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

Plaintiff,

v.

GLOCK, INC.; GLOCK Ges.m.b.H, an
Austrian company;

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX 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 Glock, Inc. and Glock Ges.m.b.H. (together with Glock, Inc., “Glock”).

INTRODUCTION

1. On April 8, 2023, at a public housing complex in Newark, a shooter fired twenty-eight rounds from a Glock nine-millimeter (“9mm”) handgun in just over one second, seriously injuring three people. This was possible because his Glock 9mm handgun had been “switched”

from an ordinary handgun into a machine gun, by affixing a thumbnail-sized add-on component called an “auto sear” or “switch.”

2. Glock switches are small pieces of metal or plastic, that often resemble a small Lego brick. They fit into the rear of Glock handguns, weapons that have become ubiquitous in the United States. These switches can be purchased for under \$20 and, in less than five minutes, can be easily fitted onto the back of a Glock handgun, immediately allowing the gun to fire as an automatic machine gun.¹

3. In the United States, machine guns have a long history and tradition of heightened regulation, since at least 1934, when federal rules addressing the use and possession of machine guns by ordinary citizens were put into place, in response to widespread gang violence enabled by long-barreled machine guns firing in fully automatic mode. Today, the same problem has recurred, only now the machine guns are easily concealable handguns.

4. Glocks with switches (“Switched Glock Machine Guns”) can fire at a rate of 1,200 rounds per minute—faster than many fully automatic firearms used by the U.S. military. They fire so fast, and with a recoil so difficult to control, that the result is typically an uncontrolled “spray” of bullets over a wide area.

5. Glock handguns, ostensibly sold to American civilians as semi-automatic weapons, can easily be switched into machine guns because Glock deliberately designed them that way. In 1982, Glock introduced its inaugural 9mm semi-automatic handgun model, under the “G17” name. Glock designed that pistol with a “striker-fired” design, where machine gun functionality—the ability to automatically fire a rapid burst of bullets with a single trigger pull—

¹ Fox 4 Dallas-Fort Worth, [ATF Shows How a Glock Switch Works](https://www.youtube.com/watch?v=Tmyk9qm3wkQ), FOX 4 (June 10, 2024), <https://www.youtube.com/watch?v=Tmyk9qm3wkQ>.

is inherent to the core design. That ability is inhibited by a single hinged internal piece, called the “trigger bar.” When the G17’s trigger is pulled, the trigger bar lowers, releasing the spring-loaded striker. The trigger bar then immediately reverts back into place to restrain additional firing. But, if the trigger bar is simply held down while the trigger remains pulled, the G17 will fire continuously, as a machine gun, until the ammunition runs out. The design of the G17 and Glock’s other U.S. handguns—which all share a common design platform—makes it easy for the weapon’s user to insert a small external add-on component into the back of the gun, which holds down the trigger bar. In short, it is simple to unleash Glock handguns’ inherent ability to fire as a machine gun.

6. Glock has known about its handguns’ intrinsic ability to function as handheld machine guns from near the inception of the G17. Glock itself readily exploited this feature when it developed and released the successor version of the G17, the G18, which it markets to military and police customers. The only significant design change in the G18 is the addition of an external toggle that can either (i) hold the trigger bar down with each trigger pull so the weapon fires in machine gun mode, or (ii) allow the trigger bar to revert back after each trigger pull so the weapon fires in semi-automatic mode.

7. As early as 1988, Glock’s founder, Gaston Glock, even developed and exhibited his own early prototype of a Glock switch, demonstrating it on a G17 to a then 22-year old Venezuelan individual named Jorge Leon. Leon later patented a design that has become the basis for the now-ubiquitous aftermarket Glock switches.

8. Glock was also well aware that this ready manipulability of its handguns’ trigger bar could have vast implications for public safety: this feature of Glock’s design was so obvious and easy to exploit that even Leon, an individual unaffiliated with Glock, could independently

conceive, construct, and market a prototype to make a G17 fire in automatic mode.

Unsurprisingly, when Leon's designs became public, it did not take long for aftermarket Glock switches to appear in the outside world, unleashing Glock handguns' inherent machine gun capabilities, and giving civilians access to firearms with the same rapid-fire lethality as the automatic weaponry Glock markets and sells to militaries and police around the world.

9. Today's Glock switches are made easily and cheaply, and can be affixed to the machine gun-friendly Glock platform in a matter of just minutes.

10. In New Jersey, like in other states, Switched Glock Machine Guns are increasingly found on our streets and roadways, in our parks and homes, and, more recently, on our college campuses. These weapons have caused death and destruction throughout the country, and have been recovered with increasing frequency in connection with homicides, aggravated assaults, batteries, kidnappings, burglaries, home invasions, carjackings, and attempted robberies. For example:

- a. In October 2019, in Newark, law enforcement officers arrested an armed robbery suspect in possession of a Switched Glock Machine Gun equipped with a large capacity magazine, who had bragged about the gun's Glock switch in a text message containing two photos of the weapon, writing "it has a switch on the back you can shoot one at a time or three at a time I'm out here acting crazy."²
- b. As noted above, in April 2023, in Newark, a defendant was in possession of a Switched Glock Machine Gun and a 30-round extended magazine, which had been used only four days prior to fire 28 rounds at a Newark housing complex, injuring three individuals.³
- c. In June 2023, in Vineland, a woman called the police when her intimate partner, who was suffering from a mental health crisis, threatened to use a firearm to kill

² Compl., United States v. West, No. 20-CR-164 (D.N.J. Jan. 7, 2020), ECF 1 (emphasis added).

³ Compl., United States v. Muhammad, No. 23-CR-16048 (D.N.J. Apr. 13, 2023), ECF 1; see also Press Release, Member and Associate of Newark Street Gang Charged with Unlawful Possession of Machinegun Used in Shooting of Three People, U.S. ATT'Y'S OFF., DIST. OF N.J. (Apr. 13, 2023), <https://www.justice.gov/usao-nj/pr/member-and-associate-newark-street-gang-charged-unlawful-possession-machinegun-used>.

himself while children were present; he was found to be in possession of a Switched Glock Machine Gun.⁴

- d. In June 2023, in Haledon, a man with a criminal record was arrested in possession of a Switched Glock Machine Gun equipped with a 22-round large capacity magazine loaded with 19 rounds. In ordering his pretrial detention, the judge placed particular weight on the fact that the Glock was capable of “fully automatic firing with the flick of a switch;” expressed “grave concerns due to the ongoing and escalating gun violence plaguing Passaic County;” and emphasized that “the firearm recovered was not an ordinary firearm but was equipped with an illegal adapter which made it capable of firing fully automatic rendering it a machine gun.”⁵
- e. In January 2024, in Trenton, law enforcement authorities executing a search warrant of the premises of a person suspected of weapons trafficking discovered a Switched Glock Machine Gun with large capacity magazines along with 30 rounds of ammunition.⁶
- f. In April 2024, in New Brunswick, a man shot at least eight rounds on a public street, just blocks away from Rutgers University’s College Avenue campus, striking two victims, severely wounding one of them.⁷ When police officers arrested him for the shooting the next day, he was in possession of a Switched Glock Machine Gun and two large capacity magazines.⁸ He pleaded guilty to attempted murder and related crimes.⁹
- g. In June 2024, in Vineland, police officers arrested a man for pointing a Switched Glock Machine Gun with a 15-round large capacity magazine at a victim while stating that there was going to be a “problem.”¹⁰

11. Switched Glock Machine Guns have been increasingly associated with minors in

New Jersey, both as perpetrators and as victims of gun violence. For example:

⁴ Mot. Certification at 1, State v. Rodriguez, No CUM-23-1268 (N.J. Super. Ct. May 30, 2024); Compl., State v. Rodriguez, No CUM-23-1268 (N.J. Super. Ct. June 15, 2023).

⁵ Order for Detention, State v. Miller, No. PAS-23-2995 (N.J. Super. Ct. July 6, 2023).

⁶ Compl., State v. Jackson, No. MER-24-223 (N.J. Super. Ct. Jan. 18, 2024).

⁷ Compl., State v. Farmer, No. MID-24-1724 (N.J. Super. Ct. Apr. 6, 2024).

⁸ Compl., State v. Farmer, No. MID-24-4369 (N.J. Super. Ct. Apr. 11, 2024).

⁹ Plea Forms, State v. Farmer, No. MID-24-1724 (N.J. Super. Ct. July 24, 2024).

¹⁰ Compl., State v. Goldsboro, No. CUM-24-1354 (N.J. Super. Ct. June 23, 2024).

- a. In November 2020, Newark police officers found a 17-year-old victim shot dead from a gunshot wound to the head, and a spent 9mm bullet shell casing near the body.¹¹ The shooter was 18 years old on the date of the shooting. In May 2023, he was found in possession of a Switched Glock Machine Gun equipped with a 23-round magazine.¹²
- b. In Monmouth County, between January and July 2024, a crew of co-conspirators that included a minor committed a spree of 44 home burglaries, a robbery, and 38 auto thefts.¹³ A Switched Glock Machine Gun with a 21-round magazine was found on one of the co-conspirators at the time of his arrest.¹⁴

12. Examples outside of New Jersey involving minors and Switched Glock Machine Guns further demonstrate the threat. In March 2024, eight teens were shot by three masked shooters at a SEPTA bus stop in Philadelphia.¹⁵ A .40 caliber Switched Glock Machine Gun, with an extended magazine and laser sight, was recovered during the arrest of one teenage suspect.¹⁶ In Chicago, in February 2023, police officers recovered three Switched Glock Machine Guns in the bedroom of a 16-year-old who has since been sentenced for killing two other teenagers at a high school.¹⁷ In April of that same year, police in Alabama arrested three teenage and three adult co-conspirators in connection with a mass shooting at a sixteenth

¹¹ Compl., State v. Harcourt, No. ESX-23-2563 (N.J. Super. Ct. Mar. 13, 2023); Opp'n Br. Mot. to Suppress, State v. Harcourt, No. ESX-23-2563 (N.J. Super. Ct. Sept. 19, 2023).

¹² Compl., United States v. Harcourt, No. 23-CR-890 (D.N.J. May 18, 2023), ECF 1.

¹³ Compl., State v. Buie, No. MON-24-2172 (N.J. Super. Ct. July 22, 2024).

¹⁴ Ibid.

¹⁵ Jianna Cousin, Leah Sarnoff, Victoria Arancio, and Emily Shapiro, 17-year-old Boy Shot 9 Times at Philadelphia Bus Stop, in Critical Condition; 7 Others Hurt, Gunmen at Large, ABC NEWS (Mar. 7, 2024), <https://abcnews.go.com/US/7-hurt-mass-shooting-septa-bus-stop-philadelphia/story?id=107859180>.

¹⁶ Corey Sharber, Two 18-year-olds Charged in Mass Shooting at SEPTA Bus Stop, WHYY (Mar. 11, 2024), <https://whyy.org/articles/two-18-year-olds-charged-in-mass-shooting-at-septa-bus-stop>.

¹⁷ ABC7 Chicago Digital Team, Teen Pleads Guilty to Murder in Deadly Shooting Outside Benito Juarez High School in 2022, ABC7 EYEWITNESS NEWS (June 18, 2024), <https://abc7chicago.com/post/benito-juarez-shooting-christian-acevedo-pleads-guilty-murder/14970355>.

birthday party, where three teenagers and one adult were killed with a Switched Glock Machine Gun.¹⁸ Thirty-two others were wounded, and 89 shell casings were recovered at the scene.¹⁹

13. Switched Glock Machine Guns have become glorified in pop culture and on social media, acquiring a special cachet among gangs, in particular. For example, the Newark housing complex shooter mentioned in Paragraph 1 bragged about his Switched Glock Machine Gun on social media, where he gestured as if holding a gun. His post contained music with the lyrics: “[p]ut that switchy on ya man, he ain’t get up bullets f***in’ up his body, he doin’ sit ups.”²⁰

¹⁸ Jemma Stephenson & Alander Rocha, ‘Somebody killed my son:’ Grief Persists with Few Answers After Saturday Shooting, ALABAMA REFLECTOR (Apr. 17, 2023, 6:15PM), <https://alabamareflector.com/2023/04/17/somebody-killed-my-son-grief-persists-with-few-answers-after-saturday-shooting>; Bill Hutchinson, ‘I feel terrified’: Inventor of ‘Glock switch’ Technology Says He Regrets Creation, GMA (June 24, 2024, 5:04AM), <https://www.goodmorningamerica.com/news/story/feel-terrified-inventor-glock-switch-technology-regrets-creation-111271476>; WSFA 12 News Staff, Dadeville Mass Shooting Suspect to be Tried as an Adult, WSFA 12 (Sept. 13, 2023, 12:09PM), <https://www.wsfa.com/2023/09/13/dadeville-mass-shooting-suspect-be-tried-an-adult>.

¹⁹ Bill Hutchinson, ‘I feel terrified’: Inventor of ‘Glock switch’ Technology Says He Regrets Creation, GMA (June 24, 2024, 5:04AM), <https://www.goodmorningamerica.com/news/story/feel-terrified-inventor-glock-switch-technology-regrets-creation-111271476>.

²⁰ Compl., United States v. Muhammad, No. 23-CR-16048 (D.N.J. Apr. 13, 2023), ECF 1; see also Press Release, Member and Associate of Newark Street Gang Charged with Unlawful Possession of Machinegun Used in Shooting of Three People, U.S. ATT’Y’S OFF., DIST. OF N.J. (Apr. 13, 2023) <https://www.justice.gov/usao-nj/pr/member-and-associate-newark-street-gang-charged-unlawful-possession-machinegun-used>.

14. The popular association of the Glock brand with machine gun functionality runs so deep that many third-party auto sears are even sold with a copied Glock logo printed on them:²¹



15. The easy switchability of Glock handguns into machine guns are part of what attracts criminals and gangs to Glock handguns. This extra appeal contributes to Glock's profits.

16. Glock knows that its guns are switched from handguns into automatic weapons far more often than handguns manufactured by every other gun manufacturer.

17. Glock could easily change the design of its handguns to thwart switches, yet has not done so in the U.S. civilian market. For example, in Europe, it offers the G46, an alternate product design that is not susceptible to the use of switches.

18. Glock's civilian U.S. products could likewise be re-designed with simple modifications to no longer accommodate switches. But in the United States, Glock continues to

²¹ Press Release, Federal Authorities Seize Over 350 Website Domains Used to Import Illegal Switches and Silencers from China, U.S. ATT'Y'S OFF., DIST. OF MASS. (Sept. 11, 2024), <https://www.justice.gov/usao-ma/pr/federal-authorities-seize-over-350-website-domains-used-import-illegal-switches-and>.

manufacture, market, and distribute weapons to civilians that it knows are easily, and ubiquitously, switched to machine guns.

19. Glock has failed to take meaningful steps to prevent the use of its handguns as machine guns. To the contrary, Glock's official company Facebook page has, for years, featured direct links to videos glorifying the power of Switched Glock Machine Guns. Anyone searching Glock's Facebook page for "switch" or "auto," will find these machine gun-glamorizing videos among the top results.

20. Glock's conduct described herein and its large-scale distribution of switchable handguns through New Jersey gun dealers threatens and harms the State and its residents. Glock's purposeful and irresponsible decision to put profits over safety fuels gun violence and causes many New Jersey residents to justifiably fear using the public streets, parks, schools, and transportation otherwise available to them.

21. Through this lawsuit, the Attorney General seeks an Order enjoining Glock from continuing to market and distribute easily switched handguns to civilian consumers in New Jersey.²² The Attorney General also seeks abatement and restitution for the endangerment and harm that Glock has knowingly and foreseeably caused, and continues to cause, to New Jerseyans and the State through its unreasonable, unlawful, and dangerous conduct.

THE PARTIES

22. Plaintiff is the Attorney General of the State of New Jersey. The Attorney General is authorized and charged with the responsibility to enforce the State's Firearms Industry

²² The Attorney General does not seek any relief with respect to the sales or marketing of Glock pistols, as currently designed, to law enforcement. Law enforcement officers may legally possess fully automatic weapons when they are on duty. This lawsuit is focused exclusively on Glock's conduct with respect to the civilian market in New Jersey.

Public Safety Law, N.J.S.A. 2C:58-35 (“Section 58-35”). The Attorney General brings claims under Section 58-35 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 delegates to SAFE the Attorney General’s statutory authority under Section 58-35.

23. The Attorney General also asserts in this case the State’s proprietary interest and, under the Attorney General’s parens patriae authority, New Jersey’s quasi-sovereign interests in protecting the safety, health, and welfare of its residents.

24. Defendant Glock, Inc. is a firearm importer, manufacturer, and dealer 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. Glock handgun sales in the United States earn the company hundreds of millions of dollars in annual revenue. Glock, Inc. is directly and materially involved in the assembly, design, marketing, advertising, and distribution of Glock handguns for civilians, including those residing in New Jersey. Glock, Inc. distributes its products in New Jersey primarily, if not exclusively, through a network of authorized dealers located in or near New Jersey.

25. Defendant Glock Ges.m.b.H (“Glock Limited”) is an Austrian limited liability company, with its principal place of business in Deutsch-Wagram, Austria. Glock Limited designs, manufactures, assembles, markets, advertises, distributes, and sells Glock handguns. Glock, Inc. then imports those handguns and component parts into the United States. Glock, Inc. uses Glock Limited’s component parts to assemble handguns that are distributed throughout the United States, including to civilian residents of New Jersey. According to court filings, Glock,

Inc. is the only company in the United States with which Glock Limited directly does business. Operating through Glock, Inc. and the Glock, Inc. dealer network, Glock Limited knowingly places its handgun products into the stream of commerce, with the intention that those products reach New Jersey civilian residents. Glock Limited and INC Holding GmbH, an Austrian holding company, jointly own Glock, Inc.

26. Glock Limited is the “center for the company’s multifaceted operations.” In addition to producing Glock handguns at its production facility, Glock Limited operates a “global administrative division, encompassing sales, logistics, exports, marketing, and training.”²³

27. Glock Limited and its founder and CEO, Gaston Glock, created Glock Inc. to sell its products in the United States,²⁴ including in New Jersey, from which Glock Limited generates substantial revenue.²⁵

28. From the creation of Glock, Inc., executives and other employees of Glock Limited, including Gaston Glock, personally participated in, and directed the activities of, Glock Inc.²⁶

29. Until his death in 2023, Gaston Glock maintained control over both Glock Limited and Glock Inc., operating both as a unified enterprise to sell Glock handguns. Gaston

²³ Glenn Adam Kendrick, *Glock International, a Global Symphony of Excellence*, 33 GLOCK ANN. (2024), <https://us.glock.com/-/media/Global/US/old/US-Site/00-Owner-Downloads/2024-Annual-and-BG/GLOCK-ANNUAL-2024.ashx>.

²⁴ *Ibid.*

²⁵ BARRETT PAUL, *GLOCK: THE RISE OF AMERICA’S GUN* (2012).

²⁶ *Ibid.*

Glock frequently traveled around the United States, from a home in Georgia, to market Glock handguns.²⁷

30. Glock Limited controls and directs the activities of Glock Inc. so that it can access the U.S. market, including the New Jersey market.²⁸

31. For customers, Glock Limited draws no meaningful distinction between Glock Limited and Glock Inc., presenting its marketing, sales, and service information using simply the name “Glock.”

32. For many years, Glock Limited 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 Limited from Austria. As of 2022, public reporting indicates that Glock Limited still manufactures the majority of Glock handguns sold in the United States.²⁹

33. Glock Limited controls the design and production standards used in Glock, Inc.’s assembly facilities in the United States. According to Glock Limited’s website, Glock Inc.’s American facility “follows [the] same production standards and procedures as the facilities in Austria.”³⁰ Glock, Inc. and Glock Limited have conspired with one another, and continue to conspire, to have large numbers of Glock handguns that are readily susceptible to being switched

²⁷ Ibid.

²⁸ Ibid.

²⁹ Charlie Gao, Made in America: Why Glock Manufacturing Is Set to Grow in the United States, THE NAT’L INTEREST (Aug. 6, 2021), <https://nationalinterest.org/blog/reboot/made-america-why-glock-manufacturing-set-grow-united-states-191274>.

³⁰ Glock Company, GLOCK, <https://eu.glock.com/en/Explore-GLOCK/GLOCK-Company> (last visited Dec. 10, 2024).

into automatic weapons reach New Jersey civilians and civilians in other states of the United States.

34. The Defendants are hereafter collectively referred to as “Glock” in this Complaint.

35. Glock sells and distributes firearms to civilians in the United States, including in New Jersey, primarily through firearms dealers. As part of this distribution network, Glock maintains formal affiliate relationships with certain dealers, including approximately 50 New Jersey gun stores, and helps them market Glock products. Glock identifies these dealers for the New Jersey public on its website.

JURISDICTION AND VENUE

36. This Court’s jurisdiction is proper because the action arises from the Defendants’ deliberate targeting of New Jersey residents as customers and deliberate partnering with New Jersey businesses, including New Jersey gun stores, as well as Defendants’ regular, repeated, and systematic contacts with New Jersey. Defendants have also engaged, including in concert with one another, in intentional acts directed to New Jersey, and therefore could reasonably anticipate being haled into court in New Jersey.

37. Defendants have deliberately solicited, approved, and/or partnered with New Jersey-based gun stores in the sale of switchable Glock handguns; worked together with dealers in and around New Jersey to sell switchable Glock handguns to New Jersey civilians; marketed and advertised switchable Glock guns to New Jersey civilians; designed, manufactured, and sold switchable Glock handguns calculated to be purchased by New Jersey civilian residents and/or possessed in New Jersey; worked in concert and in conspiracy with one another to knowingly do all of the same, and, through their New Jersey business dealings, deliberately profited from the New Jersey civilian market for switchable Glock handguns.

38. This Court has personal jurisdiction over Glock, Inc. because these claims arise out of and/or relate to Glock, Inc.'s business in the State of New Jersey. Glock, Inc. designs, assembles, and imports firearms, and then engages, directly and through its agents and distribution network, in systematic and ongoing business transactions targeting civilian residents of New Jersey for marketing and sales of its switchable handguns. Glock, Inc. works directly with retailers, distributors, and other entities located in New Jersey to effectuate its goal of marketing and selling its handguns in this State, availing itself of the benefits of the New Jersey market. Glock Inc.'s further acknowledges that it targets New Jersey residents on the "Glock Warranty Form," available on the Glock website, which gives specific instructions to "residents of . . . New Jersey" who wish to have their Glock handguns repaired.³¹

39. This Court has personal jurisdiction over Glock Limited because it is the principal designer and manufacturer of Glock handguns and works in concert with Glock, Inc. with respect to Glock, Inc.'s foregoing U.S. activities, including its targeting of the New Jersey market. In addition, Glock Limited manufactures its Glock handguns and handgun components itself, and intentionally distributes them into the United States via Glock's affiliated distributors and dealers therein, including those in New Jersey. Glock Limited also conspires with Glock, Inc. with respect to the following coordinated activities. Glock Limited therefore has sufficient minimum contacts with New Jersey, and engages in purposeful availment of the laws of New Jersey, sufficient to warrant the Court's exercise of personal jurisdiction over Glock Limited, fully in accordance with due process.

³¹ GLOCK Warranty Form 8522, Downloadable Materials, GLOCK, <https://us.glock.com/en/downloadable-materials> (last visited Dec. 10, 2024).

40. Pursuant to Rule 4:3-2(a)(2) of the New Jersey Court Rules, venue is proper in this Court because the causes of action arose, in part, in Essex County. Glock has done business in Essex County, and Defendants' unlawful acts have affected Essex County residents, among others.

FACTS

I. Glock's Switchable Handgun Design

A. Machine Guns

41. Machine guns are firearms capable of "automatic fire," which generally means a weapon that permits rapid and continuous fire until either the trigger is released or the weapon runs out of ammunition. Typically, in a single second, they can shoot a dozen rounds (or more).

42. As in many other jurisdictions, firearms are classified as machine guns under New Jersey law based on the trigger's role in the mechanics of firing a shot. N.J.S.A. 2C:39-1(i) defines a "[m]achine gun" as "any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached."

43. Federal law is similar. Under 26 U.S.C. § 5845(b), "[t]he 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."

44. Under each definition, a firearm that can fire multiple rounds when the trigger is pulled and held is a machine gun. This includes a firearm that is toggleable between multiple modes, one of which is a machine gun mode.

45. New Jersey has longstanding restrictions on machine guns—including absolute prohibitions on their possession, manufacturing, transport, shipping, sale, and disposal—absent a specific license. N.J.S.A. 2C:39-5(a); 2C:39-9(a)(i). N.J.S.A. 2C:39-5(a) (“Section 39-5(a)” makes it illegal to “possess[] a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in [N.J.S.A.] 2C:58-5.”³² N.J.S.A. 2C:39-9(a) (“Section 39-9(a)” makes it illegal to “manufacture[], cause[] to be manufactured, transport[], ship[], sell[] or dispose[] of any machine gun without being registered or licensed to do so.”).

46. At the federal level, access to machine guns has been regulated since the 1930s, because of their frequent use in crime, their increasing use in deadly shootings and massacres,³³ and the “immense danger” their rapid-fire capability posed to the public. United States v.

³² N.J.S.A. 2C:58-5 provides for strict licensure requirements for machine guns in New Jersey. For example:

Any person who desires to purchase, possess and carry a machine gun or assault firearm in this State may apply for a license to do so by filing in the Superior Court in the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The Superior Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor’s report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent and the chief police officer of every municipality in which the applicant intends to carry the machine gun or assault firearm, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

N.J.S.A. 2C:58-5(a). Additionally, “[n]o license shall be issued to any person who would not qualify for a permit to carry a handgun under [N.J.S.A.] 2C:58-4, and no license shall be issued unless the court finds that the public safety and welfare so require.” Id. 2C:58-5(b).

³³ National Firearms Act, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (Apr. 7, 2020), <https://www.atf.gov/rules-and-regulations/national-firearms-act>.

O'Brien, 560 U.S. 218, 230 (2010). Since 1986, when Congress last amended these laws, machine guns have been generally prohibited for civilians.³⁴

47. Because machine guns are classified as such based on how the trigger controls shooting, machine guns can come in all shapes and sizes. Rifles can be machine guns; shotguns can be machine guns; and—at issue here—handguns can be machine guns.³⁵

48. In contrast, a “semi-automatic” firearm “means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.” See N.J.S.A. 2C:39-1(x). Semi-automatic weapons are not machine guns and are not subject to the heightened restrictions applicable to machine guns.³⁶

49. Most modern handguns (whether pistols or revolvers) sold to consumers in the United States are semi-automatic weapons. See N.J.S.A. 2C:39-9(k) (“‘Handgun’ means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.”).

B. Glock’s Striker-Fired Pistol Design

50. Glock specializes in the design, manufacture, and distribution of handguns that have polymer frames, self-reloading operation, and striker-fired firing mechanisms. Over the years, Glock’s handguns have become the most popular brand of handguns sold to U.S. consumers, U.S. law enforcement, and military customers.

³⁴ See Firearms Owners’ Protection Act, Pub. L. No. 99-308, § 109(a), 100 Stat. 460 (1986).

³⁵ Firearms - Guides - Importation & Verification of Firearms - National Firearms Act Definitions - Machinegun, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-national-firearms-act-definitions-0> (lasted updated Apr. 26, 2018).

³⁶ The ability of semi-automatic weapons to automatically chamber or self-reload differentiates semi-automatics from firearms designs that require manual or mechanical reloading or chambering.

51. Glock handgun frames consist of the grip and frame rails, upon which the upper assembly (i.e., the slide and barrel) sits and operates. Because they are made mostly of polymer—i.e., predominantly plastic rather than steel or wood—Glock frames are cheap and easy to produce and sell.

52. Glock handguns have self-reloading operation, meaning that the mechanics of shooting a round will automatically place a new round in the chamber without any additional action by the shooter. During a shot, specialized components extract the spent casing and eject it through an opening in the slide, allowing a spring in the magazine to push a new round upwards into the chamber, thus immediately reloading the gun for a new shot.

53. Glock handguns' striker-fired firing mechanism involves a spring-loaded striker (i.e., firing pin) that initiates a shot when the striker is released by lowering the trigger bar. The trigger bar is on a hinge and, when the gun is inactive, the end of the trigger bar is raised and restrains the spring-loaded striker. The trigger bar is connected to the trigger, and pulling the trigger causes the end of the trigger bar to lower—thus releasing the spring-loaded striker and firing a shot if the gun is loaded. These features differentiate Glock's design from firearms with other firing mechanisms that were more prevalent prior to Glock's launch, such as "hammer-fired" guns, for which the trigger caused a cocked-hammer mechanism to slam the striker forward.

54. The physics of a self-reloading striker-fired handgun naturally lends itself to automatic performance. When a shot is fired, the force of the explosion causes the slide to propel backwards and forwards again instantaneously. The force of the return brings the striker and its firing pin back towards a freshly chambered round. Unless the striker is restrained on its

return, it will slam against the new round and fire shots again and again without requiring any further involvement of the trigger.

55. Thus, to prevent fully automatic operation of a handgun constructed in this manner, there must be a mechanism to interrupt the striker, and thereby prevent additional shots until the trigger is pulled again. In Glock's U.S. handguns, that function is ordinarily performed by the trigger bar, which hinges back into place immediately following a shot.

C. Glock Developed and Released to Consumers a Handgun Design Readily Switchable into a Machine Gun.

56. The mechanics of Glock's self-reloading, striker-fired handgun means that it is, by design, inherently and readily capable of either semi-automatic or fully automatic function. The difference rests in the operation of the simple—and readily manipulable—trigger bar, which can either (a) revert to its raised, striker-restraining position after a shot, thereby blocking the next shot, or instead (b) revert to its raised position only upon the release of the trigger, which will allow shots to fire continuously until the trigger is released or the ammunition is exhausted.

57. Indeed, one of Glock's earliest innovations was to make and market a handgun with a trigger bar that could operate either automatically or semi-automatically based on the setting of an external toggle. And, even in Glock handgun models that are marketed as semi-automatic handguns, Glock's design situates the trigger bar so that it can all too easily be accessed and manipulated by an external part to allow the firearm to operate automatically.

58. This specific design feature of Glock handguns to readily support either semi-automatic or automatic operation, including through external manipulation, has been obvious from the outset to insiders and outsiders alike. And Glock's founder played a leading role in demonstrating and marketing it.

1. Glock Releases the G17 as its First Non-Prototype Handgun on its Dual-Functionality Platform.

59. Glock launched its handgun business just over forty years ago, in the 1980s. Its inaugural model, known as the G17, is a 9mm pistol handgun equipped with a semi-automatic trigger bar and a deliberately removable backplate. Glock’s founder and principal Gaston Glock obtained a U.S. patent for the G17 design, as its inventor, in April 1982.³⁷

60. As Glock touts on its website, “[i]n the early 1980’s, the semi-automatic GLOCK service pistol was born in response to meet the needs of the Austrian military. It’s [sic] polymer frame and the developed SAFE ACTION® System revolutionized the pistol market.”³⁸

61. Glock has long heralded the design it launched as “innovative” and distinct in its simplicity. Even “[t]oday, the GLOCK pistol is made from an average of only 35 parts, which is significantly fewer than any other pistol on the market and makes it more durable, reliable, and easier to maintain.”³⁹

62. The original G17 design remains the foundation of Glock’s handgun business. New models are named serially from the G17 onward, and are generally typified by differences in size, differences in ammunition used, or both. Nearly all Glock handguns released since the first G17 have involved only marginal design tweaks, without significant changes to the fundamental mechanics or core features. Popular models in the United States include the G19 (a compact frame that shoots 9mm), the G22 (a .40 caliber with a standard-sized frame), and others. Over the years, Glock has also issued updated “generations” of like-model types—from the

³⁷ U.S. Patent No. 4,539,889 (filed Apr. 29, 1982).

³⁸ History: Perfection Continues, GLOCK, <https://us.glock.com/en/learn/brand/history> (last visited Dec. 6, 2024).

³⁹ Ibid.

original Gen1 to the latest Gen5—featuring minor changes such as adding finger grooves to the grip.

63. Other than the operation of the easily manipulable trigger bar, nothing about the G17 design—or the design of Glock’s subsequent U.S. models on the same base platform—made the gun fire semi-automatically rather than automatically. Thus, the G17 and its successors, because of Glock’s design choices, have always been fully capable of automatic operation when the trigger bar remains lowered for as long as the shooter continues to pull the trigger. Glock’s leaders quickly exploited the obvious optionality this conferred.

2. Making Only a Minor Internal Component Change, Glock Releases and Markets the G18.

64. With the G17 patented and receiving a positive reception among European militaries, Glock sought to better establish its business in the U.S. market. Led by Gaston Glock, Glock established a U.S. headquarters in Smyrna, Georgia in 1986.

65. Shortly after establishing those U.S. operations, Glock launched its second handgun model, the G18. Built on the same basic design as the G17, the G18 had the same frame size and 9mm ammunition caliber. Where the G18 differed was that it featured an external toggle (i.e., a “selector switch”) that reached through a cut-out on the slide that, based on the toggle’s setting, could manipulate the trigger bar and make the gun function either automatically or semi-automatically.

66. Specifically, when the toggle on the G18 is set to automatic, the trigger bar will revert back to its raised position after a shot only when the trigger is released. Thus, pulling and holding the trigger once will cause the striker to slam repeatedly against round after round, firing them until the trigger is released or the magazine is fully expended.

67. Glock sold and marketed the G18—and continues to sell and market it in Europe—as a machine gun.

68. Glock’s recent promotional materials for the G18 confirm that it is, for all intents and purposes, a machine gun version of the G17. In Glock’s own words, “[r]eleased in 1987 the pistol has the same characteristics like other previous models and the frame size of the service pistol classic G17.”⁴⁰

69. Indeed, the automatic-from-the-outset G18 was so similar to the G17, apart from the change in trigger bar function, that, upon information and belief, Glock did not apply for a separate patent for the fully automatic G18, presumably because the G18’s specifications fell within the design already patented for the G17.⁴¹

70. The G18 is a machine gun in every practical sense of the term. In promoting the G18, Glock’s European website—accessible from the United States—promises “[f]ully automatic 9mm firepower” and says “the rate of fire in full-automatic-mode is approximately 20 rounds per second”⁴²—or 1,200 rounds per minute.

71. Glock’s invention and promotion of the G18 confirms its early knowledge—and acknowledgement to the world—of the inherent ability of Glock’s base handgun design to support both automatic and semi-automatic functionality.

72. Moreover, by designing the G18 to feature “an external fire selector at the rear of the slide,” Glock deliberately enabled G18 users to “switch from semi-automatic to full-

⁴⁰ G18, GLOCK, <https://eu.glock.com/en/products/pistols/g18> (last visited Dec. 10, 2024).

⁴¹ See U.S. Patent No. 4,539,889 (filed Apr. 29, 1982).

⁴² G18, GLOCK, <https://eu.glock.com/en/products/pistols/g18> (last visited Dec. 10, 2024).

automatic firing mode.”⁴³ The G18 thus, like today’s Switched Glock Machine Guns, specifically featured an external component designed to manipulate the trigger bar to enable (or restrain) automatic fire.

73. Through the G18, Glock thus identified, marketed, and demonstrated the easy external on-off switchability that was integral to its design. Glock continues to promote the external switchability of its core firearm design in its G18 marketing materials.

3. Gaston Glock and Jorge Leon Separately Invent an External Devices that Allow a G17 to Function Like the G18 Machine Gun.

74. Around the time that the G18 went to market, Jorge Leon, a 22-year old Venezuelan inventor, began studying the firing mechanism of the G17. A government agency in Venezuela had indicated that the G17 would be more desirable to procure if it possessed an external safety against accidental discharge. Leon set out to design and market such a safety in response.

75. While working on that project, Leon realized that if he inserted a small external component through the G17’s removable backplate, he could cause the G17’s trigger bar to remain lowered after a pull of the trigger until the trigger was released. This enabled the G17 to fire automatically, functioning as a handheld machine gun. Though this result was not the safety function sought by the Venezuelan government, Leon believed that there could be a market for this type of simple add-on component, too.

76. Leon designed and prototyped a component that allowed the weapon’s user to toggle between automatic operation and semi-automatic operation, just like on the G18.

⁴³ Ibid.

77. Beger, C.A., a distributor of Glock handguns in Venezuela, learned of Leon's prototype, and passed the information on to Glock's founder and leader, Gaston Glock.

78. In April of 1988, Beger invited senior officials from Venezuelan military and law enforcement agencies to meet Gaston Glock in Caracas and to discuss and demonstrate the G17. They also invited Leon.

79. At a Caracas shooting gallery, in the presence of Beger, Venezuelan military and police officials, and Leon, Gaston Glock fired and demonstrated the G17. He then took a small prototype switch from his pocket, detached the gun's backplate, and affixed that switch to his gun. Gaston Glock raised the gun again and fired it as a handheld machine gun, in bursts of automatic fire.

80. Leon recognized that Gaston Glock was using an auto sear, similar in function to, yet different in design and appearance from, the one he had designed.

81. After the demonstration concluded, Leon met with Gaston Glock. Leon held and examined Gaston Glock's switch. The two devices' basic function—to hold down the trigger bar following a single trigger pull to maintain the trigger bar's lowered position until the trigger is released—was the same; the difference was that Gaston Glock's switch, when inserted, enabled the G17 to fire only as a machine gun, while Leon's prototype had a toggle that allowed the user to select between semi-automatic and fully automatic machine gun modes. Physically, Leon's prototype was blocky and sat mostly external to the gun, to accommodate his selector mechanism. Gaston Glock's switch, by contrast, fit mostly internal to the gun, with a rear flush plate that neatly replaced the original backplate.

82. Gaston Glock asked to see Leon's device, but Leon had not brought his prototype to the demonstration.

83. Leon was later invited to Gaston Glock’s hotel, and Leon brought his fire selector system device with him. Following breakfast together, Gaston Glock and Leon went to Gaston Glock’s hotel room. Once there, Gaston Glock examined Leon’s prototype, which was affixed to an unloaded G17. Gaston Glock then pulled and released the trigger to evaluate the switched gun’s action and understand how the trigger bar mechanics operated after affixing Leon’s device.

84. Based on this meeting 36 years ago, Gaston Glock knew first-hand that an outsider in South America—far from Glock’s European or Georgia operations—could design and make a simple add-on component that turned a G17 into a machine gun.

85. Years later, Leon successfully applied to patent his design as the “Fire Selector System for Glock (FSS-G).” His patent application described his invention in nearly the exact same terms that Glock used to describe the G18.⁴⁴ Leon was awarded his patent in 1998 and marketed it to military and law enforcement customers.⁴⁵

86. After Leon’s design became public, it did not take long for Switched Glock Machine Guns to show up in connection with crimes in the United States. For example, an ATF investigation in 2002 and 2003 of a South American arms trafficker who had been in business since 1999 resulted in the recovery of seven Switched Glock Machine Guns and an additional nine Glock switches from persons arrested in the United States.⁴⁶

⁴⁴ Compare U.S. Patent No. 5,705,763 (filed July 18, 1996), with G18, GLOCK, <https://eu.glock.com/en/products/pistols/g18> (last visited Dec. 10, 2024) (describing “fire selector” “switch” to “full-automatic firing mode”).

⁴⁵ 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>.

⁴⁶ Internet Arms Trafficking, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/our-history/internet-arms-trafficking> (last updated May 15, 2020).

4. The Mechanics of Glock Switches

87. Today, after-market Glock switches often resemble the mechanics and design set forth by Leon in his patent. Like Leon's design, they sit externally against the rear of the slide and tend to come with peg-shaped "selectors" that, like the G18's external selector switch, allow the user to toggle between semi-automatic and fully automatic modes.

88. Certain other prevalent switches cause U.S.-marketed Glock handguns to fire only fully automatically, like the switch that Gaston Glock brought to Venezuela and demonstrated to Leon in 1988.

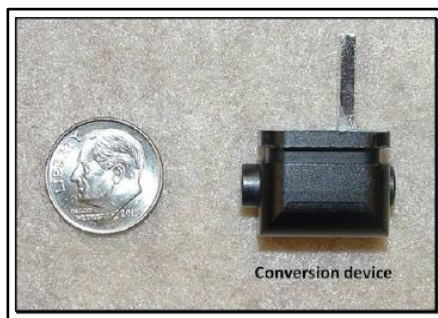
89. Visually, Glock switches containing selectors look like "very small Lego piece[s],"⁴⁷ that can be attached to the back of handguns, as seen on the right in the image of a switched Glock below.⁴⁸



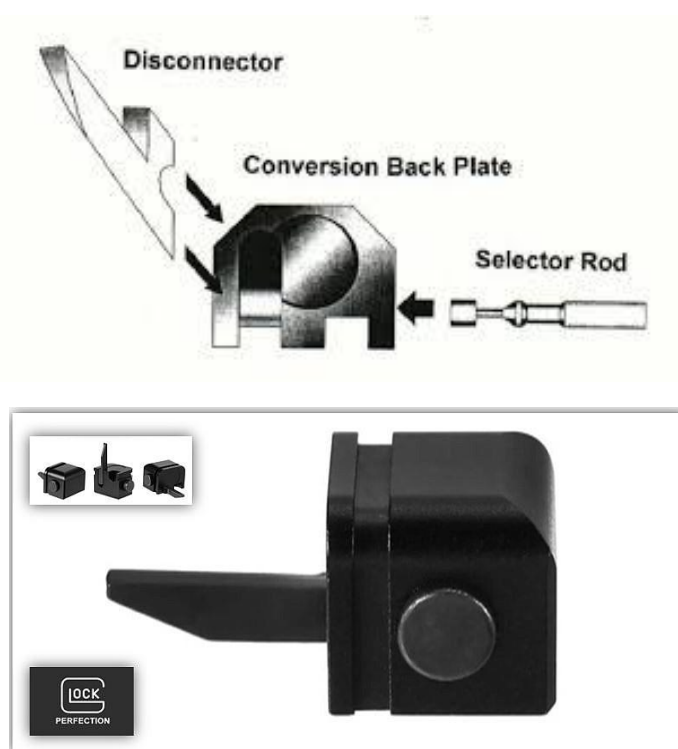
⁴⁷ Julia Rothman & Shaina Feinberg, This \$20 Device Turns a Handgun Into an Automatic Weapon, N.Y. TIMES (July 1, 2022), <https://www.nytimes.com/2022/07/01/business/auto-sears-handgun-automatic.html>.

⁴⁸ Marek Mazurek, South Bend Police Seeing More Modified Handguns; New Bill Would Ban Glock 'Switch' Devices, SOUTH BEND TRIBUTE (Mar. 23, 2023, 6:17AM), <https://www.southbendtribune.com/story/news/local/2023/03/23/indiana-moves-closer-to-banning-device-that-turns-handguns-automatic/70037462007>.

90. They are approximately the size of a dime:⁴⁹



91. Either style of Glock switches works through the operation of a protrusion called a disconnecter, which inserts into the slide from the rear:⁵⁰



⁴⁹ BUREAU OF ALCOHOL, TOBACCO, FIREARMS & 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 42, Ex. 5; see also Travis Breese, Focus: Dime-Sized Device Is Creating Mini-machine Guns in Louisville, WHAS 11 (Oct. 6, 2022, 9:32 PM), <https://www.whas11.com/article/news/investigations/focus/focus-glock-switches-handgun-conversion-louisville-minors-no-more-red-dots-kentucky/417-e7aedde6-0ec0-49b8-a0a6-b5ef9f64a2e8> (“It’s no bigger than a dime, but it turns a semi-automatic Glock pistol into a fully automatic gun.”).

⁵⁰ What’s Full Auto Glock Switch and What’s It Installation Guide?, VITO WHISPER (Aug. 21, 2023), <https://vitowhisper.com/whats-full-auto-glock-switch-and-whats-it-installation-guide>; Lynda Cohen, N.J. Among

92. Once installed, the disconnecter manipulates the trigger bar to change how it responds to the action of the trigger. As noted above, absent the switch, pulling the trigger of a U.S.-marketed Glock firearm will cause the trigger bar to descend—freeing the spring-loaded striker to release and initiate the first shot—but the trigger bar will immediately revert back into raised position, restraining the striker and preventing automatic fire. With the switch installed, however, the trigger bar will stay down so long as the trigger is still being pulled. Thus, pulling the trigger and holding it will allow the gun to continue firing, again and again, as a machine gun, as the slide reciprocates with recoil.

93. Affixing a switch to a Glock handgun is easy and requires no particular sophistication. This is in contrast to most other handguns, even other “striker-fired” handguns, which do not easily accept auto sears, and instead require time-consuming and cumbersome work to be switched into automatic weapons.

94. For generations 1 through 4 (“Gen1” through “Gen4”) of Glock’s handgun models, affixing a switch involves simply using a screwdriver to slide out the rear removable plastic backplate of the gun’s slide, and placing the auto sear into the backplate’s position. Countless videos available online explain how to easily do so in just a few minutes.⁵¹

95. Glock has produced and distributed these Gen1 to Gen 4 handguns for nearly four decades now, since Glock’s 1986 entry into the U.S. market. Those models, including both guns

Attorneys General Looking into Glock Machine Gun Conversion, BREAKING AC (Mar. 26, 2024), <https://breakingac.com/news/2024/mar/26/nj-among-attorneys-general-looking-into-glock-machine-gun-conversion>.

⁵¹ See, e.g., Letreactcom, How to Install Glock Full Auto Switch, FACEBOOK (June 20, 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>; BaaSicStuff, Auto Conversion for Any Glock Pistol, in 90 Sec., YOUTUBE (Mar. 23, 2023), <https://www.youtube.com/watch?v=fSCVPVysdwg>.

sold recently and those sold decades ago, are now ubiquitous among crime gun recoveries in New Jersey and elsewhere. In addition, even though they are not Glock's latest models, Glock continues to market and distribute Gen3 and Gen4 handguns to civilian consumers in New Jersey and elsewhere through its distribution network and approved partner dealers.

96. Glock's Generation 5 ("Gen5") line of handgun models, which entered the market in 2017, require only minor filing or clipping of a small plastic tab, on the rear of the frame, before an auto sear may be affixed. This presents no meaningful obstacle or deterrent to criminals seeking to switch their Glock handguns to machine gun configuration. A Glock Gen5 handgun can still be switched to a fully automatic machine gun configuration in a matter of minutes without any particular expertise. One online video with over 731,000 views provides step-by-step instructions on how to switch a Gen5 handgun in mere minutes, while noting that the user "only had to take that little notch off," which "wasn't that big of a deal."⁵²

II. Glock Knows That its Handguns Are Ubiquitously Used as Machine Guns.

A. Background

97. Auto sears are cheap and easy to acquire. Readymade versions can be found online for as little as \$20.⁵³ They can also be printed using a 3D printer in about twelve minutes

⁵² Royal Range USA, Full Auto Glock 17 GEN5!!!, YOUTUBE (Aug. 30, 2017), <https://www.youtube.com/watch?v=JSIX0HsczLY>.

⁵³ 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-sears-handgun-automatic.html>.

at a cost of just nine cents.⁵⁴ They are often created using downloadable blueprints that are readily available online.⁵⁵

98. Many auto sears are made in China and marketed online as other household or recreational products. Once imported to the United States, they are widely available within the criminal gun market.

99. In light of these commonly used methods to obtain them, auto sears are nearly impossible to trace and intercept, and are impossible to eradicate.⁵⁶

B. The Devastating Impact of Switched Glock Machine Guns

100. A Switched Glock Machine Gun can, like the G18, 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.⁵⁷ As a recent federal complaint filed against an accused auto sear trafficker notes, the defendant bragged that his auto sears were compatible with a Gen5 Glock handgun and could make it fire “30 rounds in two seconds.”⁵⁸ By contrast, an unswitched Glock handgun can fire only as fast as the shooter can repeatedly pull and release the trigger, which varies based on skill and experience level, but would never remotely approach the rate of fire of a Switched Glock Machine Gun.

⁵⁴ STATE OF NEW JERSEY COMMISSION OF INVESTIGATION, ILLEGAL FIREARMS: USE AND TRENDS IN NEW JERSEY, at A-6 (Sept. 2024), <https://nj.gov/sci/home/sci-finds-existing-state-laws-need-revision-to-better-combat-homemade-ghost-guns-and-modified-firearms/documents/2024-10-SCI-Illegal-Firearms-Report.pdf>. Note: this cost does not include the cost of the printer itself.

⁵⁵ *Id.* at 5.

⁵⁶ *Ibid.*; State of New Jersey Commission of Investigation, *SCI Public Hearing on Illegal Gun Trends*, N.J. LEGIS. (Apr. 16, 2024), <https://www.njleg.state.nj.us/archived-media/2024/CIR-meeting-list/media-player?committee=CIR&agendaDate=2024-04-16-10:00:00&agendaType=H&av=V>.

⁵⁷ Press Release, *Fort Worth Manufacturer Charged in Glock Switch Case*, U.S. ATT’Y’S OFF., N. DIST. OF TEX., (Nov. 18, 2022), <https://www.justice.gov/usao-ndtx/pr/fort-worth-manufacturer-charged-glock-switch-case>.

⁵⁸ Compl. Aff. ¶ 7, *United States v. Hendrie*, No. 23-MJ-4115 (W.D.N.Y. July 20, 2023), ECF No. 1.

101. Instances of recoveries and arrests involving Switched Glock Machine Guns have been widely reported, including by the Bureau of Alcohol, Firearms, Tobacco and Explosives (“ATF”), since the early 2000s. For example, more than twenty years ago, a publicly reported ATF investigation resulted in dozens of arrests and the seizure of seven Switched Glock Machine Guns and an additional nine Glock switches.⁵⁹

102. In recent years, Switched Glock Machine Guns have become increasingly prevalent, with auto sears “everywhere on the street right now,” according to Jefferey Boshek, a 21-year ATF veteran who now serves as the special agent in charge of the Dallas Field Division.⁶⁰

103. A company that uses audio sensors to monitor gunfire has reported that there were 75,544 recorded rounds of “suspected automatic gunfire in 2022 in portions of 127 cities covered by its microphones,” representing a stunning “49 percent increase from the year before.”⁶¹ According to law enforcement, this increase is attributable, in substantial part, to fully automatic handguns being seen by teenagers as “status symbol[s] that provide[] a competitive advantage.”⁶² As another law-enforcement official explained, “[t]hey think it’s cool, they think it looks cool, sounds cool, they want to brag about having it.”⁶³

⁵⁹ Internet Arms Trafficking, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/our-history/internet-arms-trafficking> (last updated May 15, 2020).

⁶⁰ Alain Stephens & Keegan Hamilton, The Return of the Machine Gun, THE TRACE (Mar. 24, 2022), <https://www.thetrace.org/2022/03/auto-sears-gun-chip-glock-switch-automatic-conversion>.

⁶¹ 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>.

⁶² Ibid.

⁶³ Jeremy Harris, Illegal ‘Glock Switch’ Blamed for Increase of Rounds Being Fired in Western Washington Shootings, KPIC (Oct. 7, 2023, 11:02 AM), <https://komonews.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>.

104. One ATF agent describes the use of guns equipped with auto sears as “one of the scariest things” the agency has dealt with in decades.⁶⁴

105. As then-New Jersey State Police Lieutenant Colonel Joseph Brennan (RET.) observed in recent public testimony, “[t]here’s more likelihood of unintended targets” with Switched Glock Machine Guns because the shooters “can’t control where the bullets go.”⁶⁵ The uncontrolled spray of bullets from Switched Glock Machine Guns is, as noted above, an inevitable consequence of the enormous and uncontrollable recoil that necessarily comes from firing so many shots at once.

106. Auto sears can be easily purchased by anyone online via popular social media platforms,⁶⁶ and anyone can learn how to install them with the help of online tutorials available on a variety of websites. Frequently, these posts and videos refer specifically to switching Glock handguns into automatic weapons.⁶⁷

107. The epidemic of switched automatic handguns has been confirmed by federal, state, and local law enforcement around the country. For example:

⁶⁴ Alain Stephens & Keegan Hamilton, The Return of the Machine Gun, THE TRACE (Mar. 24, 2022) (emphasis added), <https://www.thetrace.org/2022/03/auto-sears-gun-chip-glock-switch-automatic-conversion>.

⁶⁵ STATE OF NEW JERSEY COMMISSION OF INVESTIGATION, ILLEGAL FIREARMS: USE AND TRENDS IN NEW JERSEY, at 4 (Sept. 2024), <https://nj.gov/sci/home/sci-finds-existing-state-laws-need-revision-to-better-combat-homemade-ghost-guns-and-modified-firearms/documents/2024-10-SCI-Illegal-Firearms-Report.pdf>.

⁶⁶ 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>; Alain Stephens & Keegan Hamilton, Tiny ‘Glock Switches’ Have Quietly Flooded the US With Deadly Machine Guns, VICE (Mar. 24, 2022), <https://www.vice.com/en/article/glock-switches-auto-sears>.

⁶⁷ See, e.g., Royal Range USA, Full Auto Glock 17 GEN5!!!, YouTube (Aug. 30, 2017), <https://www.youtube.com/watch?v=JSIX0HscziY> (“Just to show you I’m gonna switch this. . . you have the full auto selection, what we’ve been shooting, and then you have the semi. Switch it to semi auto and we get back to the normal function.”).

- a. Nationwide: ATF reported a 400% increase in recoveries of switched machine guns from 2020 to 2021⁶⁸ and a 570% increase in machine gun conversion parts recovered between 2017 and 2021 as compared to the previous five-year period.⁶⁹ These numbers prompted federal officials to directly contact Glock “in search of ways to modify the weapon to make it harder to attach switches.”⁷⁰
- b. Dallas: Officials reported a 2,750% increase in auto sear recoveries from 2021 to 2022.⁷¹
- c. Louisville: Officials reported an 800% increase in auto sear recoveries from 2021 to 2022.⁷²
- d. St. Louis: Officials reported a 575% increase in auto sear recoveries from 2021 to 2022.⁷³
- e. Oklahoma City: Officials reported a 500% increase in Glock switch recoveries from 2021 to 2022 and a nearly 330% increase from 2022 as of November 2023.⁷⁴

⁶⁸ 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-sears-machine-gun>.

⁶⁹ 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>.

⁷⁰ Ibid.

⁷¹ See Katy Blakey, Shootout with Dallas Murder Suspect Renews Focus on Illegal ‘Glock Switches’, NBC DFW (Nov. 21, 2023, 5:39 PM), <https://www.nbcdfw.com/news/local/shootout-with-dallas-murder-suspect-renews-focus-on-illegal-glock-switches/3393818/>.

⁷² Travis Breese, Focus: Dime-Sized Device Is Creating Mini-machine Guns in Louisville, WHAS 11 (Oct. 6, 2022, 9:32 PM), <https://www.whas11.com/article/news/investigations/focus/focus-glock-switches-handgun-conversion-louisville-minors-no-more-red-dots-kentucky/417-e7aedde6-0ec0-49b8-a0a6-b5ef9f64a2e8>.

⁷³ See Rachel Lippmann, St. Louis-Area Police Are Seizing More Modified Handguns—Here’s Why That’s Bad News, ST. LOUIS PUB. RADIO (Jan. 5, 2023, 6:18 PM), <https://www.stlpr.org/law-order/2023-01-05/st-louis-area-police-are-seizing-more-modified-handguns-heres-why-thats-bad-news>.

⁷⁴ See Josh Dulaney, 3D Printed Device to Turn Pistols into Automatic Weapons Increasingly Used in Crimes in Oklahoma, Police Say, OKLAHOMAN (Nov. 29, 2023, 5:00 PM), <https://www.oklahoman.com/story/news/2023/11/29/glock-switch-3d-printing-crime-on-the-rise-oklahoma-okc/71719158007>.

C. Glock Knows Its Handguns Are Being Switched

108. Glock has been fully aware of the recent sharp increase in Switched Glock Machine Guns, even receiving direct outreach from the U.S. Federal Government.⁷⁵

109. On April 11, 2022, forty-one members of Congress published an open letter highlighting the increased use of auto sears in shootings nationwide, specifically identifying Glock-made handguns by name.⁷⁶ In March of 2024, the City of Chicago sued Glock to stop it from continuing to flood switchable Glock handguns onto the streets of Chicago.⁷⁷ On March 26, 2024, the New Jersey Attorney General, together with Attorneys General of eleven other states and the District of Columbia, sent Glock a letter demanding that Glock address the “mounting reports about devastation and public terror caused by Glock handguns that became illegal machine guns when fitted with cheap, ubiquitous inserts known as ‘switches’ or ‘auto sears.’”⁷⁸

110. There have also been countless high-profile prosecutions, news articles, and public events in recent years that have identified the use—or intended use—of Switched Glock Machine Guns, including, for example, in:

⁷⁵ 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>.

⁷⁶ Letter from Representative Fletcher et al., 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.

⁷⁷ Compl. ¶ 13, City of Chicago v. Glock, Inc., No. 2024CH02216 (Cir. Ct. Cook Cnty. Mar. 19, 2024). In July of this year, Chicago then withdrew and refiled its suit against Glock to include, among other things, additional defendants and different causes of action while continuing to allege the same course of conduct. Compl. ¶ 133–82, City of Chicago v. Glock, Inc., No. 2024CH06875 (Cir. Ct. Cook Cnty. July 22, 2024).

⁷⁸ Letter from Attorney General Platkin Re: City of Chicago v. Glock, Inc., No. 2024CH02216 (Cir. Ct. Cook County), OFF. N.J. ATT’Y GEN. (Mar. 26, 2024); see also Press Release, AG Platkin Leads Coalition Telling Glock to Keep Evidence Related to Firearms’ Easy Conversion Into Machine Guns, OFF. N.J. ATT’Y GEN. (Mar. 26, 2024), <https://www.njoag.gov/ag-platkin-leads-coalition-telling-glock-to-keep-evidence-related-to-firearms-easy-conversion-into-machine-guns>.

- a. The 2019 murder of four family members who had gathered to watch football in a backyard in Fresno, California.⁷⁹
- b. The 2021 murder of a Houston police officer,⁸⁰ followed four months later by the shooting of three more Houston police officers.⁸¹
- c. The 2021 discovery of a Switched Glock Machine Gun hidden in the home of a self-described “incel” in Ohio, who intended to kill sorority members at a local university.⁸²
- d. A 2022 mass shooting in Sacramento, California that resulted in the death of six people, including three innocent bystanders.⁸³
- e. A 2022 New Year’s Eve shooting in Mobile, Alabama, during which the shooter “fired a Glock .40 caliber pistol, which was illegally switched with a machinegun-conversion device and equipped with an extended magazine, into a crowd of revelers on Dauphin Street during Mobile’s New Year’s Eve celebration.”⁸⁴

111. Switched Glock Machine Guns have become so ubiquitous that they are now commonly referenced by law enforcement authorities and in the popular media. For example,

⁷⁹ 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-sears-machine-gun>.

⁸⁰ 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>; Local Heroes Who Paid the Ultimate Sacrifice: Houston Police Officers Killed in the Line of Duty at 124, HOUSTON POLICE DEP’T MUSEUM (June 2023), https://www.houstontx.gov/police/museum/ultimate_sacrifice_book.pdf.

⁸¹ 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>.

⁸² Alain Stephens & Keegan Hamilton, The Return of the Machine Gun, THE TRACE (Mar. 24, 2022), <https://www.thetrace.org/2022/03/auto-sears-gun-chip-glock-switch-automatic-conversion> (emphasis added).

⁸³ 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>.

⁸⁴ Press Release, Mobile Man Sentenced to Ten Years in Prison for Possessing and Firing an Illegal Machinegun During New Year’s Eve Celebrations, U.S. ATT’Y’S OFF., S. DIST. OF ALA., (Sept. 18, 2023), <https://www.justice.gov/usao-sdal/pr/mobile-man-sentenced-ten-years-prison-possessing-and-firing-illegal-machinegun-during>.

federal prosecutors and agents around the country regularly refer to “Glock Switches” in statements to the public.⁸⁵

112. Additionally, the phrase “Glock Full Auto Switch” has been among the most frequent firearm-related internet search terms in the United States in recent years.⁸⁶ There is a Wikipedia page devoted solely to the term “Glock Switches.”⁸⁷

⁸⁵ Press Release, Indictment: So-call ‘Glock Switches’ Would Have Turned Pistols int Machinegun, U.S. ATT’Y’S OFF., S. DIST. OF KAN., (May 30, 2019), <https://www.atf.gov/es/news/press-releases/indictment-so-called-%E2%80%98glock-switches%E2%80%99-would-have-turned-pistols-machineguns>; Press Release, Brooklyn Park Felon Indicted for Possessing a Firearm, Glock Switch, U.S. ATT’Y’S OFF., DIST. OF MINN., (May 26, 2022), <https://www.atf.gov/news/press-releases/brooklyn-park-felon-indicted-possessing-firearm-glock-switch>; Press Release, Norfolk Man Sentenced for Possessing Glock Switches and Glock Handgun in Furtherance of Drug-Trafficking Crime, U.S. ATT’Y’S OFF., E. DIST. OF VA., (Aug. 26, 2022), <https://www.atf.gov/news/press-releases/norfolk-man-sentenced-possessing-glock-switches-and-glock-handgun-furtherance-drug>; Press Release, Fort Worth Manufacturer Charged in Glock Switch Case, U.S. ATT’Y’S OFF., N. DIST. OF TEX., (Nov. 18, 2022), <https://www.atf.gov/news/press-releases/fort-worth-manufacturer-charged-glock-switch-case>; Press Release, Jacksonville Man Sentenced to Five Years in Federal Prison for Selling Machinegun-Conversion Device to Undercover Agent, U.S. ATT’Y’S OFF., M. DIST. OF FLA., (Dec. 2, 2022), <https://www.atf.gov/news/press-releases/jacksonville-man-sentenced-five-years-federal-prison-selling-machinegun-conversion-device>; Press Release, Starkville Man to Serve 5 Years in Prison for Possessing a Glock Switch, U.S. ATT’Y’S OFF., N. DIST. OF MISS., (Aug. 11, 2023), <https://www.atf.gov/news/press-releases/starkville-man-serve-5-years-prison-possessing-glock-switch>; Press Release, Trafficker of 3D-Printed “Glock Switches” and “Auto-Sears” Sentenced to Over Seven Years in Federal Prison, U.S. ATT’Y’S OFF., S. DIST. OF IND., (Sept. 14, 2023), <https://www.atf.gov/news/press-releases/trafficker-3d-printed-%E2%80%9Cglock-switches%E2%80%9D-and-%E2%80%9CAuto-sears%E2%80%9D-sentenced-over-seven-years-federal>; Press Release, Possession of “Glock Switches” Leads to 65 Month Sentence in Federal Prison for Purcell Man, U.S. ATT’Y’S OFF., S. DIST. OF OKLA., (Oct. 6, 2023), <https://www.atf.gov/news/press-releases/possession-%E2%80%9Cglock-switches%E2%80%9D-leads-65-month-sentence-federal-prison-purcell-man>; Press Release, Cincinnati Man Pleads Guilty to Possessing Glock Switch, U.S. ATT’Y’S OFF., S. DIST. OF OHIO, (Oct. 27, 2023), <https://www.atf.gov/news/press-releases/cincinnati-man-pleads-guilty-possessing-glock-switch>; Press Release, Franklin Man Sentenced to Two Years in Federal Prison for 3-D Printing and Trafficking Firearms and Glock Switches, U.S. ATT’Y’S OFF., S. DIST. OF IND., (Jan. 5, 2024), <https://www.justice.gov/usao-sdin/pr/franklin-man-sentenced-two-years-federal-prison-3-d-printing-and-trafficking-firearms>; Press Release, New York Man Sentenced to More Than 10 Years in Prison for Trafficking Firearms and Methamphetamine, U.S. ATT’Y’S OFF., DIST. OF MASS., (Jan. 18, 2024), <https://www.atf.gov/news/press-releases/new-york-man-sentenced-more-10-years-prison-trafficking-firearms-and-methamphetamine>; Press Release, Violent Felon Armed With Switch Charged With Firearm Crime, U.S. ATT’Y’S OFF., N. DIST. OF TEX., (Aug. 12, 2024), <https://www.justice.gov/usao-ndtx/pr/violent-felon-armed-switch-charged-firearm-crime>; Press Release, Dallas Gang Member Arrested With Switch Detained Pending Trial, U.S. ATT’Y’S OFF., N. DIST. OF TEX., (Nov. 19, 2024), <https://www.justice.gov/usao-ndtx/pr/dallas-gang-member-arrested-switch-detained-pending-trial>; Internet Arms Trafficking, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/our-history/internet-arms-trafficking> (last updated May 15, 2020).

⁸⁶ U.S. DEP’T OF JUST., 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>.

⁸⁷ Glock Switch, WIKIPEDIA, https://en.wikipedia.org/wiki/Glock_switch (last visited Dec. 10, 2024).

113. In pop music “Glock switches” and idioms of “spraying” or “blitzing” victims with Glock handguns have become common. For example, the 2022 song “Jimmy Cooks” by Drake featuring 21 Savage—which debuted at #1 on the U.S. Billboard Hot 100⁸⁸ and has been streamed more than one billion times on Spotify⁸⁹—includes the lyric: “[t]his Glock .45 came with a switch.”⁹⁰ 21 Savage previously referenced Switched Glock Machine Guns in “Glock In My Lap,” in which he warns he would “[s]pray the whole block, I don’t give a damn.”⁹¹ Another example is the 2021 song “Danny Block” from rapper Lil Zay Osama, which includes the lyrics: “I just got a brand new Glock with a fifty and a switch . . . I just popped one of my opps, I’m finna go do another hit.”⁹²

114. In the 2021 song “Glock With A Switch,” rapper Virgil Gibson, known as PGF Nuk, waves switched Glock handguns to the lyrics: “Four Nick with a drum,⁹³ a Glock with a switch . . . I won’t miss, not shootin’ off corners, we run up and blitz.”⁹⁴ PGF Nuk continued

⁸⁸ 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/>.

⁸⁹ Drake, Jimmy Cooks (feat. 21 Savage), on HONESTLY, NEVERMIND, SPOTIFY <https://open.spotify.com/track/3F5CgOj3wFIRv51JsHbxhe> (last visited Dec. 11, 2024) (showing 1,084,018,113 unique streams).

⁹⁰ 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/>.

⁹¹ Glock in My Lap – 21 Savage & Metro Boomin, GENIUS (Oct. 2, 2020), <https://genius.com/21-savage-and-metro-boomin-glock-in-my-lap-lyrics>.

⁹² Lil Zay Osama, Danny Block, LYRICS.AZ (Aug. 26, 2021), <https://lyrics.az/lil-zay-osama/-/danny-block.html>. Last year, Lil Zay Osama was arrested in Chicago for possession of multiple illegal weapons, including a Switched Glock Machine Gun. See Gabriel Bras Nevares, Lil Zay Osama Arrested For Gun Possession & Robbery: Report, HOT NEW HIP HOP (Dec. 15, 2023), <https://www.hotnewhiphop.com/745197-lil-zay-osama-arrest-gun-theft-hip-hop-news>. He was also arrested in late 2022 for illegal firearm possession after allegedly leaving a Switched Glock Machine Gun in the back of an Uber in New York City. See Bill Donahue, Rapper Lil Zay Osama Facing Federal Gun Charge After Allegedly Leaving Loaded Glock in Uber, BILLBOARD (Jan. 26, 2024), <https://www.billboard.com/business/legal/lil-zay-osama-facing-federal-gun-charge-loaded-glock-uber-1235590157/>.

⁹³ A likely reference to a .45-caliber pistol with a high-capacity drum magazine.

⁹⁴ PGF Nuk, PGF Nuk—“Glock With A Switch” (Music Video) Shot by @LouVisualz, YOUTUBE (Nov. 30, 2021), <https://m.youtube.com/watch?v=otQPnIO5Yfs&pp=ygUScGdmIG51ayBnbG9jayB3aXR0>. In March 2022, two

promoting Glock switches in his 2022 album “Switch Music,”⁹⁵ advertised on residential neighborhood billboards:⁹⁶



The titular song opens with the lyrics “You got a switch, I got a switch . . . we can blitz,” and the chorus mimics a machine gun’s sound.⁹⁷

115. Frequently, auto sear makers even print Glock logos on their switches⁹⁸—a marking that Glock has had trademarked since 1986.⁹⁹ Glock surely knows that auto sears with its logo are being sold, and that the makers of such auto sears benefit from associating

Switched Glock Machine Guns were recovered in 20-year-old Gibson’s car, and he was indicted for using a machine gun during a violent crime. Indictment, United States v. Gibson, No. 1:24-CR-339 (N.D. Ill. July 11, 2024).

⁹⁵ PGF Nuk – Switch Music, GENIUS (July 8, 2022), <https://genius.com/albums/Pgf-nuk/Switch-music>.

⁹⁶ Frank Main et al., In Chicago, Handguns Turned into High-Capacity Machine Guns Fuel Deadly Violence, NPR (Oct. 28, 2022, 5:00AM), <https://www.npr.org/2022/10/28/1131026241/chicago-handgun-violence-auto-sears-machine-gun>.

⁹⁷ PGF Nuk – Switch Music, GENIUS (July 8, 2022), <https://genius.com/Pgf-nuk-switch-music-lyrics>.

⁹⁸ See, e.g., 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>; Peter Yankowski, More ‘Switches’ that Convert Weapons into Machine Guns Turning up in CT, Police Say, CT INSIDER (Sept. 12, 2022, 2:54PM), <https://www.ctinsider.com/news/article/More-switches-that-convert-weapons-into-17435267.php>.

⁹⁹ Glock—Trademark Details, JUSTIA TRADEMARKS, <https://trademarks.justia.com/734/83/glock-73483803.htmlh> (last visited Dec. 10, 2024).

themselves with the Glock brand by implying to buyers that their auto sears are associated with or authorized by Glock. Yet, to the best of the Attorney General’s knowledge, Glock has never taken any legal action to stop such misuse of its trademarks, thereby acquiescing to such use by auto sears manufacturers.¹⁰⁰



116. Glock switches have become so deeply associated with Glock itself that customers have mailed them to the company’s headquarters for repairs.¹⁰¹

117. On social media, including on Glock’s own official site with millions of followers, Glock makes no effort to discourage the use of its products as Switched Glock Machine Guns. To the contrary, Glock’s official Facebook page, which Glock’s United States website invites consumers to “Follow,” provides access to videos and comments glamorizing the use of Switched Glock Machine Guns. Glock’s Facebook page, whose content Glock controls, has 1.8 million “likes” and 1.9 million “followers.”

¹⁰⁰ Press Release, Federal Authorities Seize Over 350 Website Domains Used to Import Illegal Switches and Silencers from China, U.S. ATT’Y’S OFF., DIST. OF MASS. (Sept. 11, 2024), <https://www.justice.gov/usao-ma/pr/federal-authorities-seize-over-350-website-domains-used-import-illegal-switches-and>.

¹⁰¹ 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>.

118. Glock sets the settings of its Facebook business page so that the page displays not only Glock's own postings, but also any third-party postings that tag Glock.

119. As of October 28, 2024, users of Glock's Facebook page can readily see a March 2021 posting, where an individual has written, with emojis mixed in: "I want a switch so bad and a 100 round clip." That post is followed by 38 responses, many enthusiastic about obtaining Glock switches and shooting switched Glock guns, others warning of their danger, as well as a larger number of other "likes" and shares.

120. That same posting then shows a July 2017 video, again viewable on Glock's own Facebook page at least as of October 28, 2024, depicting an individual rapidly firing a Switched Glock Machine Gun. The video caption, written in Spanish, states, "[d]isparando una Glock 17 en modo FULL AUTO con balas explosivas....simplemente impresionante!" (capitalization original). This translates to: "[s]hooting a Glock 17 in FULL AUTO mode with explosive bullets.....simply impressive!" This posting has continued to be viewable at least as of October 28, 2024, within Glock's own Facebook page and is most easily found via an internal search of the word "switch."

121. During the seven years Glock's Facebook page has featured the 2017 video, and the three and half years it has featured the 2021 video, the public has added many comments in response. Glock did not "untag" itself, report the posts as featuring illegal weapons, add a disclaimer, or remove the posts and comments from Glock's Facebook Page. Glock instead allowed the videos to remain, benefitting from the attention that machine gun switchability brings.

122. Additional videos on Glock's Facebook page, which were prominently featured around the time of their original posting, pop up to this day with other obvious searches. A

simple search of the word “auto” on Glock’s Facebook page, for example, produces various videos depicting Switched Glock Machine Guns, including a video from as early as 2015. That video, which viewers have been readily able to access through Glock’s Facebook page, features a man declaring that he has a “Glock 19; auto sear. . . twelve hundred rounds a minute.” He then proceeds to shoot hundreds of rounds in less than a minute using large capacity magazines. The caption to the video states “Must Watch! – Check Out this guy burning through some ammo with a full-auto Glock.”¹⁰² This video alone has 12,000 views. One of the comments, also visible through Glock’s Facebook page, states: “[w]ow auto mode and never malfunction but hows the target [sic].”

III. Glock Refuses Minor Design Changes to Its Civilian Handguns that Could Substantially Inhibit, if Not Block Entirely, Machine Gun Functionality.

123. Notwithstanding all of Glock’s knowledge about the switchability of its design and the ubiquitous civilian use of its handguns as machine guns, Glock has not taken genuine steps to modify its handgun design to preclude or make more difficult the affixation of a switch—which currently can be accomplished in a manner of minutes by laypersons. This is despite the fact that such changes could be made without impairing Glock handguns’ safety or functionality or making them unreasonably expensive.

124. As one example, Glock could have simply made its back plate far more difficult for a layperson to remove, for instance through the use of specialized screws or proprietary fasteners.¹⁰³

¹⁰² Emphasis in the original signifies that Glock’s Facebook page was tagged and this now appears in Glock’s “mentions” tab.

¹⁰³ Champe Barton, Glock Could Make It Harder to Outfit Its Pistols With Switches — For a Price, THE TRACE (Sept. 4, 2024), <https://www.thetrace.org/2024/09/glock-switch-lawsuits-pistol-design>.

125. As another example, striker-fired handguns made by Glock's peer manufacturers (such as Smith & Wesson or Sig Sauer) often separate out the key internal components, making it more difficult to manipulate the parts on those guns that are analogous to Glock handguns' trigger bar. Also, or alternatively, the positioning of the rear side rails on such firearms physically blocks the use of an auto sear from the rear. These alternative internal design features make these other handguns far less switchable than U.S. handguns that use the Glock platform.¹⁰⁴

126. These safer approaches to striker-fired handgun design implemented by Glock's peers are well illustrated by the Sig Sauer P320. In a P320, the trigger bar does not itself restrain the spring-loaded striker but rather serves as a lever upon a separate component known as the sear, and, in that design, it is the hinged sear that lowers to initiate firing and then returns to a raised position to restrain firing. This separation of these key parts and their respective positioning impedes the use of a switch. The position of the rear rail impedes the use of a switch, too. These features and their distinct positioning are readily visible in this overhead image of a P320 without its slide:¹⁰⁵



¹⁰⁴ Ibid.

¹⁰⁵ Compl. ¶ 58, City of Chicago v. Glock, Inc., No. 2024CH06875 (Cir. Ct. Cook Cnty. July 22, 2024).

127. A third option, demonstrated by Glock itself, fuses these concepts. Glock's new G46 handgun design, which is currently sold only in Europe, has a backplate and striker that make up a single metal piece, such that the backplate cannot be removed (to attach a switch) without altogether disabling the gun. The G46 confirms that Glock has the technical capability to prevent its civilian market guns from being switched into machine guns.

128. Yet, when the ATF asked Glock to find a way to modify its other handgun models to make it more difficult to attach auto sears, Glock reportedly said it could not and would not do so.¹⁰⁶

129. In the United States, Glock continues to sell Gen3 and Gen4 handguns nationwide and has not made any change to their design.

130. As noted above, Glock has made only one modest, immaterial change to its Gen5 handgun series, by adding a small plastic piece that can easily be filed away in a few minutes. This minor modification was not a genuine, reasonable, bona fide solution to the problem presented by the ease with which Glock customers can switch their Glock handguns to operate as illegal machine guns. Thus, a material number of Gen5 handgun users continue to affix auto sears and use those guns as machine guns.

131. Glock has been contacted by news outlets regarding whether it will do anything to prevent the switchability of its guns to fully automatic configurations.¹⁰⁷ Glock has either remained silent in response or sought to cast blame elsewhere. As recently as summer of 2023,

¹⁰⁶ 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>.

¹⁰⁷ See, e.g., Matt Caron, *Glock Switches Turning up More and More at Local Shooting Crime Scenes*, FOX61 (Nov. 7, 2022, 11:08PM), <https://www.fox61.com/article/news/crime/glock-switches-connecticut-police-increase/520-8ce4912a-da29-4d61-9260-1f51bf8aa4b8>; Alain Stephens & Keegan Hamilton, *The Return of the Machine Gun*, THE TRACE (Mar. 24, 2022), <https://www.thetrace.org/2022/03/auto-sears-gun-chip-glock-switch-automatic-conversion>.

and despite the safer design of the G46 it sells in Europe, Glock falsely claimed that “the design of the pistol cannot be altered” to make it harder to convert it to a Switched Glock Machine Guns.¹⁰⁸

132. Glock’s unconscionable decision not to implement a reasonable change is at the expense of public safety in New Jersey and elsewhere.

IV. Glock Distributes Its Switchable Handguns Directly into New Jersey, Including to Known High Crime Dealers.

133. The threat posed by Switched Glock Machine Guns to New Jersey arises in large part from Glock’s widespread distribution of its switchable handguns for sale to New Jersey civilian residents. In particular, Glock distributes switchable guns to New Jerseyans through a network of affiliated gun dealers, including those that it has selected to serve as Glock-Authorized Dealers (categorized as “Glock Perfection” or “Stocking Dealers” on the company’s website). Glock-approved dealers selling switchable Glock handguns are easy to find in New Jersey, including through Glock’s website.¹⁰⁹ Glock’s motto for these local dealer relationships is: “A Partnership that’s Proven.”¹¹⁰

134. Glock’s distribution into New Jersey is deliberate, and not incidental. Glock carefully develops and maintains relationships with its authorized New Jersey dealers,

¹⁰⁸ 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>.

¹⁰⁹ Glock’s website allows users to view numerous Glock Pistols. See GLOCK Pistols, GLOCK, <https://us.glock.com/en/Pistols> (last visited Dec. 11, 2024). The website allows users to filter the pistols available for purchase, including the ability to select “Gen3” and “Gen4” models. Ibid. After applying the Gen3 and Gen4 filters, a user can see 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 ibid.; see also G17, GLOCK, <https://us.glock.com/en/pistols/g17> (last visited Dec. 11, 2024); G19, GLOCK, <https://us.glock.com/en/pistols/g19> (last visited Dec. 11, 2024); G26, GLOCK, <https://us.glock.com/en/pistols/g26> (last visited Dec. 11, 2024); G34, GLOCK, <https://us.glock.com/en/pistols/g34> (last visited Dec. 11, 2024).

¹¹⁰ Dealers Only, GLOCK, <https://us.glock.com/en/dealer-materials> (last visited Dec. 11, 2024).

incentivizing them to join and remain in Glock’s network of preferred dealers. Under these arrangements, gun stores apply to be “Glock Perfection” or “Stocking Dealers,” and complete Glock’s form “Dealer Program Agreement,” in which they and Glock agree to various terms and conditions. In return, Glock advertises authorized dealers on its website—through the “Dealer Locator”¹¹¹ feature, which directs online customers to specific Glock dealers where they can purchase firearms—and the dealers are permitted to market themselves as authorized Glock dealers for sales to civilians.

135. Moreover, Glock encourages and solicits participation by New Jersey dealers in its preferred dealer program with free merchandise and other perks and sends its representatives to authorized dealers to ensure cross-promotion. The “benefits” that Glock touts on its website for dealers in the Stocking Program include, for example, not only Glock “parts and apparel” and “promotional materials” but also assistance for the dealer’s “advertising” as well as Glock itself including the store “in the GLOCK marketing effort including the dealer locator.”¹¹²

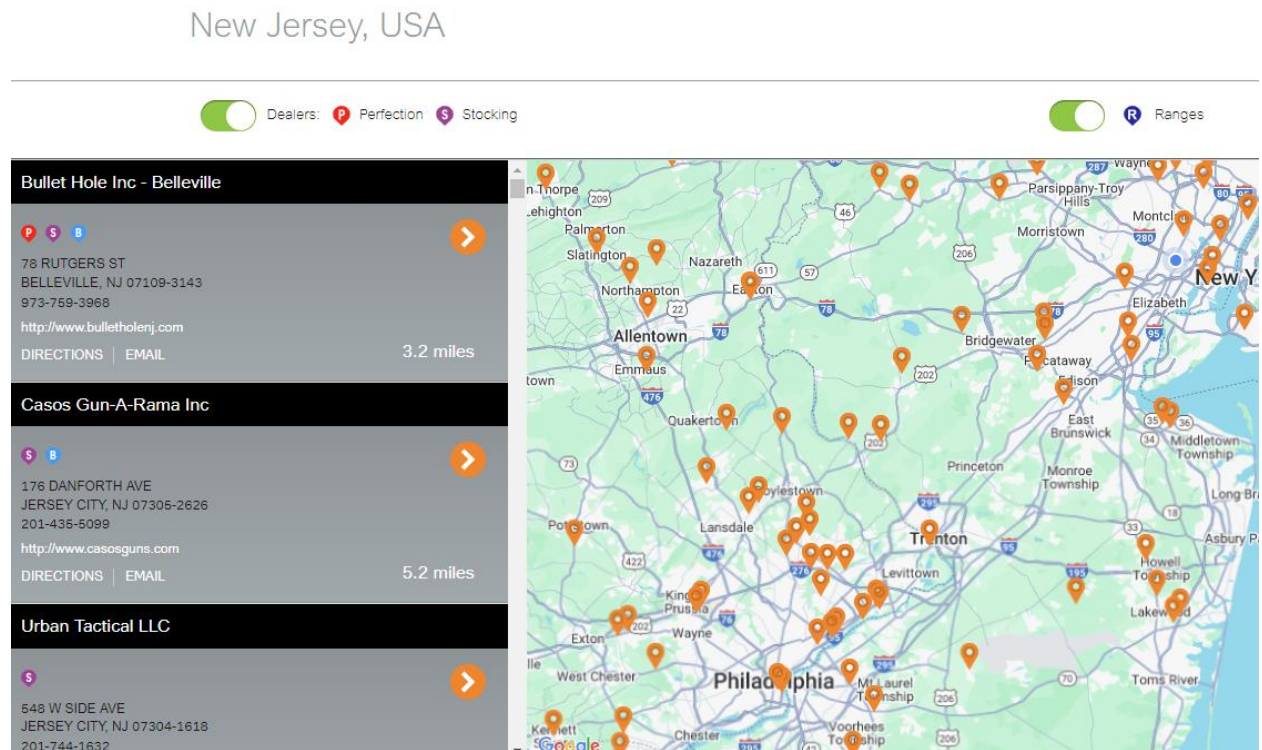
136. In driving its New Jersey business, Glock exercises considerable contractual power regarding its affiliated gun dealers’ practices. The Glock Dealer Agreement, which dealers and Glock, Inc. enter into to govern their business relationship, allows Glock to dictate terms by which dealers must abide in exchange for the right to purchase Glock products and sell them to civilian customers.

137. Glock’s New Jersey affiliate network is extensive: a recent search on the “Glock Dealer” page of Glock’s website for “New Jersey” identified at least 50 New Jersey Glock dealers. These dealers are each authorized by Glock, and thus work closely with Glock, to

¹¹¹ Dealer/Range Locator, GLOCK, <https://us.glock.com/en/dealer-locator-usa> (last visited Dec. 11, 2024).

¹¹² GLOCK Stocking Dealer Program, GLOCK, <https://us.glock.com/en/Dealers> (last visited Dec. 11, 2024).

maximize sales of easily switched Glock handguns to civilian consumers in New Jersey. Glock, on its website, provides the names and addresses of all 50 stores and lists the various partnership programs and certifications each such store has with Glock. Anyone looking for the closest New Jersey gun store selling switchable Glocks can simply search “New Jersey, USA” on Glock’s website¹¹³ and find a map with pinned locations of distributors throughout the State:



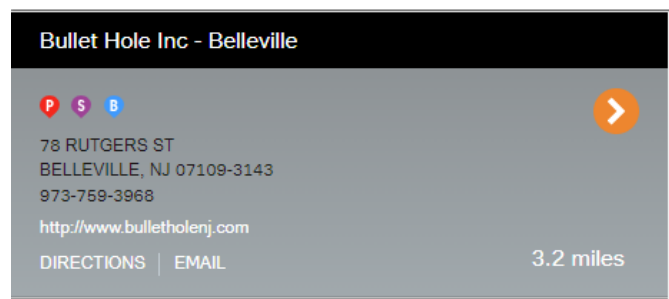
138. Notably, Glock’s New Jersey dealer network includes gun dealers that have been identified as the retailer-sources of outsized numbers of New Jersey crime guns. Glock knows this because, under a federally run law enforcement program, Glock receives a notification every time a law enforcement agency requests to “trace” the origin of a recovered crime gun and is obligated to assist law enforcement in identifying the retailer-source of the gun. Information

¹¹³ See Dealer/Range Locator, GLOCK, <https://us.glock.com/en/dealer-locator-usa> (last visited Dec. 11, 2024).

about certain retailer-sources is also shown by public ATF data from the years 2017-2021,¹¹⁴ which identified the two New Jersey municipalities that supplied the most guns recovered from criminals in that time period: Belleville and Vineland.

139. In Belleville during that time, there was only one licensed gun dealer selling firearms: Bullet Hole Shop & Range (“Bullet Hole”). Bullet Hole is a longstanding Glock dealer, and the 2017-2021 ATF data shows Glock 9mm pistols and Glock .40 caliber pistols as the second and fifth most numerous make and type of recovered crime guns statewide.

140. Bullet Hole has touted, and continues to tout, its multilayered partnership with Glock, advertising that “[w]e are a Glock LE Dealer, Glock Perfection Dealer, & Glock Stocking Dealer,” and that its owner “is a certified Glock Armorer.”¹¹⁵ That certification requires that Bullet Hole has received specific instruction from Glock.¹¹⁶ Glock, on its own website, not only displays Bullet Hole as a partnership store but includes a red “P” insignia, a purple “S” insignia, and a blue “B” insignia. These indicate, respectively, that Bullet Hole is certified by Glock as a “Perfection Dealer,” a “Stocking Dealer,” and a “Blue Label Dealer” (for police sales).

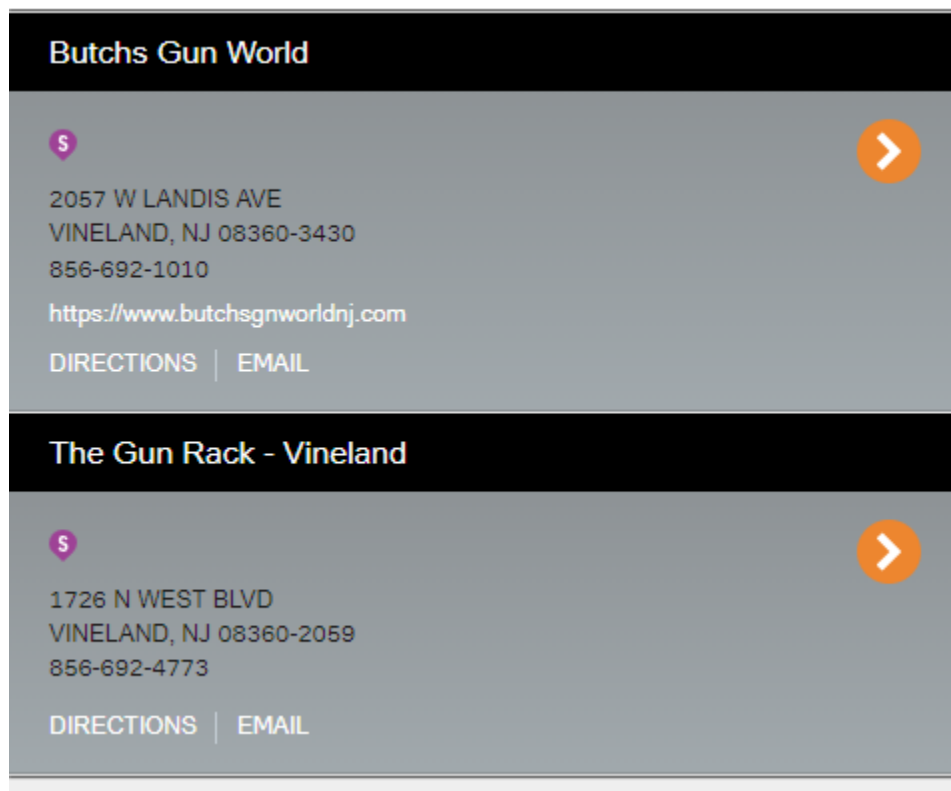


¹¹⁴ U.S. DEP’T OF JUST., ATF, NATIONAL FIREARMS COMMERCE AND TRAFFICKING ASSESSMENT (NFCTA): CRIME GUNS: NEW JERSEY – STATE REPORT 1 (last reviewed by ATF on Feb. 21, 2023), <https://www.atf.gov/firearms/docs/report/new-jersey-state-report>.

¹¹⁵ Our Products, BULLET HOLE SHOP & RANGE, <https://bulletholenj.com/products> (last visited Dec. 10, 2024).

¹¹⁶ The schedule for various courses, including those that are part of Glock’s “Armorer” program, are available on Glock’s website. See Training Schedule, GLOCK, <https://glocktraining.com/Schedule.aspx> (last visited Dec. 11, 2024).

141. In Vineland, the second-highest New Jersey crime gun source municipality, there are three dealers selling contemporary firearms, and at least two of the three—Butch’s Gun World and the Gun Rack—are touted by Glock as being a partner “Stocking” distributor:

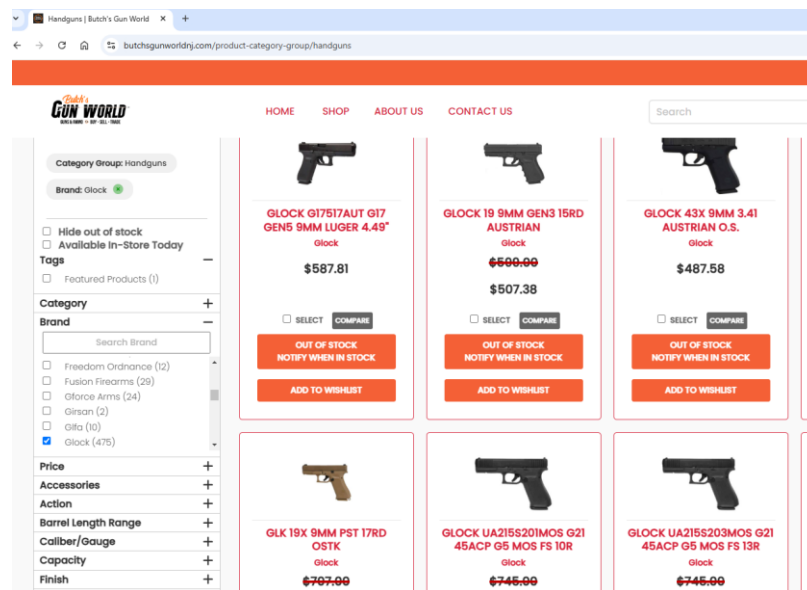


142. Moreover, at least one of those stores, Butch’s Gun World, has a history of ATF infractions, and received a warning letter from the ATF showing multiple infractions.

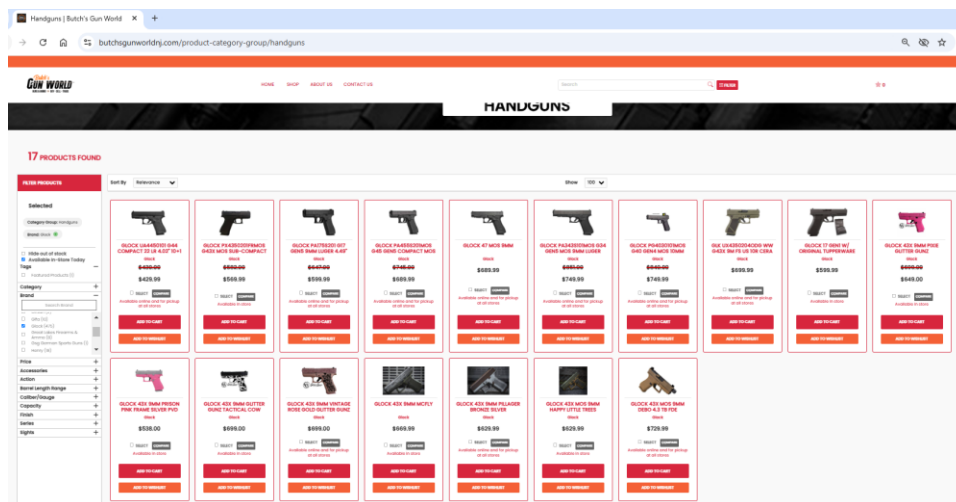
143. Glock continues to sell switchable Glock handguns to and through Butch’s Gun World and the Gun Rack. On Butch’s website, on a rotating banner of “Top Brands We Carry,” Glock is prominently shown:



144. Specific models of switchable Glocks are also listed for sale, together with an indication of whether they are currently in stock. As of December 2024, Butch’s Gun World advertised 475 Glock handguns of various types, all of which are readily switchable:¹¹⁷



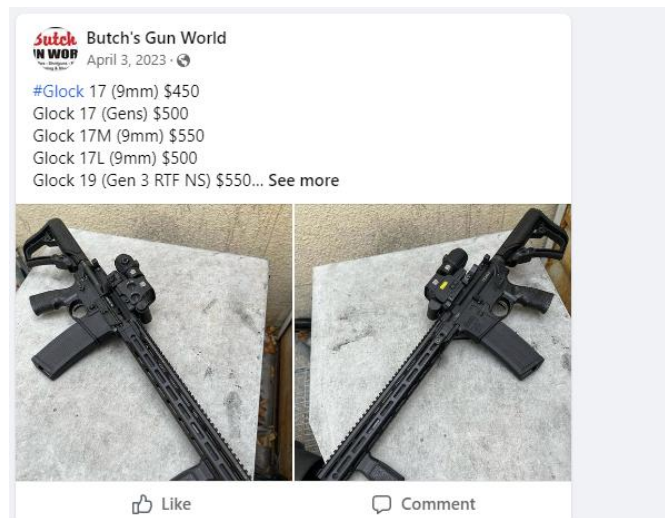
145. Seventeen Glock handgun variations were listed as presently available in the store.¹¹⁸



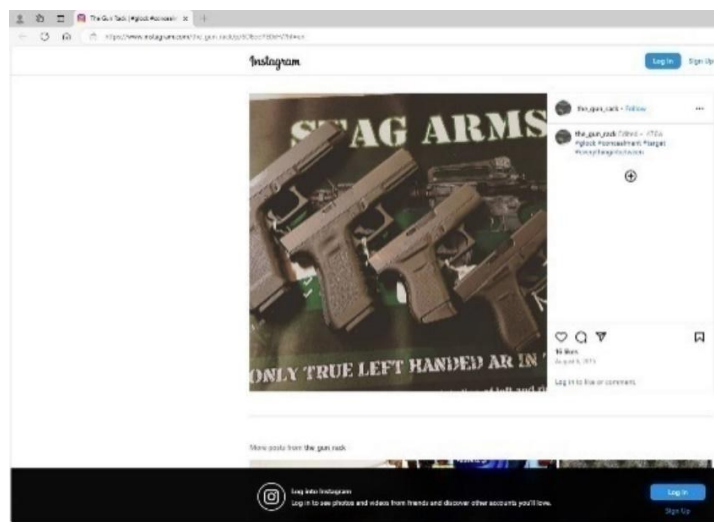
¹¹⁷ Handguns, BUTCH’S GUN WORLD, <https://www.butchsgunworldnj.com/product-category-group/handguns> (last visited, and prices as of, Dec. 11, 2024).

¹¹⁸ Ibid. (filtering by “Available In-Store Today”).

146. Similarly, on the store’s Facebook Page, in a posting made in 2023 but still readily visible, Glock is prominently featured (including easily switchable Glock handguns listed above images of rifles):¹¹⁹



147. As for the Gun Rack, the store’s Instagram account features pictures of the Glock handguns they sell:¹²⁰



¹¹⁹ Butch’s Gun World, FACEBOOK, <https://www.facebook.com/p/Butchs-Gun-World-100090933438327/> (last visited, and prices as of, Dec. 11, 2024).

¹²⁰ The Gun Rack, INSTAGRAM, https://www.instagram.com/the_gun_rack/?hl=en (last visited Dec. 11, 2024).

148. Of course, beyond the formal New Jersey partnerships, switchable Glock handguns also enter the New Jersey market through partner dealers who are located in Pennsylvania or other neighboring states as well as through dealers, including in New Jersey, who are not on Glock's website as preferred partners but nevertheless sell such Glock handguns. Glock is also the source of these dealers' switchable Glock handguns.

V. Switched Glock Machine Guns Have Wreaked Havoc in New Jersey and Contributed to a Deadly Public Nuisance.

149. Glock's large-scale distribution of switchable handguns has had an all too predictable adverse impact in New Jersey. Switched Glock Machine Guns have repeatedly been used to end lives, cause injuries, commit crimes, and endanger people's lives throughout New Jersey:

- a. In May 2020, in Newark, a defendant with a prior criminal record was selling drugs on the street; when apprehended by police officers he was in possession of a Switched Glock Machine Gun equipped with an 11-round large capacity magazine.¹²¹
- b. In November 2020 in Newark, an 18-year-old shot and killed a 17-year-old victim; in May 2023, he was found in possession of a Switched Glock Machine Gun equipped with a 23-round magazine.¹²²
- c. In June 2023, in Newark, law enforcement officers executed a search warrant on a known gang member with prior convictions for gun offenses including threatening to shoot his girlfriend; the officers found him in possession of a Switched Glock Machine Gun equipped with a large capacity magazine loaded with 30 rounds.¹²³
- d. In September 2023, in Trenton, a defendant with a criminal record was apprehended in possession of a Switched Glock Machine Gun with a large

¹²¹ Compl., United States v. Reynolds, No. 2:21-CR-410 (D.N.J. May 4, 2020), ECF 1.

¹²² See Compl., State v. Harcourt, No. ESX-23-2563 (N.J. Super. Ct. Mar. 13, 2023); Opp'n Br. Mot. to Suppress, State v. Harcourt, No. Esx-23-2563 (N.J. Super. Ct. Sept. 19, 2023); Compl., United States v. Harcourt, No. 23-CR-890 (D.N.J. May 18, 2023), ECF 1.

¹²³ Compl., United States v. Sutton, No. 2:23-MJ-12085 (D.N.J. June 2, 2023), ECF 1; Compl., State v. Sutton, No. ATL-22-1361 (N.J. Super. Ct. Apr. 30, 2022).

capacity magazine loaded with hollow point bullets;¹²⁴ while his case was pending he committed a gun-point home invasion of an occupied residence where he threatened to shoot the victim in the head.¹²⁵

- e. In January 2024, in Trenton, a defendant with a criminal record suspected of stealing multiple cars was apprehended with three switchable Glocks, one of which was a Switched Glock Machine Gun, as well as a large capacity magazine, hollow point bullets, and narcotics.¹²⁶
- f. In January 2024, in Camden, police officers apprehended a defendant suspected in recent shootings who was livestreaming videos of himself and others with guns, and was in possession a Switched Glock Machine Gun as well as a 30-round large capacity magazine.¹²⁷
- g. In March 2024, in Irvington, law enforcement authorities executing a search warrant on a suspected weapons trafficker apprehended the suspect with, amongst other guns, a Switched Glock Machine Gun with a 26-round large capacity magazine.¹²⁸
- h. In April 2024, in Paterson, a known gang member with prior convictions, including convictions for more than one shooting, fled from police officers while possessing a Switched Glock Machine Gun with a large capacity magazine.¹²⁹
- i. In April 2024, in Camden, multiple defendants selling drugs from their car were found in possession of a Switched Glock Machine Gun with a 30-round large capacity magazine loaded with hollow point bullets, along with more than 50 bags of heroin and cocaine packaged for sale.¹³⁰
- j. In April 2024, in Newark, defendants with criminal records who were selling narcotics on the street fled from officers by car and then on foot; officers found in

¹²⁴ Compl., State v. Grant, No. MER-23-3371 (N.J. Super. Ct. Sept. 26, 2023).

¹²⁵ Compl., State v. Grant, No. MER-24-2014 (N.J. Super. Ct. June 23, 2024).

¹²⁶ Compl., State v. Myles, No. MER-24-166 (N.J. Super. Ct. Jan. 14, 2024).

¹²⁷ Compl., State v. Medley, No. CAM-24-511 (N.J. Super. Ct. Jan. 19, 2024).

¹²⁸ Compl., State v. Flythe, No. ESX-24-2941 (N.J. Super. Ct. Mar. 29, 2024).

¹²⁹ Compl., United States v. Durham, No. 2:24-MJ-12180 (D.N.J. June 17, 2024), ECF 1; Compl., State v. Durham, No. PAS-23-4567 (N.J. Super. Ct. Oct. 12, 2023); Compl., State v. Durham, No. PAS-20-808 (N.J. Super. Ct. Mar. 5, 2020).

¹³⁰ Compls., State v. Clayton, No. CAM-24-2796 (N.J. Super. Ct. Apr. 20, 2024).

the car a Switched Glock Machine Gun along with another handgun and two large capacity magazines.¹³¹

- k. In May 2024, in Paterson, a defendant robbed a woman at gunpoint using a Switched Glock Machine Gun equipped with a 12-round large capacity magazine, then ran from and struggled with responding police officers, injuring one of them.¹³²
- l. In May 2024, in Essex County, a defendant suspected of trafficking weapons in New Jersey sold guns, ammunition, and Glock switches to undercover law enforcement officers and when apprehended was in possession of a Switched Glock Machine Gun, and twenty switches.¹³³
- m. In May 2024, in Atlantic City, a defendant who was the subject of a long-term narcotics investigation was found in possession of two guns, including a Switched Glock Machine Gun equipped with a large capacity magazine, and heroin in an amount consistent with a large-scale narcotics sale operation.¹³⁴
- n. In June 2024, in Cumberland County, federal agents with the Department of Homeland Security, while executing a search warrant based on a controlled delivery of a mail order Glock switch, recovered a Glock with a micro rifle-conversion kit¹³⁵ as well as thirty-six large capacity magazines.¹³⁶
- o. In June 2024, in Camden, a defendant selling narcotics on the street ran from officers while in possession of a loaded Switched Glock Machine Gun.¹³⁷
- p. In June 2024, in Asbury Park, police officers arrested a defendant who was in possession of cocaine and packaging material for sale along with two switchable Glocks—one of which was a Switched Glock Machine Gun equipped with a large capacity magazine,¹³⁸ while the case was pending the defendant obtained another

¹³¹ Compl., State v. Lowery, No. ESX-24-3583 (N.J. Super. Ct. Apr. 19, 2024).

¹³² Compls., State v. Newland, No. PAS-24-2390 (N.J. Super. Ct. May 21, 2024); Order for Detention at 2, State v. Newland, No. PAS-24-2390 (N.J. Super. Ct. May 24, 2024).

¹³³ Compl., United States v. Carter, No. 2:24-MJ-10118 (D.N.J. May 16, 2024), ECF 1.

¹³⁴ Compl., State v. Gibbs, No. ATL-24-2152 (N.J. Super. Ct. May 21, 2024).

¹³⁵ A micro rifle-conversion kit is a drop-in stock for a handgun that converts it into a small rifle (similar to a Tommy Gun) that fires a pistol round, such that together with a switch would make the gun operate like an automatic rifle/a carbine rather than an automatic pistol.

¹³⁶ Compl., State v. Hovern, No. CUM-24-1243 (N.J. Super. Ct. June 6, 2024).

¹³⁷ Compls., State v. Rodriguez, No. CAM-24-4153 (N.J. Super. Ct. June 9, 2024 and June 12, 2024).

¹³⁸ Compl., State v. Alvarado, No. MON-24-2232 (N.J. Super. Ct. June 13, 2024).

gun and was arrested again in Asbury Park while in possession of the gun in public.¹³⁹

- q. In July 2024, in Monmouth County, law enforcement officers arrested a defendant with a Switched Glock Machine Gun with a 21-round large capacity magazine; at the time of his arrest he was wanted in connection with 44 occupied-home burglaries, one robbery, and 38 high-end auto thefts.¹⁴⁰

150. Glock’s unreasonable and unlawful practices of designing, manufacturing, assembling, marketing, advertising, and distributing into New Jersey large numbers of switchable guns significantly contributes to the danger that exists on New Jersey’s streets, college campuses, private and public homes, and neighborhoods. By continuing to market and distribute a handgun that is so easily switchable into a machine gun—and failing to take even modest steps at any point along the chain of distribution to reduce the prevalence or allure of Switched Glock Machine Guns—Glock has made New Jersey less safe. It has done so in order to sell more guns, putting profit over people’s lives.

CAUSES OF ACTION

Count One

Contribution to Public Nuisance by Conduct Unreasonable Under the Circumstances in Violation of Public Law 2022, c. 56, N.J.S.A. 2C:58-35(a)(1)

151. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

152. The Attorney General brings this count pursuant to N.J.S.A. 2C:58-35.

153. Under Section 58-35(a)(1) “[a] gun industry member shall not, by conduct [] unreasonable under all the circumstances . . . , knowingly or recklessly create, maintain, or

¹³⁹ Compl., State v. Alvarado, No. MON-24-2938 (N.J. Super. Ct Aug. 1, 2024); Order for Detention, State v. Alvarado, No. MON-24-2938 (N.J. Super. Ct. Aug 7, 2024).

¹⁴⁰ Compl., State v. Buie, No. MON-24-2172 (N.J. Super. Ct. July 22, 2024).

contribute to a public nuisance in this State through the sale, manufacturing, distribution, importing . . . of a gun-related product.”

154. Defendants are each a “gun industry member” under Sections 58-34 and 58-35.

155. The switchable Glock handguns described herein are “gun-related product[s]” under Sections 58-34 and 58-35.

156. Defendants’ conduct in their designing, manufacturing, assembling, advertising, marketing, and distributing easily switchable Glock handguns, when a reasonable alternative design could impede such machine gun functionality, is unreasonable under all the circumstances described herein. See N.J.S.A. 2C:58-35(a)(1).

157. Defendants’ unreasonable conduct consists of knowing acts or omissions that constitute knowing violations of N.J.S.A. 2C:58-35(a)(1), 2C:39-5(a), 2C:39-9(a), and 2A:58C-2.

158. Defendants’ unreasonable conduct has knowingly or recklessly created, maintained, or contributed to a public nuisance within the meaning of Section 58-35(a)(1). “‘Public nuisance’ means any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or which otherwise constitutes a public nuisance under common law.” N.J.S.A. 2C:58-34.

159. Defendants’ unreasonable conduct has foreseeably and proximately created, maintained, or contributed to this harm.

160. Switched Glock Machine Guns have increasingly proliferated in New Jersey, including among persons prohibited from purchasing or possessing a firearm on the basis of a

prior felony or other disqualifier, and are particularly popular among gang members. Switched Glock Machine Guns are becoming increasingly central to violent gun crimes in the State.

161. This condition injures and endangers the health, safety, peace, comfort, and convenience of New Jersey residents; threatens to injure and endanger the health, safety, peace, comfort, and convenience of New Jersey residents; and contributes to the injury and endangerment of the health, safety, peace, comfort, and convenience of New Jersey residents. Defendants have created, maintained, and/or contributed to this condition, and have done so knowingly or recklessly.

162. Defendants' violation of Section 58-35(a) entitles the Attorney General to "an injunction prohibiting [Defendants] from continuing that conduct or engaging therein or doing any acts in furtherance thereof." N.J.S.A. 2C:58-35(b). Such injunctive relief is necessary here to prevent further, continuing, and irreparable injury.

163. The Attorney General is likewise entitled to an order providing for abatement and restitution, including disgorgement of profits.

164. The Attorney General is further entitled to recover reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief. See N.J.S.A. 2C:58-35(b).

Count Two

Contribution to Public Nuisance by Conduct Unlawful in Itself in Violation of Public Law 2022, c. 56, N.J.S.A. 2C:58-35(a)(1) (Causes to be Manufactured under Section 2C:39-9(a))

165. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

166. The Attorney General brings this count pursuant to N.J.S.A. 2C:58-35.

167. Under Section 58-35(a)(1), “[a] gun industry member shall not, by conduct [] unlawful in itself . . . , knowingly or recklessly create, maintain, or contribute to a public nuisance in this State through the sale, manufacturing, distribution, importing, or marketing of gun-related product.”

168. Section 2C:39-9(a) makes it illegal to “cause[] to be manufactured . . . any machine gun without being registered or licensed to do so.”

169. N.J.S.A. 2C:39-1(i) defines “Machine gun” as “any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.”

170. Defendants’ conduct has been “unlawful in itself.” Through the actions described herein, Defendants have knowingly caused machine guns to be manufactured.

171. Defendants’ unlawful conduct in causing machine guns to be manufactured has knowingly or recklessly created, maintained, or contributed to a public nuisance within the meaning of Section 58-35(a)(1). “‘Public nuisance’ means any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or which otherwise constitutes a public nuisance under common law.” N.J.S.A. 2C:58-34.

172. Defendants’ unlawful conduct has foreseeably and proximately created, maintained, or contributed to this harm.

173. Switched Glock Machine Guns have increasingly proliferated in New Jersey, including among persons prohibited from purchasing or possessing a firearm on the basis of a

prior felony or other disqualifier, and are particularly popular among gang members. Switched Glock Machine Guns are becoming increasingly central to violent gun crimes in the State.

174. This condition injures and endangers the health, safety, peace, comfort, and convenience of New Jersey residents; threatens to injure and endanger the health, safety, peace, comfort, and convenience of New Jersey residents; and contributes to the injury and endangerment of the health, safety, peace, comfort, and convenience of New Jersey residents. Defendants have created, maintained, and/or contributed to this condition, and have done so knowingly or recklessly.

175. Defendants' violation of Section 58-35(a) entitles the Attorney General to "an injunction prohibiting [Defendant] from continuing that conduct or engaging therein or doing any acts in furtherance thereof." N.J.S.A. 2C:58-35(b). Such injunctive relief is necessary here to prevent further, continuing, and irreparable injury.

176. The Attorney General is likewise entitled to an order providing for abatement and restitution, including disgorgement of profits.

177. The Attorney General is further entitled to recover reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief. See id. 2C:58-35(b).

Count Three

Contribution to Public Nuisance by Conduct Unlawful in Itself in Violation of Public Law 2022, c. 56, N.J.S.A. 2C:58-35(a)(1) (Aiding and Abetting Violations of Sections 2C:39-5(a) and 2C:39-9(a))

178. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

179. The Attorney General brings this count pursuant to N.J.S.A. 2C:58-35.

Under Section 58-35(a)(1), “[a] gun industry member shall not, by conduct [] unlawful in itself . . . , knowingly or recklessly create, maintain, or contribute to a public nuisance in this State through the sale, manufacturing, distribution, importing, or marketing of a gun-related product.”

180. Section 2C:39-5(a) makes it illegal to “possess[] a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in [N.J.S.A.] 2C:58-5.” Section 2C:39-9(a) makes it illegal to “manufacture[], cause[] to be manufactured, transport[], ship[], sell[] or dispose[] of any machine gun without being registered or licensed to do so.”

181. N.J.S.A. 2C:39-1(i) defines “Machine gun” as “any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.”

182. Defendants’ purposeful conduct aids, agrees to aid, facilitates, promotes, solicits, and participates in violation of Section 2C:39-5(a) and Section 2C:39-9(a) and is itself in violation of these provisions. See N.J.S.A. 2C:2-6. Defendants have knowingly aided and abetted the illegal possession of machine guns in New Jersey. And Defendants have knowingly aided and abetted the manufacture, transport, shipment, sale (including resale), and/or disposal of machine guns. Defendants’ conduct has therefore been “unlawful in itself.”

183. Defendants’ unlawful conduct in their designing, assembling, advertising, selling, distributing, manufacturing, and/or marketing of switchable Glock handguns, which Defendants know can function as machine guns, has knowingly or recklessly created, maintained, or contributed to a public nuisance within the meaning of Section 58-35(a)(1).

“Public nuisance’ means any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or which otherwise constitutes a public nuisance under common law.”

Id. 2C:58-34.

184. Defendants’ unlawful conduct has foreseeably and proximately created, maintained, or contributed to this harm.

185. Switched Glock Machine Guns have increasingly proliferated in New Jersey, including among persons prohibited from purchasing or possessing a firearm on the basis of a prior felony or other disqualifier, and are particularly popular among gang members. Switched Glock Machine Guns are increasingly central to violent gun crimes in the State.

186. This condition injures and endangers the health, safety, peace, comfort, and convenience of New Jersey residents; threatens to injure and endanger the health, safety, peace, comfort, and convenience of New Jersey residents; and contributes to the injury and endangerment of the health, safety, peace, comfort, and convenience of New Jersey residents. Defendants have created, maintained, and/or contributed to this condition, and has done so knowingly or recklessly.

187. Defendants’ violation of Section 58-35(a) entitles the Attorney General to “an injunction prohibiting [Defendants] from continuing that conduct or engaging therein or doing any acts in furtherance thereof.” Id. 2C:58-35(b). Such injunctive relief is necessary here to prevent further, continuing, and irreparable injury.

188. The Attorney General is likewise entitled to an order providing for abatement and restitution, including disgorgement of profits.

189. The Attorney General is further entitled to recover reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief. See *ibid.*

Count Four

Contribution to Public Nuisance by Conduct Unlawful in Itself in Violation of Public Law 2022, c. 56, N.J.S.A. 2C:58-35(a)(1) (Product Liability Act, N.J.S.A. 2A:58C-2)

190. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

191. The Attorney General brings this count pursuant to N.J.S.A. 2C:58-35.

192. Under Section 58-35(a)(1), “[a] gun industry member shall not, by conduct [] unlawful in itself . . . , knowingly or recklessly create, maintain, or contribute to a public nuisance in this State through the sale, manufacturing, distribution, importing, or marketing of gun-related product.”

193. Defendants' conduct has been “unlawful in itself.” Glock has violated the New Jersey Products Liability Act, N.J.S.A. 2A:58C-2, as described below in connection with Count Six.

194. Defendants' unlawful conduct in violation of the New Jersey Products Liability Act has knowingly or recklessly created, maintained, or contributed to a public nuisance within the meaning of Section 58-35(a)(1). “Public nuisance’ means any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or which otherwise constitutes a public nuisance under common law.” N.J.S.A. 2C:58-34.

195. Defendants' unlawful conduct has foreseeably and proximately created, maintained, or contributed to this harm.

196. Switched Glock Machine Guns have increasingly proliferated in New Jersey, including among persons prohibited from purchasing or possessing a firearm on the basis of a prior felony or other disqualifier, and are particularly popular among gang members. Switched Glock Machine Guns are increasingly central to violent gun crimes in the State.

197. This condition injures and endangers the health, safety, peace, comfort, and convenience of New Jersey residents; threatens to injure and endanger the health, safety, peace, comfort, and convenience of New Jersey residents; and contributes to the injury and endangerment of the health, safety, peace, comfort, and convenience of New Jersey residents. Defendants have created, maintained, and/or contributed to this condition, and has done so knowingly or recklessly.

198. Defendants' violation of Section 58-35(a) entitles the Attorney General to "an injunction prohibiting [Defendants] from continuing that conduct or engaging therein or doing any acts in furtherance thereof." N.J.S.A. 2C:58-35(b). Such injunctive relief is necessary here to prevent further, continuing, and irreparable injury.

199. The Attorney General is likewise entitled to abatement and restitution, including disgorgement of profits.

200. The Attorney General is further entitled to recover reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief. See N.J.S.A. 2C:58-35(b).

Count Five

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

201. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

202. The Attorney General brings this count pursuant to N.J.S.A. 2C:58-35(a)(2).

203. Under Section 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.”

204. “Reasonable controls” means “reasonable procedures, safeguards, and business practices that are designed to,” among other things:

(3) ensure that a gun industry member complies with all provisions of State [] law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, marketing, possession, or use of a gun-related product; and

(4) ensure that the gun industry member does not engage in an act or practice in violation of any of the regulatory provisions governing firearms set forth in chapters 39 and 58 of Title 2C of the New Jersey Statutes or engage in conduct that constitutes a violation of P.L.1960, c.39 (C.56:8-2) or any regulations promulgated thereunder.

205. Defendants have failed to “establish, implement, and enforce reasonable controls regarding [its] manufacture, sale, distribution, . . . and marketing” of easily modifiable Glocks in at least two respects:

206. First, Defendants lack “reasonable procedures, safeguards, and business practices that are designed to . . . ensure they comply with all provisions of State [] law[.]”

207. Second, Defendants lack “reasonable procedures, safeguards, and business practices that are designed to . . . ensure that [it] . . . does not otherwise promote the unlawful sale, manufacture, distribution, [] marketing, possession, and use of a gun- related product.”

208. Defendants’ failures to establish, implement, and enforce reasonable controls arise from knowing acts or omissions that constitute knowing violations of N.J.S.A. 2C:58-35(a)(2), 2C:39-5(a), 2C:39-9(a), and 2A:58C-2.

209. Defendants’ violation of Section 58-35(a)(2) has foreseeably and proximately caused harm to New Jersey.

210. Defendants' conduct in violation of Section 58-35(a) entitles the Attorney General to "an injunction prohibiting [Defendants] 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, and irreparable injury.

211. The Attorney General is likewise entitled to an order providing for restitution, including abatement and disgorgement of profits.

212. The Attorney General is further entitled to recover reasonable attorneys' fees, filing fees, reasonable costs of suit, and any other appropriate relief. See N.J.S.A. 2C:58-35(b).

Count Six

Violation of New Jersey Product Liability Act N.J.S.A. 2A:58C-2

213. The Attorney General repeats and realleges the foregoing allegations as if set forth in their entirety herein.

214. The Attorney General brings this count pursuant to N.J.S.A. 2A:58C-2.

215. Defendants designed, manufactured, assembled, marketed, advertised, distributed and sold Glock handguns that are defective in that their design embraces machine gun functionality and the handguns can be readily switched into dangerous and illegal machine guns.

216. A Glock handgun is not "reasonably fit, suitable, or safe" for civilian use when it can be so easily switched into a machine gun, and when such machine gun functionality is intrinsic to the core design. See N.J.S.A. 2A:58C-2.

217. The condition of Glock handguns being easily switched into machine guns existed when the product left Defendants' control.

218. Glock has long known about this defective condition.

219. Glock did not utilize a reasonable alternative design, or take any other reasonable measures, that would remedy this defect by adopting design features for Glock handguns sold to New Jersey civilians that would make them meaningfully more difficult to switch.

220. Switchable Glocks have proximately caused harm to the State and its residents; Switched Glock Machine Guns have wreaked havoc and violence on the streets of New Jersey.

221. It was foreseeable to Glock that New Jersey and its residents would be harmed by Glock's practice of designing, manufacturing, assembling, marketing, advertising, distributing, and selling handguns so easily switched into dangerous machine guns.

222. Glock knows, and has long known, that its handguns were designed to embrace machine gun functionality and are easily and frequently switched into deadly machine guns; Glock also knows such machine guns have been used to menace communities across the country, including throughout New Jersey.

223. The Attorney General seeks an injunction prohibiting Glock from continuing that conduct, or engaging therein or doing any acts in furtherance thereof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the Attorney General of the State of New Jersey respectfully requests judgment in his favor and against Defendants as follows:

- a. Ordering injunctive relief as to civilian consumers in New Jersey as is necessary to prevent continuing harm, including an order enjoining Glock from distributing readily switchable handguns for sale to New Jersey civilian consumers;
- b. Awarding the Attorney General an order of abatement of the nuisance at the Defendants' expense;
- c. Awarding the Attorney General restitution in an amount to be determined at trial, including disgorgement of profits;
- d. Awarding the Attorney General all costs and expenses incurred in connection with this action, including attorneys' fees; and
- e. Awarding the Attorney General such other and further relief as the Court deems just and proper.

Dated: December 12, 2024
Newark, New Jersey

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

By: /s/ David E. Leit

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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 E. Leit
David E. Leit
Assistant Attorney General

Dated: December 12, 2024
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Assistant Attorney General David Leit and Special Counsel to the Attorney General Kenneth W. Taber are hereby designated as trial counsel on behalf of the Plaintiff.

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

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

Dated: December 12, 2024
Newark, New Jersey