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MATTHEW J. PLATKIN, Attorney General of
the STATE OF NEW JERSEY,

Plaintiff,

v.

RR Outdoors, LLC d/b/a/ Butch's Gun World,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION –
CUMBERLAND COUNTY

DOCKET NO.: _____

Civil Action

COMPLAINT

The New Jersey Attorney General (the “Attorney General”), by and through his undersigned counsel, hereby alleges as follows against defendant RR Outdoors, LLC d/b/a/ Butch’s Gun World (“Butch’s Gun World” or “the Store”):

INTRODUCTION

1. In July 2022, the New Jersey Legislature enacted a law specifying duties of New Jersey gun industry members. The law granted the Attorney General an exclusive cause of action to remedy violations. See P.L. 2022, c.56, N.J.S.A. 2C:58-33 to -35 (“Section 58-35”).

2. Among the law's provisions, Section 58-35(a)(2) requires New Jersey gun industry members to "establish, implement, and enforce reasonable controls" in their sale of ammunition, ammunition magazines, and other "gun-related product[s]." The law defines "Reasonable controls" to mean, among other duties, the establishment of "reasonable procedures, safeguards, and business practices that are designed to: (1) prevent the sale or distribution of a gun-related product to . . . a person prohibited from possessing a firearm under State or federal law."

3. Section 58-35(a)(2) therefore obligates New Jersey gun dealers, when selling ammunition or magazines, to take affirmative steps to determine that the buyer may lawfully possess a firearm. This legal obligation protects the public by recognizing the reality that persons who may not lawfully possess firearms sometimes acquire them unlawfully. Thus, the Legislature has provided two safety measures: a seller is required to conduct a check when someone purchases a firearm, and, as a backstop, also when a person purchases ammunition for a firearm.

4. In New Jersey, only a person with one of two applicable firearms permits, or who is a particular current or former public safety official and therefore exempt from the permit requirement, may possess a gun. In addition, minors, and persons with felony records or subject to a court dispossession order, are prohibited from obtaining a permit or possessing a firearm. Thus, in order to comply with Section 58-35(a)(2)'s requirement that a seller implement "reasonable controls" to ensure that ammunition is not sold to "a person prohibited from possessing a firearm," sellers must require ammunition and magazine buyers to present either a New Jersey firearms permit or a document demonstrating they are exempt from the permit requirement.

5. Butch’s Gun World is a state and federally licensed gun dealer in Vineland, New Jersey. It is therefore a “gun industry member” within the meaning of Section 58-35(a)(2).

6. In March 2024, Butch’s Gun World sold a 20-round box of .223 caliber rifle ammunition—a high-velocity, military-standard rifle ammunition often used in AR-15-style rifles—and a handgun ammunition magazine to a first-time customer. The customer had no prior relationship with the store or the salesperson. The customer paid in cash. The store did not ask to see, and did not review, any type of identification, permit, or credential.

7. In June 2024, a different salesperson at Butch’s Gun World sold a 1,000-round case of .223 caliber rifle ammunition to a different first-time customer. The customer had no prior relationship with the store or the salesperson. The customer paid in cash. The Butch’s Gun World salesperson did not ask to see, and did not review, any type of identification, permit, or credential.

8. Butch’s Gun World’s practice of selling ammunition and magazines without implementing “reasonable controls” to “prevent the sale or distribution of a gun-related product to . . . a person prohibited from possessing a firearm” violates Section 58-35(a)(2) and threatens public safety.

9. The Attorney General brings this suit to prevent Butch’s Gun World’s continued endangerment of the people of New Jersey.

THE PARTIES

10. Plaintiff is the Attorney General of the State of New Jersey. The Attorney General is authorized and charged with the responsibility to enforce N.J.S.A. 2C:58-35. The Attorney General brings the Section 58-35 claims in this action by and through the Statewide Affirmative Firearms Enforcement Office (“SAFE”). SAFE was created within the Office of the

Attorney General by Attorney General Administrative Executive Directive No. 2022-08, which also delegated to SAFE the Attorney General’s statutory authority under Section 58-35.

11. Defendant RR Outdoors, LLC d/b/a/ Butch’s Gun World is a licensed retail firearms dealer organized on June 30, 2022 as a limited liability company under the laws of the State of New Jersey. It received its New Jersey firearms retail license, SFL#4419, on April 12, 2023. It operates a store under the business name “Butch’s Gun World” at 2057 West Landis Avenue, Vineland, New Jersey 08360. At that retail location, Butch’s Gun World sells guns, ammunition, gun accessories, and other gun-related products.

12. Upon information and belief, defendant RR Outdoors LLC acquired the “Butch’s Gun World” business and trade name from Vincent and Judith Sacco, who operated the “Butch’s Gun World” business and store in Vineland, New Jersey prior to selling it to defendant.

JURISDICTION AND VENUE

13. Jurisdiction over Butch’s Gun World is proper because it is a business incorporated, licensed to do business, and operating in New Jersey, and because its unlawful conduct took place in New Jersey.

14. Pursuant to Rule 4:3-2(a)(2), venue is proper in this court because the cause of action arose in Cumberland County, where Butch’s Gun World is located, and where Butch’s Gun World engages in the illegal conduct at issue in this case. This case is filed in the Chancery Division because the Attorney General principally seeks equitable relief.

FACTS

A. New Jersey’s Firearms Industry Sales Practices Law

15. The Legislature enacted Section 58-35 in July 2022.¹ Among its provisions, Section 58-35(a)(2) provides that “A gun industry member shall establish, implement, and enforce reasonable controls regarding its manufacture, sale, distribution, importing, and marketing of gun-related products.”

16. Section 58-35(a)(2) incorporates three defined terms, which are set out in N.J.S.A. 2C:58-34:

- “Gun industry member” “means a person engaged in the sale, manufacturing, distribution, importing or marketing of a gun-related product, and any officer, agent, employee, or other person authorized to act on behalf of that person or who acts in active concert or participation with one or more such persons.”
- “Gun-related product” “means any firearm, ammunition, ammunition magazine, firearm component or part including, but not limited to, a firearm frame and a firearm receiver, or firearm accessory, which product was, or was intended to be, sold, manufactured, distributed, imported, or marketed in this State, or which product was possessed in this State and as to which it was reasonably foreseeable that the product would be possessed or used in this State.”
- “Reasonable controls” “means,” (in relevant part), “reasonable procedures, safeguards, and business practices that are designed to (1) prevent the sale or distribution of a gun-related product to a . . . person prohibited from possessing a firearm under State or federal law[.]”

17. Section 58-35’s requirements supplement pre-existing laws and apply to a broader scope of products than many of those other laws. For instance, N.J.S.A. 2C:58-2 establishes conditions for the retail dealing of “firearms” and contains additional provisions concerning the sale of “handgun ammunition;” however, Section 58-35(a)(2) concerns the retail sale or

¹ See P.L. 2022-56, N.J.S.A. 2C:58-33 to -36.

distribution of any “gun-related product,” including any ammunition or ammunition magazine. New Jersey gun industry members must comply with both laws.

18. Under Section 58-35(a)(2), a New Jersey gun industry member must establish, implement, and enforce reasonable affirmative measures to ensure that a purchaser of ammunition or an ammunition magazine is not a “person prohibited from possessing a firearm under State or federal law.” This requires retail firearms dealerships to take meaningful steps to determine the purchaser’s ability to lawfully “possess” a firearm. They may not sell ammunition, magazines, or other “gun-related product[s]” without doing so.

19. Section 58-35(a)(2)’s purchaser verification requirement for all gun-related products extends well-settled point-of-sale requirements New Jersey has long applied for sales of other products. For example, New Jersey’s licensed gun dealers may not sell most firearms or handgun ammunition to would-be purchasers unless the purchaser possesses and exhibits a valid and applicable state firearms permit. See N.J.S.A. 2C:58-2(a)(4)-(5); N.J.S.A. 2C:58-3.3(b). Gun dealers must also comply with federal point-of-sale requirements. E.g., 18 U.S.C. § 922(t). Sellers of handguns and handgun ammunition are subject to additional requirements related to obtaining and recording purchaser identity information. See N.J.S.A. 2C:58-2(b); N.J.A.C. 13:54-3.14(b).

B. State Laws Concerning “Persons Prohibited from Possessing a Firearm”

20. In enacting Section 58-35, the Legislature relied on pre-existing laws that define who is a “person prohibited from possessing a firearm under State or federal law.”

21. Most relevantly, N.J.S.A. 2C:39-5 (“Section 39-5,” titled “Unlawful possession of weapons”) prohibits a person from “knowingly [having] in his possession any handgun . . . without first having obtained a permit to carry the same as provided in N.J.S.A. 2C:58-4.” See N.J.S.A. 2C:39-5(b). Section 39-5 also prohibits a person from “knowingly

[having] in his possession any rifle or shotgun without having first obtained a firearms purchaser identification card in accordance with the provisions of N.J.S.A. 2C:58-3.” See N.J.S.A. 2C:39-5(c).

22. Under N.J.S.A. 2C:39-6 (“Section 39-6”), titled “Exemptions,” Section 39-5’s possession prohibitions “do[] not apply” to certain categories of active public safety personnel. See N.J.S.A. 2C:39-6(a) – (c), (n). Likewise, qualified retired law enforcement officers within the meaning of 18 U.S.C. § 926(c) who are carrying that statute’s required identification are also exempt. See also N.J.S.A. 2C:39-6(l). Absent one of these exemptions, only a person with a valid New Jersey firearms purchaser identification card or handgun carry permit may lawfully “possess” a firearm in New Jersey.

23. Additional state and federal statutes prohibit certain categories of persons from possessing a firearm independent of Section 39-5. These additional disqualifiers include N.J.S.A. 2C:39-7 (identifying “certain persons not to have weapons or ammunition”) and 18 U.S.C. § 922(g) (identifying “person[s]” who may not “possess in or affecting commerce, any firearm or ammunition”). A person may also be subject to a court order prohibiting them from having a firearm. See, e.g., N.J.S.A. 2C:58-20 to -31 (“Extreme Risk Protective Order Act of 2018”); 2C:25-17 to -35 (“Prevention of Domestic Violence Act of 1991”); 2C:14-13 to -21 (“Victim’s Assistance and Survivor Protection Act”); 2C:12-14 (providing for temporary protection order).

24. New Jersey has separate laws governing the issuance of the relevant firearms permits. Those laws harmonize Section 39-5’s requirement of a permit for lawful firearms possession with the additional, independent disqualifiers against firearms possession. N.J.S.A. 2C:58-3(c) states that the firearms purchaser identification card necessary to possess a rifle or

shotgun “shall not be issued” to, among others, persons statutorily disqualified from having a firearm or adjudicated to be disqualified from having a firearm. N.J.S.A. 2C:58-4(c) likewise requires that an applicant for a handgun carry permit demonstrate that they are “not subject to any of the disabilities set forth in N.J.S.A. 2C:58-3.” Those disabilities include, but are not limited to: (i) having been convicted of certain enumerated types of crime, including: “any crime in [New Jersey] or its felony counterpart in any other state or federal jurisdiction” and “a disorderly persons offense in [New Jersey] involving an act of domestic violence... or its felony or misdemeanor counterpart... in any other state or federal jurisdiction,”; (ii) being under the age of 18 years for a firearms purchaser identification card or under 21 years for a permit to purchase a handgun; (iii) being subject to or ha[ving] violated a temporary or final domestic violence restraining order prohibiting the possession of firearms. See N.J.S.A. 2C:58-3(c)(1), (4), and (6).

C. Butch’s Gun World Sells Ammunition and Magazines, For Cash, to Unverified Purchasers.

25. On March 18, 2024, an individual known to the Attorney General’s Office entered the Butch’s Gun World store and asked about buying a 20-round box of .223 caliber rifle ammunition. The individual also took a Walther PPK .380 caliber 10-round pistol magazine from a wall display. The salesperson charged \$12.99 for the ammunition and \$49.99 for the magazine, for a total of \$65.07 with tax. The individual paid in cash. See Pictures A and B below.

Picture A: Magazine and box of .223 caliber rifle ammunition sold by Butch's Gun World on March 18, 2024



Picture B: Butch's Gun World sales receipt, March 18, 2024

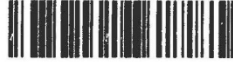


Butch's Gun World
2057 W. Landis Ave
856-692-1010
<https://www.butchsgunworldnj.com>

Sales Receipt

03/18/2024 02:11 pm

Sale Id: POS 6410



Register Name: Register 2
Employee: Stanley Lemayski

Item Name	Price	Qty.	Total
Mag Wal Ppk 380acp 6rd Nkl Std MPN: 2246009 Walther Magazine 380ACP 6 Rounds Fits PPK Nickel Finish 2246009Walther Magazines Are Made To Specifications And Tolerances Using High Quality Materials That Provide Perfect Fit Durability And Reliability. Add-Ons: None	\$49.99	1	*Taxable \$49.99

PMC Bronze, .223 Remington, FMJBT, 55 Grain, 20 Rounds MPN: 223A PMC Bronze.223 Remington, FMJBT, 55 Grain, 20 Rounds. Add-Ons: None	\$12.99	1	*Taxable \$12.99
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Sub Total	\$62.98
Tax	\$2.09
Total	\$65.07
Number of items sold	2
03/18/2024 Cash	\$80.00
02:11 pm	
Change Due	\$14.93
Total	\$0.00
Discount	

No firearms returns.
Ammo/accessories NIB only and
approved by Mgt

26. The salesperson never asked to see a firearms purchaser identification card, a handgun carry permit, or a document demonstrating that the individual did not need a permit. The salesperson never asked if the purchaser could lawfully possess a firearm in New Jersey. The salesperson did not take any measures to ensure that the purchaser was not “a person prohibited from possessing a firearm.” N.J.S.A. 2C:58-34.

27. On June 6, 2024, a second individual known to the Attorney General’s Office entered the Butch’s Gun World store and asked about buying .223 caliber rifle ammunition. The salesperson retrieved a standard 20-round box. The customer said he needed more than one box and asked for a cash price on a 1,000-round case of ammunition. The salesperson retrieved a case containing 50 boxes of 20 rounds each, and quoted a cash price of \$619.88. The individual bought the case, paying cash. See Pictures C and D below.

Picture C: Case of .223 caliber rifle ammunition, purchased from Butch's Gun World on June 6, 2024



Picture D: Butch's Gun World sales receipt, June 6, 2024



Butch's Gun World
2057 W. Landis Ave
856-692-1010
<https://www.butchsgunworldnj.com>

Sales Receipt

06/06/2024 11:16 am

Sale Id: POS 8473



Register Name: Register 2

Employee: George Tomaziefski

Item Name	Price	Qty.	Total
PMC Bronze, .223 Remington, FMJBT, 55 Grain, 20 Rounds			
MPN: 223A			
Add-Ons: None			
\$12.00		50	*Taxable
\$12.00			\$600.00
Sub Total			\$600.00
Tax			\$19.88
Total			\$619.88
Number of Items sold			50
06/06/2024	Cash		\$619.88
11:16 am			
Amount Due			\$0.00
Total Discount			\$49.50

No firearms returns.
Ammo/accessories NIB only and
approved by Mgt

28. The salesperson never asked to see a firearms purchaser identification card, a handgun carry permit, or a document demonstrating that the individual did not need a permit. The salesperson never asked if the purchaser could lawfully possess a firearm in New Jersey. The salesperson did not take any measures to ensure that the purchaser was not “a person prohibited from possessing a firearm.” N.J.S.A. 2C:58-34.

D. Butch’s Gun World Fails to Establish, Implement, and/or Enforce Reasonable Controls to Prevent Sales to Persons Prohibited from Possessing Firearms.

29. Butch’s Gun World’s verification-less cash sales of .223 caliber rifle ammunition and a pistol magazine—across two different dates, involving two different purchasers, and processed by two different store employees—lacked procedures, safeguards, and/or business practices to ensure that the purchaser was not “a person prohibited from possessing a firearm under State or federal law.” N.J.S.A. 2C:58-34.

30. Butch’s Gun World has not established, implemented, and enforced reasonable procedures, safeguards, and business practices that are designed to prevent the sale of a gun-related product to a person prohibited from possessing a firearm.

CAUSES OF ACTION

Count One

**(Failure to Establish, Implement, and Enforce Reasonable Controls)
(Public Law 2022, c. 56, N.J.S.A. 2C:58-35(a)(2))**

31. Under N.J.S.A. 2C:58-35(a)(2), “a gun industry member shall establish, implement, and enforce reasonable controls regarding its manufacture, sale, distribution, importing, and marketing of gun-related products.” Those “reasonable controls” include “reasonable procedures, safeguards, and business practices that are designed to . . . prevent the

sale or distribution of a gun-related product to . . . a person prohibited from possessing a firearm under State or federal law.” See N.J.S.A. 2C:58-34.

32. Defendant Butch’s Gun World is a “gun industry member” within the meaning of Section 58-35.

33. Butch’s Gun World’s sales of ammunition and ammunition magazines in New Jersey are sales of “gun-related products” within the meaning of Section 58-35.

34. Butch’s Gun World’s sales of ammunition and ammunition magazines lack “reasonable procedures, safeguards, and business practices that are designed to . . . prevent the sale or distribution of a gun-related product to . . . a person prohibited from possessing a firearm under State or federal law.” N.J.S.A. 2C:58-34.

35. Butch’s Gun World has failed, and continues to fail, to establish, implement and enforce reasonable controls regarding its sale of ammunition and ammunition magazines.

36. Butch’s Gun World’s conduct violates Section 58-35(a)(2).

37. It is a public nuisance to engage in conduct that violates Section 58-35(a)(2). See N.J.S.A. 2C:58-35(a)(3).

38. Because Butch’s Gun World has violated Section 58-35(a), the Attorney General commenced this action seeking “an injunction prohibiting [defendant] from continuing that conduct or engaging therein or doing any acts in furtherance thereof.” See N.J.S.A. 2C:58-35(b). Such injunctive relief is necessary here to prevent further, continuing, irreparable injury.

39. The Attorney General also seeks its reasonable attorneys’ fees, filing fees, and reasonable costs of suit, as well as any other appropriate relief. Ibid.

PRAYER FOR RELIEF

WHEREFORE, the Attorney General requests judgment in his favor and against defendant Butch's Gun World as follows:

- A. Ordering injunctive relief as necessary to prevent continuing harm, such as ordering Butch's Gun World to, at minimum, establish, implement, and enforce a requirement that purchasers of gun-related products exhibit for inspection a valid firearms purchaser identification card, a valid permit to carry a handgun, or a valid credential or identification demonstrating exemption from N.J.S.A. 2C:39-5;
- B. Pursuant to N.J.S.A. 2C:58-35(b), awarding the Attorney General the costs and expenses incurred in connection with this action, including attorneys' fees, filing fees, and reasonable costs of suit; and
- C. Awarding the Attorney General such other and further relief as the court deems just and proper.

Dated: November 13, 2024
Newark, New Jersey

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ David Leit
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Newark, NJ 07101

CERTIFICATION OF COMPLIANCE

I certify that confidential personal identifiers will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ David Leit
David Leit
Assistant Attorney General

Dated: November 13, 2024
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Assistant Attorney General David Leit is hereby designated as trial counsel on behalf of the Plaintiff.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

By: /s/ David Leit
David Leit
Assistant Attorney General

Dated: November 13, 2024
Newark, New Jersey