmed for possession of a “drop-in autosear” that could be used to convert a firearm into a M-16 machinegun); *United States v. Cash*, 149 F.3d 706, 707 (7th Cir. 1998) (noting “auto sears are treated as machine guns”).

Under federal law, to acquire or possess a machinegun (including parts), the person must first register, undergo an exhaustive background investigation, including fingerprinting by the ATF, pay a transfer tax on the firearm and notify local law enforcement officials. See 26 U.S.C. §§ 5811, 5812. See generally 27 C.F.R. § 479.105(b), 27 C.F.R. §§ 479.84, 479.85. No possession is allowed until the ATF has approved the transfer. 26 U.S.C. § 5812(b). The only machineguns (including parts) that may be lawfully possessed by such persons are those manufactured prior to the enactment of the 1986 amendments to the Gun Control Act of 1968. See 18 U.S.C. § 922(o). Such machineguns (and parts) are now extremely expensive. Possession without complying with these provisions is a serious federal felony under 18 U.S.C. § 922(o) and is punishable by imprisonment for 10 years. See 18 U.S.C. § 924(a)(2). See also 26 U.S.C. § 5861(d) (criminalizing the possession of an unregistered machinegun); 26 U.S.C. § 5871 (punishing a violation of Section 5861(d) by imprisonment for 10 years and a \$10,000 fine).

The mere possession of an auto-sear is likewise severely punished under State law, as amended just last Session with the enactment of HB 810, 2024 Session Law, Ch. 713. That Bill, as enacted, provides that a person “may not transport, manufacture, possess, sell, offer to sell, transfer, purchase, or receive” any auto-sear as defined in MD Code, Criminal Law, § 4-301(n), the same definition used in this Bill. See MD Code, Criminal Law, § 4-305.1(a). A person who is convicted of a violation “is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.” See MD Code, Criminal Law, § 4-306(a). If the person uses the auto-sear in the commission of a felony or a crime of violence, that person, upon conviction, “shall be sentenced” for a first offense “to imprisonment for not less than 5 years and not exceeding 20 years.” That is the **same** punishment meted out to persons who misuse a “convertible” (**but unconverted**) pistol under this Bill. This Bill thus extends the punishments imposed for mere possession of an auto-sear imposed by HB 810, as enacted last Session, to the manufacture, sale, offer for sale, purchase or receipt, or transfer of an **unconverted** ordinary Glock pistol. Both HB 810 and this Bill provide that the sentences are “in addition to any other sentence imposed for the felony or crime of violence.” Because use of a firearm in the commission of crime of violence is already subject to 20 years of imprisonment under MD Code, Criminal Law, § 4-204(b), this Bill would pile another 20 years of imprisonment on top of that

punishment, which may effectively amount to a life sentence, depending on the age of the defendant.

We see no rational basis for the imposition of these special, extreme punishments on a person who misuses an **unconverted** Glock or an **unconverted** striker-fired pistol made by another manufacturer. Use of a firearm (any firearm) in a crime of violence is already severely punished by Maryland law. See, e.g., MD Code, Criminal Law, § 4-204(b) (use of a firearm in commission of a crime of violence); MD Code, Criminal Law, § 3-202 (first degree assault); MD Code, Criminal Law, § 3-403 (robbery). Cf. MD Code, Criminal Law, § 4-102 (mere possession on public school property). Punishing the use of an unconverted (but “convertible”) pistol more severely just because it is theoretically “convertible” is senseless. Yet, that is exactly what this Bill does. This Bill has simply not been carefully thought out and is poorly drafted with sloppy language.

The Bill Violates the Second Amendment

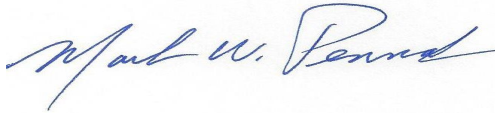
The Second Amendment “protects the possession and use of weapons that are ‘in common use.’” *NYSRPA v. Bruen*, 597 U.S. at 1, 21 (2022) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008)). Firearms in “common use” cannot be banned. Striker-fired pistols and other types of semiautomatic pistols that are banned by this Bill are in common use by law-abiding Marylanders. See *Staples v. United States*, 511 U.S. 600, 602 n.1 (1994). That is undeniable. There is no more class of firearm in “common use” than striker-fired pistols. This Bill would effectively ban these pistols and force Glock and other manufacturers of striker-fired pistols to abandon the Maryland market. And the only reason for this ban on these perfectly legal pistols is that criminals are illegally modifying and converting Glock pistols into fully automatic pistols that are illegal to possess, by using illegal devices that are already banned by federal and existing State law.

Maryland law makes clear that these manufacturers are not legally responsible for the actions of independent third parties, especially where these third party actions are illegal and are being committed by third party **criminals**. See, e.g., *Warr v. JMGM Group, LLC*, 433 Md. 170, 183 (2013) (holding that there is no duty to protect the general public from the actions of third parties unless “the person or entity sued had control over the conduct of the third party who caused the harm by virtue of some special relationship”). See also *Valentine v. On Target, Inc.*, 353 Md. 544, 553 (1999) (“One cannot be expected to owe a duty to the world at large to protect it against the actions of third parties, which is why the common law distinguishes different types of relationships when determining if a duty exists.”). The foreseeability of such illegal actions is irrelevant. Maryland “jurisprudence is replete with holdings that, regardless of any foreseeability, a duty does not exist to the general public, with respect to harm caused by a third party, absent the existence of a special relationship between the person sued and the injured party or the person sued and the third party.” *Warr*, 433 Md. at 184. This Bill would impose a radical change on Maryland law.

Banning guns in common use because third parties can make illegal modifications and conversions is a facial violation of the Second Amendment. Specifically, under *Heller* and *Bruen*, the Second Amendment protects the right of a law-abiding citizen to acquire firearms in common use. See *Reese v. BATF*, --- F.4th ----2025 WL 340799 at *4 (5th Cir. Jan. 30, 2025) (“Of course, the words ‘purchase,’ ‘sale,’ or similar terms describing a transaction do not appear in the Second Amendment. But the right to ‘keep and bear arms’ surely implies the right to purchase them.”); *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011) (same). Under federal and State law, firearms are principally “acquired” from or through manufacturers, such as Glock. Banning Glock and other manufacturers from selling otherwise perfectly legal pistols in Maryland violates the rights of Marylanders to purchase these “common use” firearms. If the Bill is enacted into law, it will be challenged.

This extreme Bill should die. We urge an unfavorable report.

Sincerely,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

MAYOR AND CITY COUNCIL OF
BALTIMORE,
City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

-and-

THE STATE OF MARYLAND,
200 St. Paul Place
Baltimore, Maryland 21202

Plaintiffs,

v.

GLOCK, INC.,
6000 Highlands Pkwy SE
Smyrna, Georgia 30082

-and-

GLOCK GES.M.B.H.,
Gaston Glock-Platz 1
2232 Deutsch-Wagram, Austria

Defendants.

IN THE CIRCUIT COURT OF MARYLAND
FOR BALTIMORE CITY

Civil Action No.:

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiffs, Mayor and City Council of Baltimore (“Baltimore” or “City”) and the State of Maryland (“State”), file this complaint against Defendants, Glock, Inc. and Glock Ges.m.b.H. (together, “Glock”), to hold them accountable for the misconduct alleged below.

SUMMARY OF ACTION

1. The machine gun, which has been illegal for decades, has returned to the streets of Maryland. Between 2023 and 2024, the City of Baltimore Police Department (“BPD”) recovered at crime scenes and in connection with criminal investigations at least 100 Glock pistols that were

illegally modified to fire fully automatically—that is, to operate like a machine gun. The problem is intensifying: almost *double* the number of illegally modified Glocks were recovered in 2024 than just the year before.

2. These Glock pistols were illegally modified with the insertion of a simple, dime-sized device called an auto sear, a type of machine gun conversion device. Glocks affixed with auto sears (“Modified Glocks”) can fire fully automatically – up to 1,200 rounds per minute, a rate as fast or faster than many fully automatic firearms used by the U.S. military.

3. According to one ATF agent, the use of guns equipped with auto sears is “*one of the scariest things*” the agency has dealt with in decades.¹

4. In recent years, the practice of installing auto sears on Glock pistols has become so prevalent that auto sears are commonly known as “Glock switches”—“switches” because they allow shooters to toggle between semiautomatic and fully automatic firing modes.

5. This is a problem that Glock can solve, but it has chosen not to. The features of Glock’s pistol design that make it especially susceptible to modification can be easily altered to prevent that modification.

6. Instead of taking reasonable action to address the problem, Glock has made the reprehensible business decision to continue profiting from the sales of its easily modifiable guns to the civilian market. As a result, Glock harms the health and safety of the residents of Baltimore and Maryland and increases and exacerbates the injuries, death, and fear from gun violence and the proliferation of illegal machine guns.

¹ Alain Stephens & Keegan Hamilton, *The Return of the Machine Gun*, THE TRACE (Mar. 24, 2022), <https://www.thetrace.org/2022/03/auto-sear-gun-chip-glock-switch-automatic-conversion> (emphasis added) [<https://perma.cc/3MPK-WE5S>].

7. Glock bears legal responsibility for its role in this escalating public health and safety crisis in Baltimore and Maryland. Glock created a pistol designed to accommodate semiautomatic or automatic firing, knew that the semiautomatic version could be easily modified with an auto sear by civilians to fire fully automatically in violation of U.S. laws, promoted the fully automatic capabilities of the design, and continues to sell the pistol even as the illegal conversion of those pistols to fully automatic fire has become rampant and continues to severely and negatively impact public safety in Baltimore, elsewhere in Maryland, and across the United States.

8. By facilitating the proliferation of illegal machine guns in this way and failing to implement reasonable controls to combat the unlawful possession, alteration, and use of its semiautomatic pistols, Glock has knowingly harmed Marylanders, particularly in Baltimore and among the City's and State's youth.

9. Modified Glocks have caused terror throughout Baltimore and elsewhere in the State: they have been recovered in connection with carjackings, illegal drug sales, traffic violations, and violent crimes.

10. For example, on September 14, 2024, a man and woman were standing in Harbor East, a tourist destination in Baltimore, when multiple people emerged from a nearby vehicle and attempted to rob the man. He resisted, and the assailants shot him multiple times, killing him. The woman suffered a graze wound to the leg. A nearby occupied car was hit with multiple stray bullets. "It was definitely, definitely terrifying," said a witness, who was in the area and ran after

hearing what the witness described as automatic gunfire.² A 19-year-old was arrested, and a Modified Glock was recovered in connection with this homicide.

11. The increased danger and reduced public safety from Modified Glockes also directly affect law enforcement. For instance, on June 29, 2023, near Patterson Park, as a BPD officer approached a suspect wanted on a warrant, the suspect opened machine-gun fire with a Modified Glock affixed with a drum magazine, hitting the officer's vehicle. Additional officers arrived and exchanged further rounds of gunfire with the suspect, who wielded both the Modified Glock and an assault rifle during the shootout. The officers ultimately killed the suspect. A total of 33 casings from the suspect's weapons were found and an additional revolver, magazines, and ammunition were found in the suspect's backpack.

12. And in a shocking statistic reflecting the impact on Baltimore's teenagers, approximately half of the individuals arrested by BPD in connection with incidents involving Modified Glockes were under the age of 21. For example, on September 30, 2023, BPD officers recovered a Modified Glock affixed with an illegal large capacity magazine holding 21 live rounds of ammunition, within about one hundred yards of Walter P. Carter Elementary and Middle School. The possessor of the Modified Glock was 16 years old. And on October 5, 2024, officers recovered a Modified Glock from a 16-year-old after nurses found it on him while treating him at a hospital for injuries sustained in a motorcycle accident.

² @FOXBaltimore, *Baltimore Police Identify Victim in Late-Night Harbor East Shooting*, YOUTUBE (Sept. 16, 2024), <https://www.youtube.com/watch?v=IXGpNulONwI&t=3s>.

13. As one law-enforcement official explained, those with modified handguns “think it’s cool, they think it looks cools, sounds cool, they want to brag about having it. Makes them seem more deadly.”³

14. While Baltimore and other places in Maryland have long struggled with an epidemic of gun violence, it is unquestionable that the ease of modification of Glocks and the resulting prevalence of Modified Glocks have made the situation worse. Those armed with Modified Glocks are emboldened because of their military-grade firepower. In addition, they kill and injure more people, increasing the terror felt by ordinary residents, and imperil law enforcement.

15. By choosing to continue to sell and market its easily modified pistols to Maryland civilians and refusing to implement simple changes to its pistol design, Glock has violated state law by knowingly creating, maintaining, and contributing to harm to the public through its unreasonable conduct and by failing to establish and implement reasonable controls regarding the pistols it sells in Maryland. *See* MD. CODE, CTS. & JUD. PROC. § 3-2302.

16. Through this lawsuit, Plaintiffs seek an order enjoining Glock from continuing to sell its easily modifiable pistols to civilian residents of Maryland. Plaintiffs also seek relief in the form of restitution and abatement of the harm that Glock has knowingly and foreseeably caused to the public in Baltimore and Maryland.⁴

³ Jeremy Harris, *Illegal ‘Glock Switch’ Blamed for Increase of Rounds Being Fired in Western Washington Shootings*, KPIC (Oct. 7, 2023, 11:02 AM), <https://kpic.com/news/local/illegal-glock-switch-blamed-for-increase-bullets-rounds-fired-in-western-washington-shootings-ghost-guns-atf-machine-gun-gun-violence-crime-firearms-law-enforcement-police-seattle-spd-chief-adrian-diaz-investigations> [<https://perma.cc/7B4S-KPJ5>].

⁴ For the avoidance of doubt, Plaintiffs do not seek any relief based on or with the purpose of stopping the sales of Glock pistols to law enforcement. Unlike typical civilians, some law enforcement officers may legally carry fully automatic weapons under certain circumstances.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction by grant of authority under the Constitution of the State of Maryland.

18. The Court has personal jurisdiction over Defendants under the long-arm statute of the State of Maryland, MD. CODE, CTS. & JUD. PROC. § 6-103, and the United States Constitution, because this cause of action arises from Defendants' business activities and tortious injury in Maryland, and Defendants have regularly transacted business in Maryland, have purposefully directed business activities to Maryland, and have engaged in unlawful practices and caused tortious injury in Maryland.

19. Venue is proper in this Court because Plaintiffs' claims arise in part in the City of Baltimore, Defendants transact business in Baltimore, and under MD. CODE, CTS. & JUD. PROC. § 6-202(3).

PARTIES

20. Plaintiff the Mayor and City Council of Baltimore is a municipal corporation organized and operating under the Baltimore City Charter and the laws of the State of Maryland. Baltimore is also known as "City of Baltimore" or "Baltimore City."

21. Plaintiff the State of Maryland brings this action by and through Attorney General Anthony G. Brown, who is the chief legal officer for the State. The Attorney General has general charge, supervision, and direction of the State's legal business, and acts as legal advisor and representative of all major agencies, boards, commissions, and official institutions of state government. The Attorney General's powers and duties include acting on behalf of the State and

See 18 U.S.C. § 922(o)(2)(A). This lawsuit is focused exclusively on Glock's sales to the civilian market in Maryland.

the people of Maryland in the State and federal courts on matters of public concern. Under the Constitution of Maryland, and as directed by the Governor, the Attorney General has the authority to file this suit for violations of State laws that threaten the public interest and welfare of Maryland residents. MD. CONST. art. V, § 3(a)(2).

22. Plaintiffs, by and through the Baltimore City Solicitor and the Attorney General of Maryland, are authorized to bring these claims under MD. CODE, CTS. & JUD. PRO. § 3-2503 (“Gun Industry Accountability Act” or “Act”).

23. Defendant Glock, Inc. is a firearm manufacturer, dealer, and importer located in Smyrna, Georgia. It is incorporated under the laws of the State of Georgia as a domestic for-profit corporation with its principal place of business at 6000 Highlands Parkway SE, Smyrna, Georgia, 30082. Since 1990, Glock, Inc. has been registered to do business in Maryland. Glock, Inc. is currently owned by two Austrian companies, each of which hold half of its stock: Glock Ges.m.b.H. and INC Holding GmbH. Glock, Inc. is the exclusive distributor of Glock pistols in the United States, including Maryland.

24. Defendant Glock Ges.m.b.H. is an Austrian limited liability company that designs, manufactures, assembles, markets, advertises, and distributes Glock pistols and the component parts used to make those pistols and exports them into the United States.

25. The connection between Glock, Inc. and Glock Ges.m.b.H. is extremely close, with overlapping corporate officers and Glock Ges.m.b.H. maintaining significant involvement in the production and marketing of Glock pistols in the United States. Together, Glock Ges.m.b.H. and Glock, Inc. oversee, create, and implement the design, manufacture, and assembly of Glock pistols sold in the United States, including Maryland.

26. Glock, Inc. and Glock Ges.m.b.H. are also directly and materially involved in the sale, distribution, and promotion of Glock pistols for civilians in every state, including those residing in Maryland. Glock Ges.m.b.H. markets Glock pistols in Maryland through Glock, Inc., its sole importer and distributor in the United States, and an expansive regional and local dealer network. These dealers are contractually obligated not only to sell and service Glock pistols in Maryland but also to advise Maryland customers regarding the operation, handling, features, and benefits of Glock pistols. Every Maryland customer receives an owner’s manual, published by Glock Ges.m.b.H., in which Glock Ges.m.b.H acknowledges: “GLOCK pistols are sold in all states.” Operating through Glock, Inc. and the U.S. dealer network, Glock Ges.m.b.H. knowingly markets through a distributor and established channels to provide regular advice to customers in Maryland, and thus places its handgun products into the stream of commerce, with the intention that those products reach Maryland civilians.

27. Glock Ges.m.b.H.’s facility in Deutsch-Wagram, Austria is the “center for the company’s multifaceted operations.”⁵ For many years, Glock Ges.m.b.H. manufactured all Glock handguns that were sold in the United States. In 2013, Glock, Inc. began to manufacture handguns in the United States using component parts supplied by Glock Ges.m.b.H. from Austria. Public reporting from recent years indicates that Glock Ges.m.b.H. continues to manufacture the majority of Glock handguns and handgun parts sold in the United States.⁶ Glock Ges.m.b.H. controls the design and production standards used in Glock, Inc.’s assembly facilities in the United States.

⁵ Glenn Adam Kendrick, *Glock International, a Global Symphony of Excellence*, GLOCK ANN. 85 (2024), <https://www.scribd.com/document/783913670/Glock-Annual-2024> [<https://perma.cc/V4UX-8VXV>].

⁶ Charlie Gao, *Made in America: Why Glock Manufacturing Is Set to Grow in the United States*, THE NAT’L INT. (Aug. 6, 2021), <https://nationalinterest.org/blog/reboot/made-america-why-glock-manufacturing-set-grow-united-states-191274> [<https://perma.cc/V3L5-ZYDE>].

According to Glock Ges.m.b.H.'s website, Glock, Inc.'s U.S. facility "follows [the] same production standards and procedures as the facilities in Austria."⁷ Glock's annual magazine even refers to Glock, Inc. as Glock's "U.S. Headquarters."⁸

FACTS

A. Glock Pistols are Easy and Inexpensive to Modify into Illegal Machine Guns with Auto Sear

28. Glock pistols are frequently recovered in connection with crime in Baltimore, elsewhere in Maryland, and nationwide. In 2023, Glock manufactured the firearms most frequently recovered in connection with crime in Baltimore.⁹ Nationwide, from 2022 to 2023, Glock manufactured the crime gun most frequently traced by ATF.¹⁰

29. The ease with which Glock pistols can be converted into machine guns makes them especially popular in the criminal market. Due to this attribute of Glock pistols and Glock's failure to correct the problem, longstanding federal and state prohibitions on possessing fully automatic machine guns can be easily circumvented.

30. Machine guns, or fully automatic weapons, have been heavily regulated at the federal level since the 1930s because of their frequent use in crime, their increasing use in deadly

⁷ *Glock - The Company*, GLOCK, <https://eu.glock.com/en/Explore-GLOCK/GLOCK-Company> [<https://perma.cc/T5G4-JST6>] (last visited Feb. 6, 2025).

⁸ Chris Eger, *A Misconception Became the Icon*, GLOCK ANN. 36-37 (2023), <https://us.glock.com/-/media/Global/US/old/US-Site/83-Downloadable-Materials/2023/2023-Glock-Annual.ashx>.

⁹ EVERYTOWN RSCH. & POL'Y, WHO IS MANUFACTURING THE GUNS USED IN CRIMES? (2024), <https://everytownresearch.org/report/city-level-data-crime-gun-recoveries/>.

¹⁰ *Crime Gun Tracing Updates and New Analysis* at 22, in *National Firearms Commerce and Tracking Assessment: Protecting America From Trafficked Firearms*, U.S. DEP'T OF JUST., ATF (Jan. 8, 2025), <https://www.atf.gov/firearms/docs/report/nfcta-volume-iv-part-iii-%E2%80%93-crime-gun-tracing-updates-and-new-analysis/download> [<https://perma.cc/BH2A-TM8M>].

shootings and massacres,¹¹ and the “immense danger” their rapid-fire capability poses to the public.¹² Early machine guns made their first appearance during the Civil War and grew more powerful in the following decades.¹³ By the First World War, British troops facing machine gun fire “fell by the thousands in every attack.”¹⁴ But in the late 1920s and early 1930s, criminals began arming themselves with machine guns, and they moved from the battlefield to city streets. The first known use of a machine gun in an attack by a criminal gang was in 1925, in Chicago, and machine guns quickly became the must-have weapon for the likes of Al Capone, Bugs Moran, and Pretty Boy Floyd.¹⁵ A crime reporter during that time called machine guns, “[t]he greatest aid to bigger and better business the criminal has discovered in this generation . . . a diabolical machine of death . . . the highest-powered instrument of destruction that has yet been placed at the convenience of the criminal element”¹⁶

31. Following the dramatic uptick of gang-related machine-gun violence of the 1920s and early 1930s, Maryland was one of many states that passed legislation strictly regulating possession and use of machine guns. *See* MD. CODE, CRIM. LAW §§ 4-404, 4-405. Maryland law defines “machine gun” as “a loaded or unloaded weapon that is capable of automatically discharging more than one shot or bullet from a magazine by a single function of the firing device.” *Id.* § 4-401(c).

¹¹ *National Firearms Act*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (last reviewed Apr. 7, 2020), <https://www.atf.gov/rules-and-regulations/national-firearms-act> [<https://perma.cc/XT95-NVB7>].

¹² *See United States v. O’Brien*, 560 U.S. 218, 230 (2010).

¹³ *See generally* JOHN ELLIS, *THE SOCIAL HISTORY OF THE MACHINE GUN* 21-45 (1986).

¹⁴ *Id.* at 141.

¹⁵ *See id.* at 152-54, 157-58.

¹⁶ *Id.* at 152.

32. Congress quickly followed suit, regulating machine guns in 1934. Federal law mandates that machine guns and certain other weapons may be made, sold, and possessed only subject to strict regulation and registration requirements. It bans the sale of machine guns to members of the public and to any person except those specifically authorized by the Attorney General of the United States, and it also prohibits the transfer and possession of them, except in limited circumstances. 18 U.S.C. § 922(b)(4), (o).

33. Given the onerous restrictions on the sale and ownership of machine guns, fully automatic weapons are difficult to acquire. Semiautomatic weapons—like most Glock pistols—are not. Those seeking the power and lethality of a fully automatic weapon have increasingly looked to readily available, easily modifiable semiautomatic weapons to get the firepower and destructive force that they desire. In recent years, auto sears have made this search significantly easier.

34. Auto sears are add-ons used to convert semiautomatic guns into fully automatic weapons. “Auto sear” is short for “automatic sear,” so named because the small device overtakes the sear of a firearm, which is the part of the trigger mechanism that holds the striker back. Once the sear is overtaken, the striker can continue firing with just one trigger pull. In other words, a gun with an auto sear installed fires fully automatically because the modified gun will continue firing as long as the trigger is pulled and there is ammunition in the magazine.

35. Decades ago, the ATF determined that auto sears themselves are “machineguns” as defined under federal law.¹⁷

¹⁷ See *ATF Ruling 81-4*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/resource-center/docs/atf-ruling-81-4pdf/download> [<https://perma.cc/8S3E-WAP8>] (determining that an auto sear qualifies as a “combination of parts designed and intended for use in converting a weapon into a machinegun” under 26 U.S.C. § 5845(b)) (last visited Feb. 7, 2025).

36. At the state level, Maryland specifically prohibits the possession, sale, or transfer of switches or auto-sears. MD. CODE, CRIM. LAW §§ 4-301(m)-(n), 4-305.1.

37. Auto sears are cheap and easy to acquire. They can be purchased for as little as \$20.¹⁸ Many auto sears are made in China and falsely marketed online as household or recreational products. Once imported illegally to the United States, they are sold within the criminal gun market. These overseas auto sear manufacturers often quickly dissolve to avoid investigation or legal action, with new ones emerging to replace them.¹⁹ Most auto sears that originate in the United States are produced using 3D printers and are often created using downloadable blueprints that are readily available. In light of these commonly used methods for obtaining auto sears, they are difficult to intercept and eradicate.²⁰

38. Glock-style auto sears, which look like “very small Lego piece[s],”²¹ can be attached to the back of pistols, as seen in the image of a Modified Glock below.

¹⁸ Julia Rothman & Shaina Feinberg, *This \$20 Device Turns a Handgun Into an Automatic Weapon*, N.Y. TIMES (July 1, 2022), <https://www.nytimes.com/2022/07/01/business/auto-sear-handgun-automatic.html>.

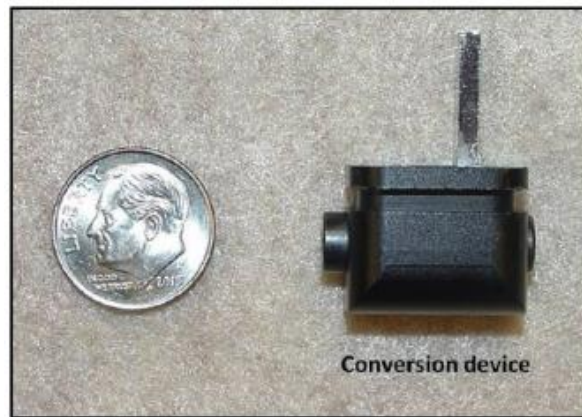
¹⁹ Frank Main, Tom Schuba, Matt Kiefer & Cheryl W. Thompson, *In Chicago, Handguns Turned Into High-Capacity Machine Guns Fuel Deadly Violence*, NPR (Oct. 28, 2022), <https://www.npr.org/2022/10/28/1131026241/chicago-handgun-violence-auto-sear-machine-gun> [<https://perma.cc/2DVS-LQWT>].

²⁰ Lee O. Sanderlin, *Baltimore has a machine gun problem*, BALTIMORE BANNER (Mar. 18, 2024 5:30 AM), <https://www.thebaltimorebanner.com/community/criminal-justice/baltimore-glock-switch-machine-gun-atf-MGDVWUJDEVDGHAGKZFPLMXB3CI/> [<https://perma.cc/BA5D-SY9G>].

²¹ Rothman & Feinberg, *supra* note 18.

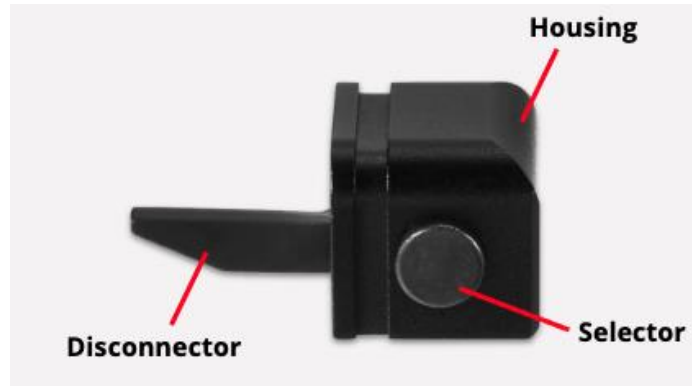


39. These auto sears are roughly the size of a dime.²²



40. The auto sear has a small protrusion called a “disconnecter” that, once installed, pushes a Glock pistol’s internal trigger bar down, allowing the striker to continue firing as the slide reciprocates with recoil. The ability to fire continuously, without the shooter having to pull and release the trigger repeatedly, allows for a much faster rate of fire.

²² Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF Firearms & Ammunition Technology Division Technical Bulletin 17-04 (2017), *United States v. Freitas*, No. 20-cr-223 (N.D. Cal. May 29, 2020), ECF No. 42, Ex. 5.



41. Most Glock-style auto sears come with round “selectors” that allow the user to toggle between semiautomatic and fully automatic modes. Other versions convert Glock pistols to fire only fully automatically when installed.

42. It is well known that Glock pistols are particularly easy to modify for fully automatic firing with auto sears. This is in sharp contrast to most other pistols, which do not accept auto sears as easily, such as those produced by Smith & Wesson or Sig Sauer, and instead require time-consuming and difficult engineering beyond the capabilities of most civilians to be modified into automatic weapons.

43. For Glock’s Generation 1 through 4 pistols (“Gen1” through “Gen4”), which have been produced since Glock’s entry into the U.S. market in or around late 1985 or early 1986, installing an auto sear involves using a common household tool to merely slide out the rear removable plastic backplate of the gun’s slide and placing the auto sear into the backplate’s position. The process typically takes less than five minutes with instructions readily available

online.²³ Glock continues to sell Gen3 and Gen4 pistols to civilian consumers in the United States, including civilian consumers in Maryland.²⁴

44. Glock’s Generation 5 (“Gen5”) line of pistols, which entered the market in 2017, requires minor filing or clipping of a small *plastic* notch before an auto sear may be affixed. Like the other models, the conversion of a Glock Gen5 pistol can be done in a matter of minutes with minimal modification to the firearm. Videos available online explain the simple process. For example, one online video with over 720,000 views provides step-by-step instructions on how to modify a Gen5 pistol in mere minutes while noting that they “only had to take that little notch off,” which “wasn’t that big of a deal.”²⁵ Glock sells Gen5 pistols to civilian consumers in the United States, including civilian consumers who reside in Maryland. Glock knew that its addition of a small plastic piece on the back of the gun was neither a reasonable nor bona fide solution to the

²³ See, e.g., @Letreactcom, *How to Install Glock Full Auto Switch*, FACEBOOK (June 21, 2022, 1:29 AM), <https://www.facebook.com/100063815394590/videos/how-to-install-glock-full-auto-switch/1185300678678624>; @Knifehomes, *How to Install Glock Full Auto Switch*, FACEBOOK (Apr. 17, 2021, 3:12 AM), <https://www.facebook.com/kniveshomes/videos/how-to-install-glock-full-auto-switch/227916132441449>.

²⁴ Glock’s website allows users to view all of Glock’s pistols available for purchase. See *GLOCK Pistols*, GLOCK, <https://us.glock.com/en/Pistols> [<https://perma.cc/R74M-PY4C>] (last visited Feb. 5, 2025). The website allows users to filter the pistols available for purchase, including the ability to select “Gen3” and “Gen4” models. *Id.* (click “Add/Edit Filters”; then under “All features”; select “Gen3” and “Gen4”; then click “DONE”). After applying the Gen3 and Gen4 filters, a user can see all of the Gen3 and Gen4 pistols that Glock sells and which of those pistols are only available for purchase by law enforcement. Glock offers multiple Gen3 and Gen4 models for civilians, including four different 9x19mm pistols: the G17, G19, G26, and G34. See *id.*; see also *G17*, GLOCK, <https://us.glock.com/en/pistols/g17> [<https://perma.cc/U7PF-94RS>] (last visited Feb. 5, 2025); *G19*, GLOCK, <https://us.glock.com/en/pistols/g19> [<https://perma.cc/6NLT-9J6B>] (last visited Feb. 5, 2025); *G26*, GLOCK, <https://us.glock.com/en/pistols/g26> [<https://perma.cc/5J6K-YUYU>] (last visited Feb. 5, 2025); *G34*, GLOCK, <https://us.glock.com/en/pistols/g34> [<https://perma.cc/D5XB-UP7C>] (last visited Feb. 5, 2025).

²⁵ @Royalrangeusa, *Full Auto Glock 17 GEN5!!!*, YOUTUBE (Aug. 30, 2017), <https://www.youtube.com/watch?v=JSIX0HsczlY>.

easy modification of its guns into illegal machine guns; that piece can be filed down easily with a simple tool.

45. Glock switches are so strongly associated with Glock handguns that some auto-sear manufacturers print Glock logos on their switches, even though Glock does not manufacture them and has had its logo trademarked since 1986.²⁶ (See images below.)



46. Anyone with internet access and a means to pay can easily purchase auto sears online via popular social media platforms²⁷ and can learn how to install them with the help of online tutorials such as the ones described in paragraphs 43 and 44 above. Frequently, these posts and videos refer specifically to converting Glock pistols into automatic weapons.²⁸

²⁶ Dan Zimmerman, *VIDEO: Young Teens Show Off Their Illegal GLOCK Full-Auto Switches*, THE TRUTH ABOUT GUNS (Sept. 29, 2022), <https://www.thetruthaboutguns.com/video-young-teens-show-off-their-illegal-glock-full-auto-switches/> [<https://perma.cc/T6V4-N27J>]; Peter Yankowski, *More 'Switches' that Convert Weapons into Machine Guns Turning Up in CT, Police Say*, CT INSIDER (Sept. 12, 2022), <https://www.ctinsider.com/news/article/More-switches-that-convert-weapons-into-17435267.php#photo-22917218>; *Glock—Trademark Details*, JUSTIA TRADEMARKS, <https://trademarks.justia.com/734/83/glock-73483803.html> [<https://perma.cc/A7JJ-2T9X>] (last visited Jan. 7, 2025).

²⁷ Chris Hrapsky, *Glock Switch Creator Would 'Rather Invent Any Other Thing' in Wake of Unintended Consequences*, KARE 11 (Feb. 7, 2024, 10:31 PM), <https://www.kare11.com/article/news/local/kare11-extras/dangers-of-the-controversial-glock-switch-as-told-by-its-inventor/89-9fd2745b-4616-4f8e-b993-3a7249d10f85> [<https://perma.cc/FP37-Z4GZ>].

²⁸ See, e.g., *supra* notes 23, 25.

47. A Modified Glock pistol can reportedly fire up to 1,200 rounds per minute—a faster rate of fire than the standard M4 machine gun used by the United States military.²⁹ In a recent federal complaint filed against an accused auto sear trafficker, the defendant bragged that his auto sears were compatible with a Gen5 Glock and could make it fire “30 rounds in two seconds.”³⁰

48. Glock pistols affixed with a switch are also more difficult to control—resulting in a greater risk of bodily harm or death to bystanders. An untrained shooter using an unmodified semiautomatic Glock may already have a difficult time maintaining the gun’s recoil to stay on target while firing. That problem is exponentially greater when firing a Modified Glock. It is much more difficult for shooters to manage a Modified Glock’s recoil and maintain their target when firing so many rounds in rapid succession, resulting in more lethal shootings, grievous wounds for survivors, and greatly enhanced risks for bystanders and law enforcement.

49. “They tend to spray and pray,” as one ATF Special Agent characterized a person firing a handgun modified with a switch.³¹ “Those rounds can go anywhere.”³²

B. Glock Has Known for Decades that Its Easily Modifiable Pistols Pose a Unique Danger

50. Glock has known for decades that its semiautomatic pistols can be easily modified to fire fully automatically. In fact, it designed its pistol to accommodate semiautomatic or

²⁹ Press Release, U.S. Att’y’s Off., N. Dist. of Texas, Fort Worth Manufacturer Charged in Glock Switch Case (Nov. 18, 2022), <https://www.justice.gov/usao-ndtx/pr/fort-worth-manufacturer-charged-glock-switch-case> [<https://perma.cc/B35Z-4AXG>].

³⁰ Aff. ¶ 7, *United States v. Hendrie*, No. 23-MJ-4115 (W.D.N.Y. July 20, 2023), ECF No. 1.

³¹ Hunter Sáenz, *Authorities Raise Alarm on Device that Turns Handguns into Automatic Weapons*, WSOC-TV (Feb. 20, 2023), <https://www.wsoc.com/news/local/authorities-raise-alarm-device-that-turns-handguns-into-automatic-weapons/MH3SRDJ2MVHW7FMNA6K674UHVM/> [<https://perma.cc/C77D-75LL>].

³² *Id.*

automatic fire capabilities, leaving its semiautomatic pistol exceedingly susceptible to modification.

51. Most Glock pistols share the same basic design, whether they are semiautomatic pistols or fully automatic pistols. Even to the plain eye, the designs of the G17 (Glock’s semi-automatic pistol) and the G18 (the automatic pistol) are strikingly similar.



52. Glock has been marketing its G17 semiautomatic pistols to U.S. civilians since the mid-1980s.

53. Glock also manufactures, markets, and sells the G18 fully automatic version of its pistol to authorized European customers, which is a limited group of purchasers.

54. Glock markets the G18 as having “the same characteristics like other previous models and the frame size of the service pistol classic G17.”³³ On information and belief, Glock did not apply for a separate patent for the fully automatic G18 because it fell within the original design of the patented Glock 17.³⁴ The G18 contains two internal alterations that function like

³³ *G18*, GLOCK, <https://eu.glock.com/en/products/pistols/g18> [<https://perma.cc/X8H5-WBWX>] (last visited Feb. 7, 2025).

³⁴ See U.S. Patent No. 4,539,889 (filed Apr. 29, 1982).

attachable auto sears do on a semiautomatic Glock; indeed, the patent for the Glock-specific auto sear describes its operation in near-identical terms to those used by Glock to describe the G18.³⁵

55. As early as the late 1980s, Gaston Glock, the founder of Glock Ges.m.b.H., met with the inventor of the “Fire Selector System,” a type of auto sear designed and patented especially for use with Glock pistols.³⁶ At that meeting, Gaston Glock test-fired a semiautomatic Glock pistol equipped with an auto sear, which he had affixed to the pistol after removing its back plate. Gaston Glock thus knew that Glock pistols could be easily converted to automatic weapons, and it was obvious that this posed a danger.³⁷ Indeed, by this time, Glock had already created the G18.

56. Like with Modified Glocks, it is difficult to control the G18 in full-auto mode. “Skill and training are crucial for maintaining accuracy” when shooting the G18.³⁸

57. As Gaston Glock knew and expected, it was not long before civilians began illegally modifying semiautomatic Glocks to automatic machine guns. And Glock has long been on notice of this alarming trend. For example, more than 20 years ago, an ATF investigation resulted in dozens of arrests and the seizure of seven converted Glock pistols and nine Glock switches.³⁹ More recently, on April 11, 2022, 41 members of Congress published a letter

³⁵ Compare U.S. Patent No. 5,705,763 (filed July 18, 1996), with G18, GLOCK, <https://eu.glock.com/en/products/pistols/g18> [<https://perma.cc/X8H5-WBWX>] (last visited Feb. 7, 2025) (describing “fire selector” “switch” to “full-automatic firing mode”).

³⁶ Hrapsky, *supra* note 27.

³⁷ *Id.*

³⁸ Nick Oetken, *What’s Inside a Glock 18 Pistol?*, GUNZONE (Feb. 17, 2024), <https://thegunzone.com/whats-inside-a-glock-18-pistol/> [<https://perma.cc/27MR-X5TE>].

³⁹ *Internet Arms Trafficking*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/our-history/internet-arms-trafficking> [<https://perma.cc/8WWJ-8QUZ>] (last updated May 15, 2020).

highlighting the increased use of auto sears in shootings nationwide, specifically identifying only Glock-made pistols by name.⁴⁰ And federal officials have contacted Glock directly searching for ways to address the problem.⁴¹

58. Actions by Glock customers also alerted Glock to the reality that its semiautomatic pistols were being easily modified. For example, customers would mail their illegal Glock switches to Glock's Smyrna headquarters requesting repairs.⁴² Rather than issuing clarifying warnings to the public or changing the design of their pistols, Glock continued to sell its easily modifiable pistols to civilians, including Marylanders.

59. Even further, Glock clearly had notice about the proliferation of Modified Glocks and their danger based on countless high-profile prosecutions, news articles, and public events.

For example:

- a) The 2019 murder of four family members who had gathered to watch football in a backyard in Fresno, California.⁴³

⁴⁰ Letter from Lizzie Fletcher et al., H.R., to Marvin Richardson, Acting Dir., Bureau of Alcohol, Tobacco, Firearms & Explosives (Apr. 11, 2022), https://carbajal.house.gov/uploadedfiles/2022-04-11_letter_to_atf_on_auto_sears_final_copy.pdf [<https://perma.cc/EMP6-2ARZ>].

⁴¹ Ernesto Londoño & Glenn Thrush, *Inexpensive Add-on Spawns a New Era of Machine Guns*, N.Y. Times (Aug. 12, 2023), <https://www.nytimes.com/2023/08/12/us/guns-switch-devices.html>.

⁴² Chip Brownlee, *ATF Director Urges Action on Auto Sears 'Flooding Our Communities'*, THE TRACE (Mar. 1, 2023), <https://www.thetrace.org/2023/03/atf-auto-sears-dettelbach-machine-gun/> [<https://perma.cc/K8MV-T8ZB>].

⁴³ Stephens & Hamilton, *supra* note 1.

- b) The 2021 murder of a Houston police officer,⁴⁴ followed four months later by the shooting of three more Houston police officers.⁴⁵
- c) The 2021 discovery of a Modified Glock hidden in the home of a self-described incel in Ohio, who was “plotting to massacre sorority members” at a local university.⁴⁶
- d) A 2022 mass shooting in Sacramento, California that resulted in the death of six people, including three innocent bystanders, and that wounded twelve others.⁴⁷
- e) A 2022 New Year’s Eve shooting in Mobile, Alabama that killed one person and wounded eight others, just blocks away from where more than 12,000 people were attending a New Year’s Eve celebration.⁴⁸
- f) The 2023 recovery from an 18-year-old gang member of a Modified Glock that was used in a shooting of three people, firing a total of 28 rounds, near a public housing complex in Newark, New Jersey.⁴⁹

⁴⁴ Miya Shay, *Bodycam Video of Shootout that Killed Officer Shows Suspect Used Illegally Modified Gun, Police Say*, ABC (Oct. 12, 2021), <https://abc7.com/houston-police-shooting-bodycam-video-deon-ledet-william-bill-jeffrey/11118603/> [<https://perma.cc/EY7G-KDB3>]; HOUSTON POLICE DEPARTMENT MUSEUM, LOCAL HEROES WHO PAID THE ULTIMATE SACRIFICE: HOUSTON POLICE OFFICERS KILLED IN THE LINE OF DUTY 124 (June 2023), https://www.houstontx.gov/police/museum/ultimate_sacrifice_book.pdf [<https://perma.cc/ZQ42-WJCG>].

⁴⁵ Joel Eisenbaum, *HPD Shootout: Illegally Modified Gun Used to Injure 3 HPD Officers Shoots 50 Rounds in 5 Seconds*, CLICK2HOUSTON (Jan. 28, 2022), <https://www.click2houston.com/news/local/2022/01/29/hpd-shootout-illegally-modified-gun-used-to-injure-3-hpd-officers-shoots-50-rounds-in-5-seconds/> [<https://perma.cc/A6HE-JLY6>].

⁴⁶ Stephens & Hamilton, *supra* note 1.

⁴⁷ Sam Stanton, *Three Charged with Murder in Connection with Sacramento Mass Shooting. Here’s What We Know*, THE SACRAMENTO BEE (May 3, 2022), <https://www.sacbee.com/news/local/crime/article261026102.html> [<https://perma.cc/HQM5-64DW>].

⁴⁸ WKRG, *Modified Glock Used During New Year’s Eve Deadly Shooting in Downtown Mobile: Police*, YOUTUBE (Jan 2, 2023), <https://www.youtube.com/watch?v=pClxv7NV7wg>.

⁴⁹ Press Release, United States Attorney’s Office for the District of New Jersey, Member and Associate of Newark Street Gang Charged with Unlawful Possession of Machinegun used in Shooting of Three People (Apr. 13, 2023), <https://www.justice.gov/usao-nj/pr/member-and-associate-newark-street-gang-charged-unlawful-possession-machinegun-used> [<https://perma.cc/E4UW-MU36>]; see also Criminal Complaint, *United States v. Muhammad*, No. 23-16048 (D.N.J. Apr. 13, 2023).

- g) A 2024 mass shooting at a SEPTA bus stop in Philadelphia, Pennsylvania that injured eight high schoolers, including one 16-year-old who was shot nine times.⁵⁰
- h) The 2024 murder of an 18-year-old by another 18-year-old, after one asked the other to leave a house party in Surprise, Arizona.⁵¹
- i) A 2024 high-speed chase that started in Charles County and ended in Prince George’s County, Maryland, and resulted in the recovery of two stolen cars, stolen property, and a Modified Glock.⁵²
- j) A 2024 mass shooting during the Tuskegee University homecoming celebration that killed one person and injured sixteen people, in which a Modified Glock was confirmed to be used.⁵³

60. Despite this troubling reality regarding the use of Modified Glockes, Glock continues to actively promote its fully automatic pistol. An internet search for “Glock fully automatic” (and variations) or “Glock Full Auto Switch,” which has been among the most popular firearm-related internet search terms in the United States in recent years,⁵⁴ yields as

⁵⁰ NBC 10 Staff, *Final Suspect Arrested in Shooting Near SEPTA Bus that Injured 8 Students*, NBC10 PHILADELPHIA (Mar. 21, 2024, 5:29 PM), <https://www.nbcphiladelphia.com/news/local/teenage-suspect-arrested-in-shooting-near-septa-bus-that-injured-8-students/3807218/> [https://perma.cc/S56V-SW4H].

⁵¹ Perry Vandell, *‘I Had to Shoot’: Surprise Man Faces Second-Degree Murder Charge After House Party Shooting*, AZ CENTRAL (July 10, 2024, 6:54PM), <https://www.azcentral.com/story/news/local/surprise/2024/07/10/surprise-man-faces-second-degree-murder-charge-after-house-party-shooting/74360663007/> [https://perma.cc/D5KL-LG2B].

⁵² *Charles County Officers Catch Theft Suspects, Recover Modified Glock and Stolen Property*, S. MD. NEWS NET (Oct. 17, 2024), <https://smnewsnet.com/archives/539628/charles-county-officers-catch-theft-suspects-recover-modified-glock-and-stolen-property/> [https://perma.cc/4L46-QHMS].

⁵³ Carol Robinson, *Man Arrested in Tuskegee Shooting Admits Firing Gun with Glock Switch, Denies Shooting Anyone, Records State*, AL.COM (Nov. 19, 2024, 5:18 PM), <https://www.al.com/news/2024/11/man-arrested-in-tuskegee-shooting-admits-firing-gun-with-glock-switch-denies-shooting-anyone-records-state.html>.

⁵⁴ See ATF, NATIONAL FIREARMS COMMERCE AND TRACKING ASSESSMENT: FIREARMS IN COMMERCE 37 (May 5, 2022), <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download> [https://perma.cc/8SSP-FTP2].

one of the top search results a link to Glock’s EU website, which markets the “[f]ully automatic 9mm firepower” G18.⁵⁵ U.S. consumers searching for how to get a fully automatic Glock will be directed to Glock’s EU website, where Glock touts its capacity to fire “20 rounds per second” (or 1,200 rounds per minute) and explains that it is the original Glock pistol with a simple modification of a “fire selector” “switch.”⁵⁶ In marketing the fully automatic capabilities of the G18, Glock fails to disclose that fully automatic Glock pistols are highly dangerous and illegal for civilians in the United States, and that semiautomatic Glocks should never be modified to be fully automatic, like their advertised product—the G18.

61. Customers associate Glock switches with the Glock brand so closely that they tag Glock’s social media accounts in posts about Glock switches, which Glock then displays on its own Facebook page—furthering and facilitating the association between Glock pistols and switches.⁵⁷ In addition, in response to Glock’s posts on in its Facebook page, customers have commented about fully automatic fire capabilities—again furthering the association.

62. The following is a sampling of Glock switch-related content that can currently be found on Glock’s Facebook page:

- a) A 2015 post by Glock asked users “What do you like most about the design of your GLOCK?” One user commented with an emoji, “you can make with the cool accesorries [sic] full auto the Glock pistol.”
- b) A 2015 video of a man shooting a Modified Glock with large capacity magazines features a man boasting that he can shoot “twelve hundred rounds a minute,” with

⁵⁵ *G18*, GLOCK, <https://eu.glock.com/en/products/pistols/g18> [<https://perma.cc/X8H5-WBWX>] (last visited Feb. 6, 2025) (emphasis in original).

⁵⁶ *Id.*

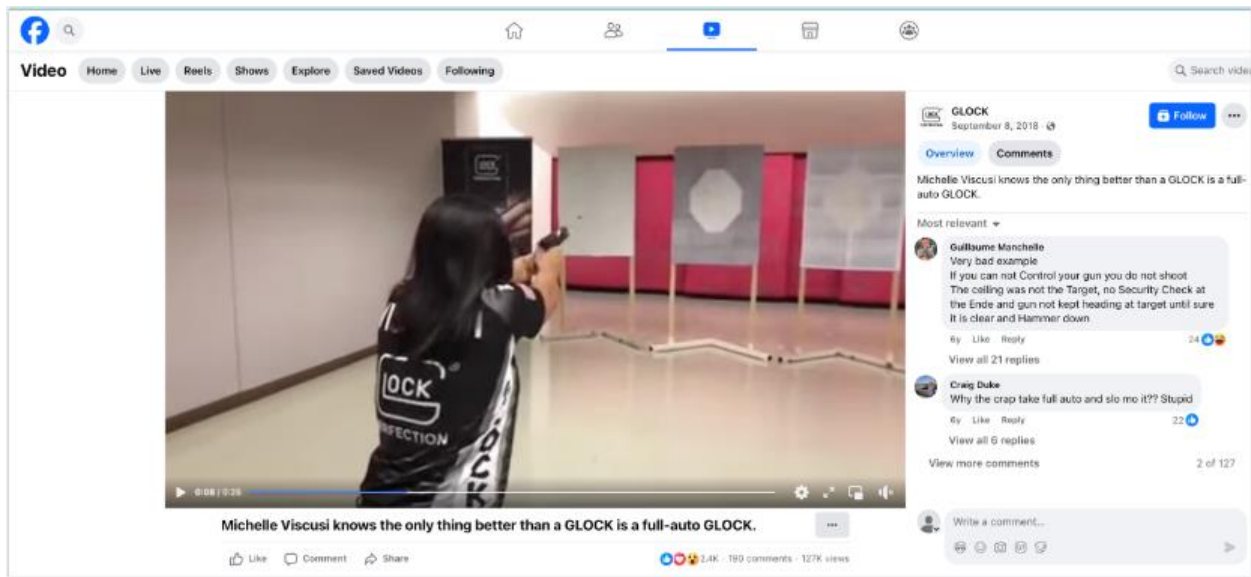
⁵⁷ When third parties post content and tag Glock, that content is displayed in Glock’s social media account because Glock has set its Facebook page to display third-party content in which Glock is tagged.

the caption, “MUST WATCH! – Check out this guy burning through some ammo with a full-auto GLOCK!” This video has around 12,000 views.

- c) A 2016 post by Glock “[c]alling all GLOCK Enthusiasts and Photographers” to “submit your own GLOCK photo using #MyGLOCK for a chance to be featured in our official 2017 Calendar.” One user submitted a photo of what appeared to be Modified Glock with a collapsible shoulder stock and the caption “#MYGLOCK My fathers [sic] full auto Glock 19.”
- d) A 2020 post by Glock of someone gripping a Glock pistol with a target in its sights, with the caption “The view that beats all others” and an emoji. One user commented, “I don’t know, I don’t see a ‘fun switch’ on the back of it, and no night sights so . . . There’s definitely better views. Just saying.”
- e) A 2021 post with emojis that reads, “I want a switch so bad and a 100 round clip” and shares a July 2017 video of a person shooting a Modified Glock with the caption, in Spanish, “[d]isparando una Glock 17 en modo FULL AUTO con balas explosivas . . . simplemente impresionante!” In English, the caption reads, “shooting a Glock 17 in FULL AUTO mode with explosive bullets . . . simply awesome!”

63. Rather than hiding or deleting comments about illegal modifications from its page or removing the “tag,” which connects Glock’s account to this content, Glock continues to allow Modified Glocks to be promoted on its social media.

64. In addition to maintaining posts and comments about illegal Modified Glocks on its social media pages that continue to be available to this day, and despite the inherent dangerousness of fully automatic firing by civilians, Glock also maintains social medial posts promoting the fully automatic capability of its G18 pistol to this day. For example, Glock promoted the use of the G18 in full-auto mode as “more fun” and “better” than semi-automatic firing on its Instagram and Facebook pages.



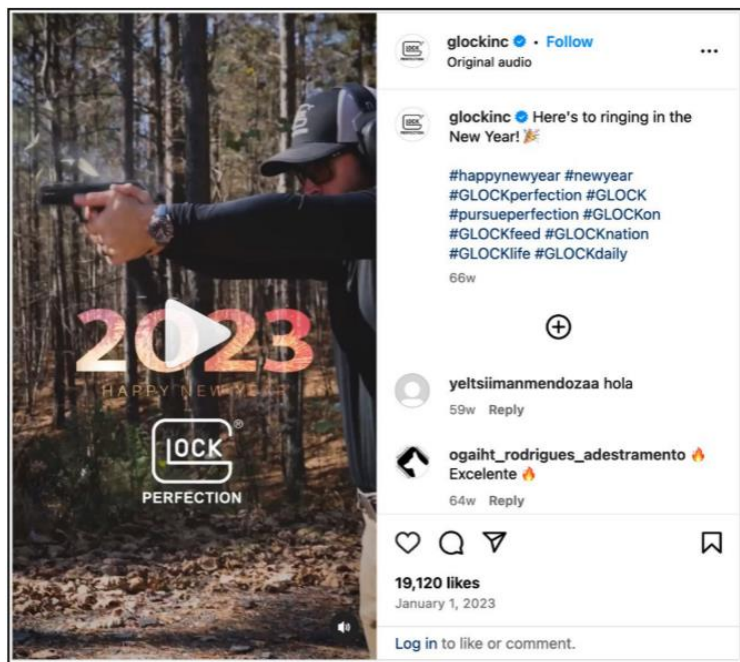
65. In another post, Glock advertised the G18 and a variant, the Glock 18C, and encouraged customers to “Double your pleasure. Double your fun,” while using the hashtag “#fullauto.” Glock did so without any disclaimer that these fully automatic handguns are not available to civilians in the United States, despite commenters indicating on the post “I’m looking for a glock18c” and “É essa que quero,” which means, “That’s the one I want” in Portuguese.



66. In the 2015 Facebook post mentioned above, Glock asked users ‘What do you like most about the design of your GLOCK?’ One user commented “I love glock 18c rate of fire and just everything,” despite the fact that this model is not available to the general public.

67. One user commented on a 2022 Glock Facebook post promoting Glock’s presence at the upcoming Shot Show saying, “Send me a Glock 18 please and thank you.” Another user commented “I got mine here” and included a Facebook link, and a third user commented, “inbox me if interested in that Glock 18 bro.”

68. In yet another Instagram post, celebrating the 2023 New Year, Glock posted a video of someone firing Glock handguns both semiautomatically and fully automatically. The post contains no disclaimers that American civilians cannot typically purchase a fully automatic Glock handgun.



69. At its Smyrna headquarters, Glock offers opportunities for some members of the public to learn how to fire a G18 at its range. In a YouTube video discussing one such course, a Glock Rangemaster points to the fully automatic toggle on the G18 and says, “Here’s the, what we call the ‘fun switch,’ that’s one of the names for it.”⁵⁸

C. Glock Still Has Not Fixed the Problem

70. Despite its knowledge of the proliferation of Modified Glockes, Glock has made the unconscionable business decision to not take meaningful or effective action to prevent, discourage, or limit the illegal modification of its pistols. To the contrary, Glock has promoted fully automatic fire in the pursuit of profits.

⁵⁸ TFB TV, *The Full Auto Glock 18C Machine Pistol*, YOUTUBE (Aug. 17, 2017), <https://www.youtube.com/watch?v=cc4ZTIsusTQ&rc=1>.

71. Glock has been contacted by news outlets regarding whether the company plans to take action to prevent the easy convertibility of its guns to fully automatic fire.⁵⁹ Glock has either remained silent in response or sought to cast blame elsewhere. In recent years, Glock even claimed that “the design of the pistol cannot be altered” to make it harder to modify to a machine gun.⁶⁰

72. This, however, is false. The design of Glock pistols *can* be changed in multiple ways, including internal as well as external changes, to make it much more difficult for them to be modified into illegal fully automatic machine guns.

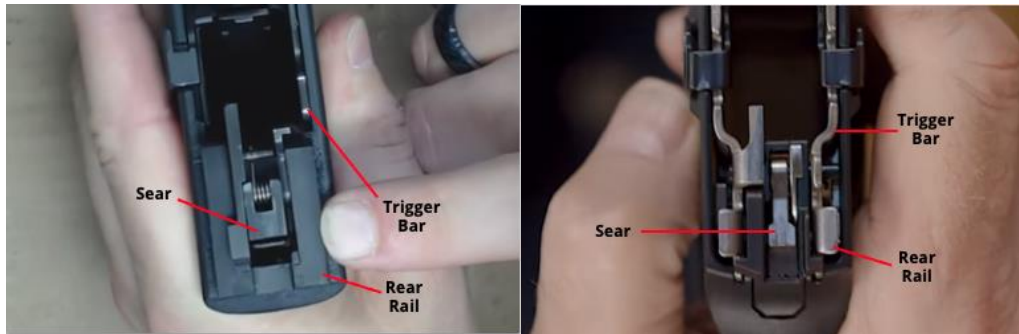
73. Such changes can be made without impairing the guns’ safety or functionality or making them too expensive. For example, a former Glock armorer suggested that an easy fix would involve securing the backplate to the rear of the slide so that it could not be easily removed and replaced with an auto sear.⁶¹ Alternatively, the current configuration of the Glock could be altered so that a user could not so easily access the sear and trigger bar, or so that any modification would defeat the trigger mechanisms and therefore stop the gun from firing.

74. Unlike Glocks, most other striker-fired pistols (such as those made by Smith & Wesson, Sig Sauer, Springfield Armory, or Walther Arms), which are sold in Maryland, contain separate “trigger bars” and “sears”—two key components—and those components are separated from the back of the pistol by a “rear rail.” This “rear rail” blocks the exact location where the “disconnecter” of an auto sear would otherwise go.

⁵⁹ See, e.g., Matt Caron, *Glock Switches Turning Up More and More at Local Shooting Crime Scenes*, FOX61 (Nov 7, 2022), <https://www.fox61.com/article/news/crime/glock-switches-connecticut-police-increase/520-8ce4912a-da29-4d61-9260-1f51bf8aa4b8> [<https://perma.cc/287C-EUS8>]; Stephens & Hamilton, *supra* note 1.

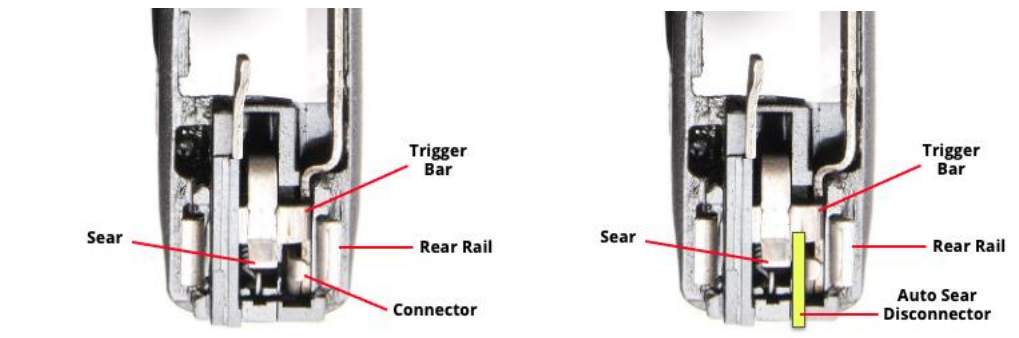
⁶⁰ Londoño & Thrush, *supra* note 41.

⁶¹ Champe Barton, *Glock Could Make It Harder to Outfit Its Pistols with Switches – For a Price*, THE TRACE (Sep. 4, 2024), <https://www.thetrace.org/2024/09/glock-switch-lawsuits-pistol-design/> [<https://perma.cc/J3YS-W7GD>].



On the left, a Springfield XD; on the right, a Sig Sauer P320

75. However, in a Glock pistol, the trigger bar and the sear are combined as one piece, creating a relatively large surface area for an auto sear's disconnecter to target. In addition, nothing shields the large cross-shaped portion of the trigger bar from the back of the pistol, making it possible for an auto sear's disconnecter to slide between the sear and another component, the connector, to contact the trigger bar and push it downward so that the Glock can continue firing with only one pull of the trigger.



Images showing the back end of a Glock pistol with and without an auto sear disconnecter

76. Glock has already designed a pistol that is not easily susceptible to the use of switches: its model G46 semi-automatic pistol. The G46 features a striker that is affixed to the backplate. As a result, the backplate cannot be replaced with an auto sear as easily. Glock has made the decision to sell the G46 only to limited law-enforcement units in Europe, however, and does not market or sell this model to the U.S. civilian market.

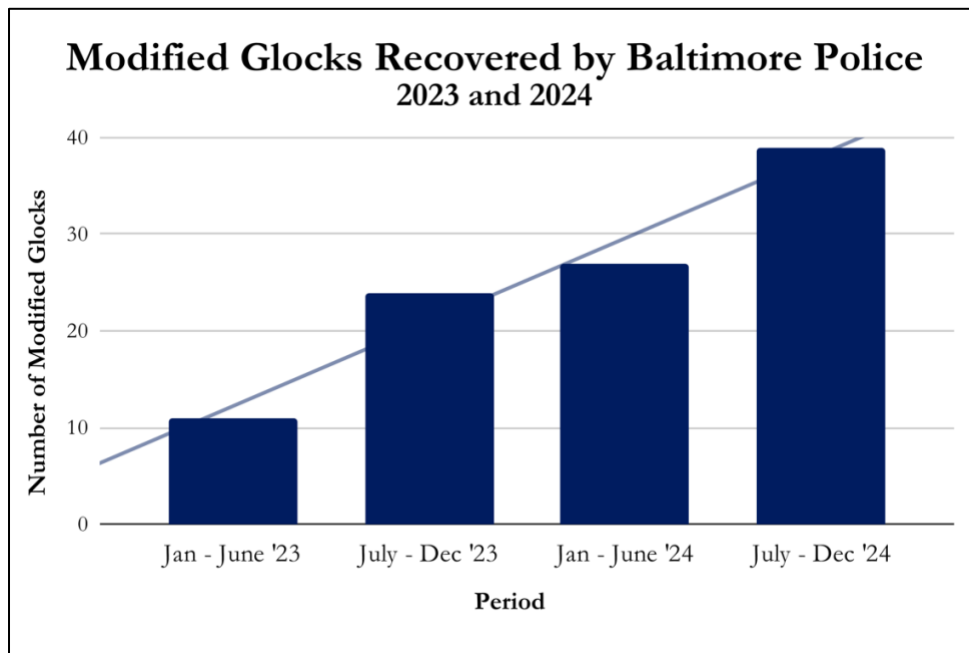
77. Glock’s unreasonable practices of selling and marketing pistols that can be easily modified to illegal machine guns contribute to the harm to the public in Baltimore and in other areas of Maryland. By refusing to take reasonable steps to reduce the unique susceptibility of its pistols to easy and illegal conversion, in order to sell more guns, Glock is profiting by making the City and the State less safe.

D. Modified Glocks Have Become Increasingly Prevalent and Popular, Especially Among Youth in Baltimore, With Devastating Consequences in Maryland

78. The ease with which Glocks can be modified has had a detrimental impact on public health and safety in Baltimore and elsewhere in Maryland.

79. In Baltimore, the problem of Modified Glocks is worsening. In 2023, BPD recovered approximately 35 Modified Glocks. And in 2024, BPD recovered at least 65.

80. The increasing rate of recovery of Modified Glocks by BPD—as reflected in the chart included below—demonstrates that they are growing in popularity and use in Baltimore:



81. Because the statistics reported above reflect only BPD recoveries of Glocks affixed with auto seals for a two-year period, they significantly undercount the number of such Glocks

that are currently in circulation in Baltimore. Many Modified Glocks believed to have been used in crimes have not been recovered.

82. The use and possession of Modified Glocks terrorize the public. For example, the vast majority of incidents with Modified Glocks in Baltimore take place in public areas, including near churches, schools, universities, strip malls, restaurants, bars, child-care centers, libraries, parks, recreation centers, playgrounds, basketball courts, sidewalks, highways, and gas stations.

83. A chilling aspect of this surge in handguns-turned-machine-guns is its relationship to minors. In Maryland, only those 21 years of age and older can lawfully possess a handgun. MD. CODE, PUB. SAFETY §§ 5-101(r)(1), 5-133(d), 5-134(b)(1). Despite this restriction, about half of those individuals arrested by BPD in connection with incidents involving Modified Glocks since the beginning of 2023 were under the age of 21—including one 13-year-old, who BPD arrested after finding a Modified Glock and drum magazine on his bed while executing a search warrant.

84. For example, on September 2, 2024, police pursued a car that ran a stop sign then took off. The officers suspected that the vehicle was stolen due to a broken rear window, and dispatch confirmed that the vehicle tag was flagged as stolen. At one point, the car sped along on the wrong side of the road. Two 17-year-old boys then got out of the car and fled on foot while holding their waistbands. In a subsequent struggle between an officer and one of the suspects, both fell to the ground, and the suspect dropped his handgun and continued to try to reach for it over the officer's objections. The boy was later apprehended, and police recovered a Modified Glock with an illegal large capacity magazine. And, on August 21, 2024, in the Cherry Hill Public Housing Complex, officers spotted a 17-year-old boy riding a moped at a high speed that had no stickers or plates. Police later confirmed that the moped had been stolen. While attempting to evade the police, the boy crashed the moped and fled on foot. While in pursuit, officers noticed a

heavy object in his jacket pocket. Police apprehended the boy and recovered a Modified Glock with an illegal large capacity magazine.

85. According to law enforcement, the increase in youth possession and use of Modified Glocks is attributable, in part, to fully automatic pistols being seen by teenagers as “status symbol[s] that provide[] a competitive advantage.”⁶²

86. Modified Glocks are so ubiquitous that they are commonly referenced in popular media. For example:

- a) The phrase “Glock Full Auto Switch” has been among the most frequent firearm-related internet search terms in the United States in recent years.⁶³
- b) There is a Wikipedia page devoted to the term “Glock Switch.”⁶⁴
- c) The 2022 song “Jimmy Cooks” by Drake featuring 21 Savage—which debuted at #1 on the U.S. Billboard Hot 100⁶⁵ and has been streamed more than one billion times on Spotify⁶⁶—includes the lyric: “This Glock .45 came with a switch.”⁶⁷

⁶² Londoño & Thrush, *supra* note 41.

⁶³ U.S. DEP’T OF JUST., ATF, NATIONAL FIREARMS COMMERCE AND TRACKING ASSESSMENT: FIREARMS IN COMMERCE 37 (May 5, 2022), available at <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download> [<https://perma.cc/8SSP-FTP2>].

⁶⁴ *Glock Switch*, WIKIPEDIA, https://en.wikipedia.org/wiki/Glock_switch [<https://perma.cc/6PHP-AUK7>] (last visited Feb. 5, 2025).

⁶⁵ Gary Trust, *Drake & 21 Savage’s ‘Jimmy Cooks’ Soars in at No. 1 on Billboard Hot 100*, BILLBOARD (June 27, 2022), <https://www.billboard.com/music/chart-beat/drake-21-savage-jimmy-cooks-number-1-hot-100-1235106933> [<https://perma.cc/79EV-VM9V>].

⁶⁶ Drake, *Jimmy Cooks (feat. 21 Savage)*, SPOTIFY, <https://open.spotify.com/track/3F5CgOj3wFIRv51JsHbxhe> (last visited Feb. 5, 2025) (showing 1,114,070,178 unique streams).

⁶⁷ Rania Aniftos, *Here Are the Lyrics to Drake’s ‘Jimmy Cooks’ Feat. 21 Savage*, BILLBOARD (July 6, 2022), <https://www.billboard.com/music/lyrics/drake-21-savage-jimmy-cooks-lyrics-1235111311> [<https://perma.cc/KU52-PSYE>].

- d) Glock switches and Modified Glocks even appear in popular video games like Roblox.⁶⁸ Roblox has a significant number of under 13-year-old users. In 2023, Roblox averaged 68.4 million daily active users, 81% were under 25 years old and 42% were under 13 years old.⁶⁹

87. The increased prevalence and popularity of Modified Glocks is not surprising. As has been studied, gun violence is a contagious social phenomenon apparent among youth.⁷⁰ Certain “rules” develop within communities that “govern how disputes are settled, when and where firearms are used, and the significance of firearms within a broad adolescent culture.”⁷¹ Guns and gun violence can play a role in developing one’s social identity.⁷² “Projecting the ‘right image’ may have consequences for personal safety, social acceptance, and self-esteem among individuals.”⁷³

88. As Modified Glocks have become more prominent, the “rules” of gun use have shifted. Modified Glocks as a “status symbol” and “competitive advantage” have raised the stakes of gun-related violence in Baltimore and Maryland.

⁶⁸ @Lack77, *I Upgraded My GLOCK SWITCH in My New Roblox Hood Game .. (CONSOLE SUPPORT)*, YOUTUBE (Dec. 5, 2023), <https://www.youtube.com/watch?v=SbNCihco14c>; @OldGioAccount, *Glock Switch Review*, YOUTUBE (Mar. 10, 2022), <https://www.youtube.com/watch?v=zSTC40kUwRY>.

⁶⁹ Roblox Corp., Form 10-K United State Securities and Exchange Commission 9 (2024) in Roblox Corporation 2024 Proxy Statement and 2023 Annual Report (May 30, 2024 8:00 AM), https://s27.q4cdn.com/984876518/files/doc_financials/2023/ar/roblox-2024-proxy-and-2023-annual-report.pdf [<https://perma.cc/8NW5-99VA>].

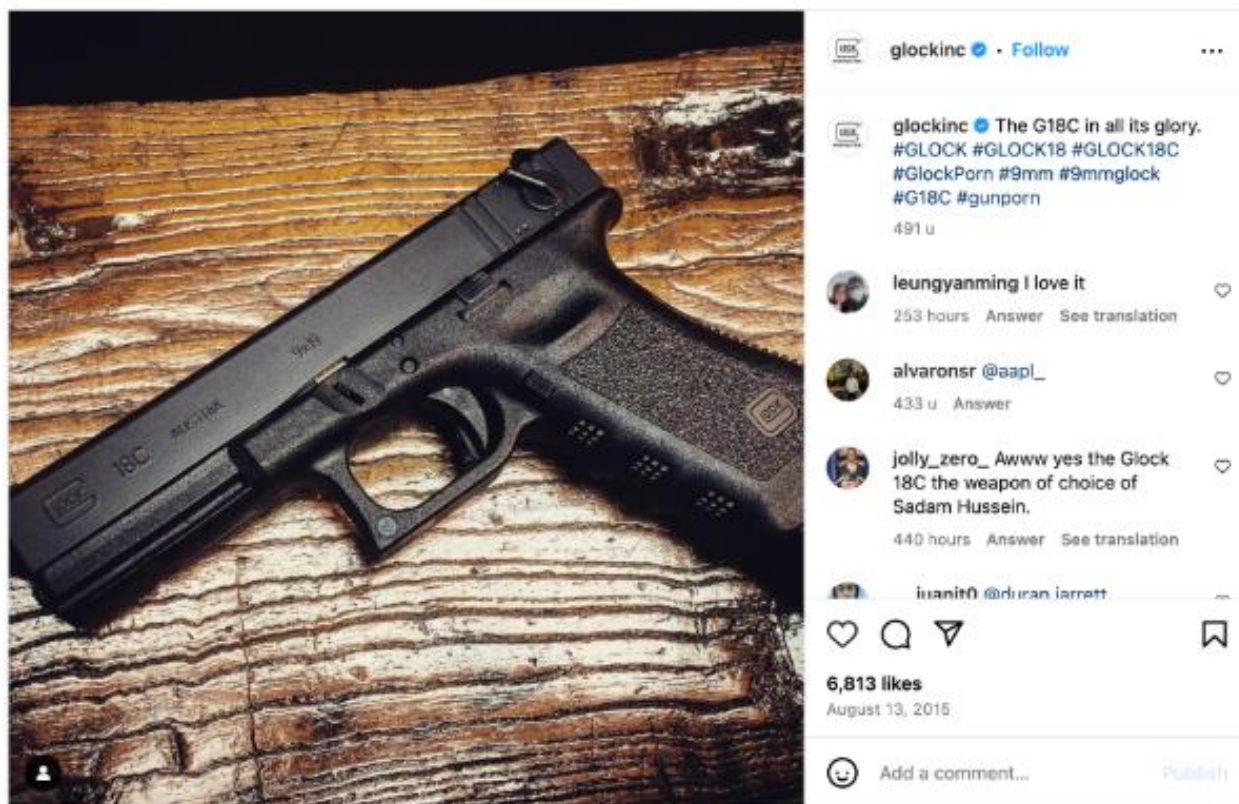
⁷⁰ See Andrew V. Papachristos et al., *Tragic, But Not Random: The Social Contagion of Nonfatal Gunshot Injuries*, 125 SOCIAL SCI. & MED. 139, 144, 148 (2015); see also Andrew V. Papachristos et al., *Social Networks and the Risk of Gunshot Injury*, 89 J. URB. HEALTH 992, 993 (2012) (explaining “the risk of gunshot victimization is related to one’s social network” in part because “the normative conditions surrounding gun use are transmitted through processes of peer influence”).

⁷¹ Jeffrey Fagan & Deanna L. Wilkinson, *Guns, Youth Violence, and Social Identity in Inner Cities*, 24 CRIME & JUST. 105, 124 (1998).

⁷² *Id.* at 148-49.

⁷³ *Id.* at 149.

89. Glock’s marketing, which portrays automatic fire as “fun,”⁷⁴ a way to celebrate a special occasion,⁷⁵ and even used the hashtag “GlockPorn” or “gunporn” to promote its G18 fully automatic pistol (see below), reinforces the “status” associated with illegal Modified Glocks.



90. Glock switches have significantly changed the terrain of gun violence, increasing its lethality. As one seller said, “if you don’t have one, you butt naked.”⁷⁶ As an ATF Special Agent put it, “Do you want to bring a semi-automatic pistol to a machine gun fight? . . . It’s like taking a knife to a gunfight.”⁷⁷

⁷⁴ See *supra* ¶¶ 64-69.

⁷⁵ See *supra* ¶ 68.

⁷⁶ @ViceNews, *This Is the World’s Smallest Machine Gun, and It’s Suddenly Everywhere*, YOUTUBE (Mar. 24, 2022), https://www.youtube.com/watch?v=UHK2_SGRFQU&rc=1.

⁷⁷ Sanderlin, *supra* note 20.

91. According to members of the Baltimore Mayor’s Office of Neighborhood Safety and Engagement, the increase in Baltimore youths with Glock switches and Modified Glocks is tied to the proliferation of switches in Baltimorean culture and increasingly violent social networks. With respect to the former, youth are influenced by local rappers and influencers showing off their switches on social media, motivated by the social capital associated with switches, and driven to possess switches for their ability to increase lethality without requiring adept accuracy.

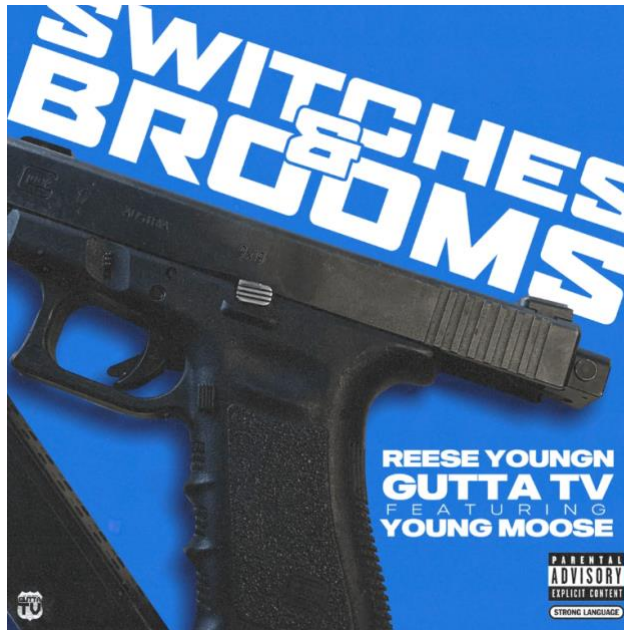
92. As mentioned, local Baltimore rappers reference switches and Modified Glocks in their lyrics. For example:

- a) In 2021, Baltimore rapper LBG Muk put out a song with the repeated line “100s & 50s Glocks & Switches, surrounded by violence in my city” with over 55,000 views on YouTube.⁷⁸
- b) Baltimore rapper OGJohnGotti, featuring Baltimore rapper Young Moose, put out the 2024 song “No Luv In The Jungle,” with over 260,000 views on YouTube, featuring the lyric: “Button on my Glock, went from a standard to an automatic.”⁷⁹
- c) Young Moose is featured on the 2024 song “Switches and Brooms,” in which he raps “Lil’ bro said he need a button, I told him hold this.” “Button” is another term for a “switch.” The cover art for the single, below, depicts a Modified Glock.⁸⁰

⁷⁸ @LBG Muk – Topic, *100s & 50s Glocks & Switches*, YOUTUBE (Nov. 19, 2021), <https://www.youtube.com/watch?v=lfq5G4dAO8I>.

⁷⁹ @OGJohnGotti, *No Luv in The Jungle ft. Young Moose*, YOUTUBE (June 11, 2024), <https://www.youtube.com/watch?v=Ah8OHQjxJC4>.

⁸⁰ @Reese Youngn – Topic, *Switches and Brooms*, YOUTUBE (Aug. 27, 2024), <https://www.youtube.com/watch?v=7xMRBBGxQ5Y>.



93. Modified Glocks harm communities in Baltimore and elsewhere in Maryland, and youth feel the adverse impacts acutely. Glock has profited from and worsened these cycles of violence, fueling enthusiasm for Modified Glocks through its marketing, continuing to sell easily modifiable semiautomatic pistols to Marylanders, and taking no meaningful steps to address the widespread problem.

94. Just a sampling of the incidents of Modified Glocks being used in Baltimore and elsewhere in Maryland illustrates the enormity of the problem.

95. Modified Glocks have been recovered in connection with violent crimes in and around Baltimore. For example:

- a) On December 4, 2023, a 21-year-old man was approached by three men in ski masks with handguns. According to the victim, the masked men forced him into his own car, hit him across his head with handguns, and zip-tied him. After driving him around, they switched cars and were found by police in Rosemont. A Modified Glock with an illegal large capacity magazine was recovered in connection with this incident.
- b) On January 5, 2024, a 20-year-old man was shot in an alley by a 17-year-old. According to the victim, the 17-year-old had approached him and asked for money,

which led to a physical altercation and resulted in the 20-year-old being shot in the chest. A Modified Glock was recovered in connection with this incident.

- c) On March 20, 2024, two shootings occurred within a short period of time on the same block in the Mondawmin neighborhood. The first victim, a 21-year-old, was shot in his right thigh as a result of multiple bullets being fired after he tried to wrest a gun from a person attending a house party. The other victim, a 25-year-old, was walking with his girlfriend on the same block, when a man tried to rob him with a firearm. They struggled and the gun fired. The victim described the gun as having an illegal large capacity magazine and shooting rapid-fire as though it was fully automatic. That victim sustained five gunshot wounds. Officers recovered a Modified Glock, two projectiles, an illegal large capacity magazine, seven shell casings, and another modified weapon in connection with these events.
 - d) On March 28, 2024, a shooting took place within blocks of a Baltimore YMCA. A 42-year-old victim was backing into a parking spot, planning to stop at a store on her way into work, when she heard gunshots. She was shot and her car sustained eighteen bullet holes from the gunfire. Two other cars were also shot. At least 41 spent shell casings were recovered. An officer that was nearby at the time of the shooting saw a car speeding away from the area, going the wrong way on a street. That car, later confirmed stolen, stopped in Howard County and the four suspects in the car fled on foot but were eventually apprehended. In connection with this incident, police recovered a Modified Glock, along with two other firearms.
 - e) On August 20, 2024, a 19-year-old reported that she and her boyfriend, an 18-year-old, had been arguing. She stated that he punched her, grabbed her by the hair, told her to delete the videos of the incident or he would kill her, and choked her until she lost consciousness. He repeatedly struck her, saying “I’ll kill you” and “I’ll shoot you bitch.” According to the victim, the 18-year-old had a black handgun in his waistband during the incident. Police arrested the 18-year-old and recovered a Modified Glock in the house.
 - f) On October 2, 2024, police found a 20-year-old man suffering from a gunshot wound to the head in Shipley Hill. Officers recovered a Modified Glock with an illegal large capacity magazine on his person and four shell casings in the area. The man died after being transported to a medical facility.
96. Modified Glocks have been recovered in connection with carjackings in Baltimore.

For example:

- a) On November 4, 2023, a woman was driving with her nephew in downtown Baltimore when they were approached by men in masks with handguns who ordered them out of the car, got in, and drove away. Soon after, police were able to locate three suspects in another car that was reported stolen from Prince George’s County. Two Modified Glocks were recovered in connection with this carjacking—

one of which was in the possession of an individual who was prohibited from possessing a firearm.

- b) On March 27, 2024, in West Baltimore, a 16-year-old in a car stolen in an armed robbery earlier that day failed to obey a stop sign in front of officers. When officers tried to stop the car, the 16-year-old exited the vehicle and fled, but he was ultimately apprehended. Officers recovered a Modified Glock with an illegal large capacity magazine by the driver's seat in the car.

97. Modified Glocks have been recovered in connection with dangerous incidents on public streets and roadways in and around Baltimore. For example:

- a) On November 14, 2023, officers observed and pursued a vehicle making reckless maneuvers, traveling through Baltimore City, Anne Arundel County, Howard County, and Baltimore County. At one point during the pursuit, the passenger door opened and a Modified Glock with an illegal large capacity magazine was tossed out. After exiting the Harbor Tunnel, the driver abandoned the car and was arrested after he tried to enter a truck that had been stopped in the tunnel. The driver was found to be prohibited from possessing firearms. Three others, including a 6-year-old, were in the vehicle the driver abandoned.
- b) On June 10, 2024, a car sped away from a block where several rounds of gunshots were detected. When officers stopped the car, they observed a magazine of a handgun sticking out from the driver's seat. It was a Modified Glock and the driver was arrested.
- c) On July 15, 2024, a 20-year-old driver in a stolen car refused to stop when officers attempted to pull him over, instead purposefully accelerating and ramming into the police car in an attempt to flee. The driver and the 24-year-old passenger then fled on foot but were apprehended. Two guns, including a Modified Glock, were recovered in connection with this incident. The occupants were prohibited possessors of firearms. At the time of the arrest, there were active warrants for the driver for second-degree assault and carjacking with a handgun on person, and he admitted to committing three armed carjackings and a robbery earlier that same day.
- d) On August 26, 2024, a 26-year-old man and a 22-year-old woman were sitting in a parked car that had been stolen from a dealership. When officers approached, the car sped off, crossing over an embankment and driving over grass. The car eventually crashed into another car, taking out its front bumper. The driver and passenger were apprehended. A loaded illegal large capacity magazine was found in the armrest, a Glock was located behind the passenger seat, and a Modified Glock was found just outside the car.
- e) On October 7, 2024, near Cherry Hill Homes Public Housing, two teens—18 and 19-years-old—took out handguns, and assumed shooting stances before returning the guns to their front waistbands. The two teens soon noticed a police helicopter above them, got into a car, and sped off, driving dangerously and causing people

crossing the street to run out of the way. At some point, items were tossed out of the passenger window. Officers caught up to the teens, arrested them, and found a handgun and a Modified Glock with an illegal large capacity magazine in the area where items were tossed out of the car.

- f) On December 19, 2024, officers encountered a vehicle with improper tags. The car was reported stolen from Prince George's County. When the officers tried to get behind the vehicle, it sped off; officers followed and used a helicopter to monitor the car. The male driver and female passenger bailed out of the car, abandoning it. Eventually the driver was detained. When officers reviewed video footage of the incident that had been recorded by the helicopter, they found evidence of an object being thrown out of the passenger-side window during the pursuit. Officers recovered a Modified Glock with an illegal large capacity magazine from the area where the object was thrown. The driver was a prohibited possessor in part because of prior assault in the second degree and armed robbery offenses.

98. Dual public safety crises come to a head in Baltimore and Maryland: Modified Glockes have been recovered in connection with drug trafficking. And as several incidents below highlight, both crises are adversely affecting minors and adolescents. For example:

- a) On September 4, 2023, police conducted a weapons pat down of a 16-year-old and recovered a Modified Glock with an illegal large capacity magazine and 21 pills suspected of containing heroin likely mixed with fentanyl.
- b) In April 2024, during a traffic stop in Montgomery Village, officers recovered a backpack that contained a Modified Glock with an illegal large capacity magazine, over 1,000 suspected fentanyl pills, packaging materials, a digital scale, and cash.
- c) On August 1, 2024, police initiated a traffic stop. The passenger in the car exited and appeared to be holding a black gun. As he ran, he fell and was later detained. Police conducted a canvass of the surrounding area and found numerous suspected heroin/fentanyl capsules near where the man fell. Later, on a jail call, the man spoke to an associate and gave him the cross-streets of an intersection. Police searched the area and recovered a Modified Glock with an illegal large capacity magazine in a bush at the location described.
- d) On September 21, 2024, a driver exited his parked car that had heavily tinted windows and was partially obstructing a sidewalk. Officers called in a K9 unit, which alerted that there were narcotics in the car. As one officer searched the car, he indicated that he found a firearm, at which point, the driver fled but was apprehended in a nearby alleyway. In the car, officers recovered two Modified Glockes each with loaded illegal large capacity magazines, two additional detachable magazines, a container of suspected cocaine, narcotics packaging materials, and over \$2,000 in cash. Additionally, officers recovered three plastic containers of suspected cocaine from the driver, who was prohibited from possessing firearms because of previous firearm-related offenses.

- e) In September 2024, four teens from St. Mary’s County, ranging in ages from 15 to 17, were arrested in connection with attempted carjackings. At the residence of the 17-year-old, officers found a Modified Glock with an illegal large capacity magazine, a handgun with an obliterated serial number, and over 1,000 suspected fentanyl pills.

99. Modified Glocks have been found in the possession of prohibited possessors. More than 70% of those arrested in incidents involving the recovery of a Modified Glock by BPD were prohibited from owning a firearm. And almost three-fourths of those known to be prohibited from owning a firearm and arrested were prohibited for a reason in addition to or aside from age. For example:

- a) On August 21, 2023, officers responded to a burglary at a residence in Medfield. The property manager explained that she was notified someone had removed the for-sale sign and that no one was supposed to occupy the unit. Officers arrested the two people found at the residence—one was a 19-year-old who had a Modified Glock with an illegal large capacity magazine on his person. Officers also recovered a bag that contained another Modified Glock with an illegal large capacity magazine, three boxes of hollow point ammunition, and a ski mask. Both those arrested were prohibited from possessing firearms.
- b) On December 20, 2023, a 34-year-old was stopped by officers as he exited the backseat of a car. He had a bag with 47 containers of suspected crack cocaine on him and a handgun was found in the backseat of the car near where he sat. The 34-year-old was prohibited from possessing a handgun due to a prior conviction for using a handgun in a first-degree assault. A Modified Glock with an illegal large capacity magazine was found in the car near the driver’s seat. The driver, who was prohibited from possessing a handgun due to a prior conviction for second-degree murder committed with a handgun, was also arrested.
- c) On January 10, 2024, officers observed a drug deal in South Baltimore. Officers pursued the apparent dealer and recovered from him a Modified Glock with an illegal large capacity magazine. Officers also recovered from the apparent dealer a key to a car, which was confirmed stolen out of Anne Arundel County. That car contained an additional Modified Glock with an illegal large capacity magazine. The dealer was prohibited from possessing a firearm as a term of his probation.
- d) On July 21, 2024, a couple was reported as having a dispute near Morgan State University. A witness said the girlfriend was screaming that the boyfriend had her phone and was armed with a gun. An officer arrived and recovered a Modified Glock with an illegal large capacity magazine from the boyfriend’s waistband. He was 18 years old, prohibited from possessing a firearm, and was wanted for an attempted murder that happened the month prior.

- e) On August 10, 2024, a man who was driving a car without a valid driver's license was stopped by police. Officers searched the car and found three guns, including a Modified Glock. The driver and his two passengers were all prohibited possessors.
- f) On September 17, 2024, a 27-year-old appeared to be preparing himself for an imminent shootout; he glanced across the street, cleared his clothes out of his waistband with one hand, put his other hand in his waistband, squared his shoulders to the street, and moved into a position of cover. Officers stopped the man and recovered a Modified Glock with an illegal large capacity magazine containing 30 rounds of ammunition. The man was prohibited from possessing a firearm due to an active bench warrant and his juvenile delinquency history.

100. As the number of recovered Glocks equipped with auto sears in Baltimore has increased, so have the dangerous and devastating consequences associated with them. Increasing recoveries of Modified Glocks strongly suggest that those consequences will continue, despite Plaintiffs' efforts to address the gun violence crisis and to reduce the proliferation of illegal guns, including Modified Glocks.

101. Not only are these consequences being felt acutely in Baltimore and Maryland, but they are also adversely affecting many other areas in the United States. The increased popularity of modified pistols has led federal, state, and local law enforcement from around the country to raise the alarm about the dramatic rise in the use of auto sears and automatic weapons, particularly Glocks. For example:

- a) **Nationwide:** The ATF reported a 400% increase in recoveries of illegally modified machine guns from 2020 to 2021⁸¹ and a 570% increase in machine gun conversion parts recovered between 2017 and 2021 as compared to the previous five-year

⁸¹ See Alain Stephens & Keegan Hamilton, *The Sacramento Mass Shooting Likely Involved a Converted Machine Gun, Officials Say*, THE TRACE (Apr. 7, 2022), <https://www.thetrace.org/2022/04/sacramento-mass-shooting-auto-sear-machine-gun/> [<https://perma.cc/PH4F-WYW2>].

period.⁸² Between 2018 and 2023, the ATF recovered more than 31,000 machine gun conversion devices.⁸³

- b) **Washington, D.C.:** In 2023, the ATF Special Agent in Charge for Washington, D.C. reported an approximate 45% increase in the use of switches in crimes in D.C.⁸⁴ In 2022, D.C. recovered 123 firearms equipped with switches; but by November 2023, D.C. had recovered at least 165 in that calendar year.⁸⁵
- c) **Twenty cities**⁸⁶ recovered more than 560 machine gun conversion devices in 2023, at least two-thirds of which were Glock switches.⁸⁷
- d) **Chicago:** The Chicago Police Department reported the recovery of over 1,300 Modified Glocks from the beginning of 2021 through May 2024, averaging more than one Modified Glock recovery per day.⁸⁸
- e) **Memphis:** In 2024, the Memphis police department estimated that it recovered three Glock switches a week.⁸⁹

⁸² Londoño & Thrush, *supra* note 41.

⁸³ E. Martin Estrada, *U.S. Attorney and ATF Release New Public Service Announcement Warning Against Possession of Machine Gun Conversion Devices*, ATF (Jan. 11, 2024), <https://www.atf.gov/news/press-releases/us-attorney-and-atf-release-new-public-service-announcement-warning-against-possession>.

⁸⁴ Stephanie Ramirez, *Gun Conversion Devices a Growing Threat in DC, ATF Warns*, FOX 5 DC (Nov. 9, 2023), [<https://perma.cc/WN83-NNNG>].

⁸⁵ *Id.*

⁸⁶ Those cities were Akron, Allentown, Baltimore, Birmingham, Cleveland, Denver, Des Moines, Greensboro, Hartford, Kansas City, Little Rock, Lansing, Madison, Memphis, Nashville, Providence, Richmond, San Antonio, Savannah, and South San Francisco.

⁸⁷ EVERYTOWN RSCH. & POL'Y, *WHO IS MANUFACTURING THE GUNS USED IN CRIMES?* (Sept. 26, 2024), <https://everytownresearch.org/report/city-level-data-crime-gun-recoveries> [<https://perma.cc/9PL7-ESC7>].

⁸⁸ Maggie Duly, *Chicago Expands Historic Lawsuit Against Glock to Go After Parent Company, Local Retailers*, FOX 32 CHI. (July 23, 2024), <https://www.fox32chicago.com/news/chicago-drops-historic-lawsuit-against-glock> [<https://perma.cc/6FUA-864Y>].

⁸⁹ Steffen Reals, *'It's Just a Recipe for Disaster' | Here Is What's Being Done to Combat the Surge of Glock Switches Across the Country*, ABC24 (July 10, 2024), <https://www.localmemphis.com/article/news/crime/what-is-being-done-to-combat-the-glock-switch-surge-in-the-mid-south/522-01380216-7224-4d6a-976a-6fa4d9124999> [<https://perma.cc/7TJ2-H9YW>].

- f) **Columbus:** Officials reported a 1,200% increase in auto seat recoveries as of April 2023, compared to the same time in the previous year.⁹⁰

102. Glock's ongoing conduct continues to harm public health and safety in Baltimore and elsewhere in Maryland, such as Prince George's County. The effects of Glock's continuing misconduct are felt by ordinary Marylanders as well as City and State law enforcement personnel.

103. Plaintiffs spend millions of dollars annually to prevent gun violence and gun-related crimes, to reduce their lethality, and to mitigate the long-term damage to communities in which they are endemic. In 2021, Mayor Brandon Scott released Baltimore's first-ever Comprehensive Violence Prevention Plan. Similarly, the State recently passed legislation, signed into law by Governor Wes Moore, that established the Center for Firearm Violence Prevention and Intervention in the Maryland Department of Health to reduce firearm violence, harm from firearm violence, and misuse of firearms in the State. In addition, Plaintiffs work with and support community-based violence reduction programs like Safe Streets and Roca, which seek to reduce gun violence and gun use. Such programs have meaningful impacts on individuals, families, and communities, and they become ever more crucial as the proliferation of Modified Glockes spreads.

104. By manufacturing, selling, and marketing pistols that are uniquely capable of being turned into fully automatic weapons with a simple modification, Glock has knowingly engaged in unreasonable conduct and harmed the safety and health of the public in Baltimore and Maryland.

⁹⁰ See NBC4 Columbus, *Switch Handguns on the Rise in Columbus*, YOUTUBE (Apr. 27, 2023), https://www.youtube.com/watch?v=S62EM_LDwdA.

FIRST CLAIM FOR RELIEF
Violation of Md. Code, Cts & Jud. Proc. § 3-2502
(Public Nuisance by Firearm Industry Member)

105. Plaintiffs repeat, reallege, and incorporate as if fully set forth herein the allegations of paragraphs 1 through 104 above.

106. As described below, Maryland law imposes liability on a “firearms industry member” when it knowingly engages in conduct that creates, maintains or contributes to harm to the public through the sale, manufacture, distribution, importation, or marketing of a firearm industry product.

107. A “firearm industry member” is “a person engaged in the sale, manufacture, distribution, importation, or marketing of a firearm-related product,” which includes companies. MD. CODE, CTS. & JUD. PROC. § 3-2501(c) (West 2024).

108. A “firearm-related product” includes firearms, ammunition, and firearms parts and accessories that are “[s]old, manufactured, distributed, or marketed” in Maryland or that are “[i]ntended to be sold, manufactured, distributed, or marketed” in Maryland. *Id.* § 3-2501(d).

109. Glock is a “firearm industry member” that manufactures, distributes, imports, markets, and sells “firearm-related products” within the meaning of the Act.

110. Under the Act, a “firearm industry member” can be held liable for “knowingly creat[ing], maintain[ing], or contribut[ing] to harm to the public through the sale, manufacture, distribution, importation, or marketing of a firearm-related product by engaging in conduct that is (1) unlawful; or (2) unreasonable under the totality of the circumstances.” *Id.* § 3-2502(a). Under the same law, a “firearms industry member” is also required to “establish and implement reasonable controls regarding the sale, manufacture, distribution, importation, marketing, possession, and use of [its] firearm-related products.” *Id.* § 3-2502(b). A violation constitutes a public nuisance. *Id.* § 3-2502(c).

111. “Reasonable controls” means policies that are designed (1) “to prevent the sale and distribution of a firearm-related product to” an individual who possesses and transfers the product unlawfully or who “the firearm industry member has reasonable cause to believe intends to use” it “to commit a crime” or “to cause harm” to a person; (2) “to prevent the loss or theft of a firearm-related product from a firearm industry member”; and (3) “to ensure that the firearm industry member complies with all provisions of State and federal law and does not otherwise promote the unlawful sale, manufacture, alteration, importation, marketing, possession, or use of a firearm-related product.” *Id.* § 3-2501(f).

112. At all times relevant to this lawsuit, Glock has manufactured pistols and then sold, distributed and marketed them in Maryland, and it continues to do so. In fact, according to its website, Glock has relationships with more than 55 dealers located in Maryland, including at least 20 within a 20-mile radius of Baltimore City.

113. Thousands of Maryland consumers have purchased and will continue to purchase Glock’s easily modifiable pistols. Maryland residents who live outside of Baltimore can and do purchase Glock pistols from gun dealers located within the State, either through the “Buy Now” feature on Glock’s website or by visiting a gun dealer—including dealers that have entered into arrangements with Glock to serve as Glock-authorized dealers. Baltimore residents can (and do) also use Glock’s website to facilitate their purchases; they do so by entering their addresses—or similarly “Baltimore”—on Glock’s website to be directed to a nearby federally licensed Glock-authorized gun store just outside of city limits where they can purchase their pistols. In addition, Glock pistols can be purchased directly by Baltimore residents via the “Buy Now” link on Glock’s website and then picked up at a brick-and-mortar location in the State. The “Buy Now” link directs to a third-party website, which allows customers to place the pistol in an online cart and complete

the purchase transaction, including payment. The pistol is then shipped to a federally licensed brick-and-mortar gun store for the customer to complete the required steps, including a background check, and pick up the pistol.

114. While it is illegal to sell machine guns to non-law-enforcement personnel, except under very limited circumstances, Glock sells, manufactures, distributes, imports, and markets to civilians semiautomatic pistols that easily accept auto sears, under all of the circumstances described in this Complaint, thereby promoting the proliferation of illegal machine guns in Baltimore and Maryland. Through these practices, Glock knowingly creates, maintains, and contributes to harm in Baltimore and Maryland that harms the safety and health of the public, including youth.

115. Glock knows that the pistols it sells to the civilian market easily accept—and are frequently and illegally possessed and/or modified with—auto sears. Yet, in violation of the Act, Glock continues to sell and market its easily converted pistols into Maryland to civilian, non-law-enforcement personnel, under all of the circumstances described in this Complaint. Glock does this despite knowing that there are reasonable steps it could take to make it more difficult for its pistols to accept auto sears and to be converted into illegal machine guns. Further, as described in this Complaint, Glock continues to promote the fully automatic capabilities of the G18 model to civilians through its social media, enhancing the appeal of automatic Glocks, and otherwise promotes fully automatic fire to civilian consumers through its social media. This conduct is unreasonable under the totality of the circumstances.

116. Furthermore, Glock has knowingly failed to establish and implement reasonable controls to ensure that it does not promote the unlawful possession, alteration, and use of its pistols. It does so by continuing to sell and market its easily modified semiautomatic pistols, promoting

the fully automatic capabilities of the G18, failing to fix the problem, and refraining from providing any warnings or disclosures pertaining to the prohibitions on civilian manufacturing or possessing machine guns. Instead, it has continued to manufacture, distribute, sell, and market its pistols to civilian consumers in Maryland as if the problem did not exist.

117. Glock's conduct therefore violates the Act and constitutes a public nuisance because it is unreasonable and/or demonstrates a lack of reasonable controls. *See* MD. CODE, CTS. & JUD. PROC. § 3-2502.

118. Glock has harmed the public, undermined law enforcement efforts to prevent and reduce gun violence and other gun-related crime, diverted scarce law enforcement resources, and reduced public health and safety.

119. The aforementioned conduct has proximately caused harm to the City and the State.

120. Pursuant to the Act, Plaintiffs seek an order enjoining Glock from engaging in practices that violate the Act and compelling Glock to abate the nuisance by, including but not limited to, ceasing the distribution, marketing, and sales of easily modifiable Glock pistols to civilians in Maryland, addressing easily modifiable Glock pistols already distributed and sold to civilians in Maryland, and contributing to a monetary abatement fund.

121. Plaintiffs also seek an order providing for the payment of restitution and disgorgement of profits, awarding Plaintiffs fees, costs, and any other relief the Court deems appropriate.

SECOND CLAIM FOR RELIEF
Public Nuisance

122. Plaintiffs repeat, reallege, and incorporate as if fully set forth herein the allegations of paragraphs 1 through 104 above.

123. Defendants, individually and in concert with each other, have created, contributed to, and/or assisted in creating conditions that significantly interfere with rights general to the public, including public health, public safety, public comfort, and public convenience.

124. Due to the historical and ongoing interference with those rights, Defendants' conduct is a public nuisance.

125. The nuisance created and contributed to by Defendants is substantial and unreasonable. It has caused, continues to cause, and will continue to cause significant harm to the community as alleged herein, and that harm outweighs any offsetting benefit.

126. Glock specifically created, contributed to, and/or assisted, and/or was a substantial contributing factor in the creation of the public nuisance by selling and marketing semiautomatic pistols to civilian consumers that can be easily modified to illegal machine guns, and by failing to take reasonable and effective steps to prevent such illegal modifications, under all of the circumstances described in this Complaint. Further, as described in this Complaint, Glock continues to promote the fully automatic capabilities of the G18 model to civilians through its social media, enhancing the appeal of fully automatic Glocks, and otherwise promotes fully automatic fire to civilian consumers through its social media. Glock's conduct foreseeably results in the illegal possession and use of machine guns by civilians in the City and State. Yet, Glock continues to sell its easily modified pistols into Maryland, knowing they are regularly being illegally converted, possessed and used there. Absent an injunction, abatement or other relief, this public nuisance will continue indefinitely.

127. Glock's conduct was, and continues to be, in knowing violation of the Act. MD. CODE, CTS. & JUD. PRO. § 3-2502(a)-(f). These knowing violations proximately harmed the City and the State.

128. Glock's conduct unjustifiably endangers, renders insecure, interferes with, and obstructs the rights of the residents of Baltimore and Maryland. By selling and marketing semiautomatic pistols to civilian consumers that can be easily modified to machine guns, Glock has created and/or contributed to a terror on the streets of Baltimore and elsewhere in Maryland—a terror once reserved for battlefields. Glock also promotes the fully automatic capabilities of the G18 model to civilians through its social media, enhancing the appeal of fully automatic Glocks.

129. Glock's conduct has created, maintained, and contributed to a public nuisance in Baltimore and Maryland by unreasonably interfering with the right of the general public to life, health, the use and enjoyment of property, the right to travel within the City and State, and the right to attend school, all without fear of being shot with or menaced by Modified Glocks. The unlawful proliferation of illegal machine guns interferes with rights common to the general public; deprives Baltimore, Maryland, and their residents and visitors of the peaceful use of public streets, sidewalks, parks, and other public places; interferes with commerce, travel, and the quality of daily life; and endangers the health, welfare, peace, safety, well-being, convenience, and property of considerable numbers of residents of, and visitors to, Baltimore and Maryland. These harms are felt in the City and the State.

130. Glock's actions were, at the least, a substantial factor in illegal machine guns becoming readily available and widely possessed and used in Baltimore and Maryland. Absent Defendants' actions, machine guns—which have been heavily regulated at the state and federal level for nearly a century—would not now be so easy for civilians to acquire through the illegal modification of easy-to-convert and readily available Glock semiautomatic pistols, and the endangering of the public from the proliferation of illegal machine guns that now exists would have been averted.

131. Plaintiffs seek an order enjoining Glock from creating or contributing to a nuisance, and compelling Glock to abate the nuisance by, including but not limited to, ceasing the distribution, marketing and sales of easily modifiable Glock pistols to civilians in Maryland and/or to civilian Maryland consumers, addressing easily modifiable Glock pistols already distributed and sold to civilians in Maryland and/or to civilian Maryland consumers, and contributing to a monetary abatement fund.

132. Plaintiffs also seek an order awarding them fees, costs, and any other relief that the Court deems appropriate.

REQUEST FOR RELIEF

Wherefore, Plaintiffs request that the Court grant judgment in their favor, as follows:

- i. Enjoining Glock from marketing and selling pistols that can easily be converted to fire fully automatically to non-law-enforcement consumers in Maryland;
- ii. Ordering Glock to implement reasonable controls, safeguards, and procedures to prevent its easily converted pistols from being possessed, altered, used, marketed, or sold unlawfully to non-law-enforcement consumers in Maryland;
- iii. Ordering Glock to abate the public nuisance that Glock has created, contributed to, and/or maintained, including but not limited to addressing the easily modifiable Glock pistols already distributed and sold to civilians in Maryland and/or to civilian Maryland consumers, and contributing to a monetary abatement fund;
- iv. Ordering restitution and disgorgement of profits;
- v. Awarding pre- and post-judgment interest, to the extent allowable;
- vi. Awarding Plaintiffs' costs of investigation and suit, including any reasonable attorneys' fees and costs;
- vii. Providing such further relief as the Court deems appropriate.

Dated: February 12, 2024

Respectfully Submitted,

THE STATE OF MARYLAND

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