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7 **STATE OF WASHINGTON**
8 **KING COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 FEDERAL WAY DISCOUNT GUNS,
13 LLC, a Washington limited liability
14 company; MOHAMMED BAGHAI,
individually and as part of the marital
community comprised of MOHAMMED
BAGHAI and ANNA L. BAGHAI,

15 Defendants.
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NO. 22-2-20064-2 SEA

COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF

17 Plaintiff State of Washington, by and through its attorneys Robert W. Ferguson,
18 Attorney General, and Ben Carr, John Nelson, and Bob Hyde, Assistant Attorneys General,
19 brings this action against Defendants Federal Way Discount Guns, LLC, and its owner
20 Mohammed Baghai. The State alleges that Defendants engaged in unfair and deceptive acts or
21 practices, as well as unfair methods of competition, in violation of the Consumer Protection
22 Act, RCW 19.86, and RCW 9.41.375. The State alleges the following on information and belief.
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I. INTRODUCTION

1.1 Since 1980, Large Capacity Magazines (“LCMs”)¹ have been involved in at least 85 mass shootings, resulting in 791 fatalities and more than 1,100 injuries. The trend is getting worse. Time and time again over the last decade, mass shooters have turned to weapons equipped with LCMs to reign terror upon their communities – Colorado Springs (2022), Uvalde (2022), Buffalo (2022), Dayton (2019), El Paso (2019), Pittsburgh (2018), Parkland (2018), Las Vegas (2017), Sutherland Springs (2017), Orlando (2016), Newtown (2012), and Aurora (2012). These terrible events shock the national conscience, shatter families, and ensure that the hopes and dreams of countless people will never become reality.

1.2 Washington is no stranger to these terrible events. In the past six years, LCMs were used in mass shootings in Mukilteo and Burlington.

1.3 It is because of this tragic trend that the Attorney General proposed legislation banning the sale of LCMs in our State. In March 2022, with the passage of SB 5078, the Washington State Legislature banned the distribution, sale, importation, and manufacture of LCMs, effective July 1, 2022. RCW 9.41.370 and .375.

1.4 The evidence that this type of policy saves lives is overwhelming. Study after study demonstrates that restrictions on LCMs lead to fewer and less-fatal mass shooting events,²

¹ LCMs are ammunition feeding devices with the capacity to accept more than ten rounds of ammunition. RCW 9.41.010(16). These devices are also known colloquially as “high capacity magazines” or “HCMs.”

² For example, a 2020 study published in *Criminology and Public Policy*, by a team headed by Daniel W. Webster of the Johns Hopkins University Bloomberg School of Public Health, found that “[LCM] bans were associated with significant reductions in the incidence of fatal mass shootings.” See <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12487> (last accessed Nov. 23, 2022).

A study published by the American Journal of Public Health in 2019 concluded that LCM bans save lives. The study found that “Attacks involving LCMs resulted in a 62% higher mean average death toll. The incidence of high-fatality mass shootings in non-LCM ban states was more than double the rate in LCM ban states; the annual number of deaths was more than 3 times higher.” See <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2019.305311> (last accessed Nov. 23, 2022).

Another 2020 study found that “large-capacity magazine bans were associated with 38% fewer fatalities and 77% fewer nonfatal injuries when a mass shooting occurred.” See <https://psycnet.apa.org/record/2020-78672-001> (last accessed Nov. 23, 2022). The primary author of that study, Michael Siegel, a community health science

1 and real-life examples demonstrate that shooting events often end when the perpetrator stops to
2 reload.³

3 1.5 To ensure compliance with RCW 9.41.370 and 9.41.375, the Attorney General
4 conducted a sweep of brick-and-mortar gun stores located across Washington, beginning in late
5 August 2022. As part of the sweep, investigators working on behalf of the Attorney General
6 attempted to buy LCMs in 25 retail stores located in King, Pierce, Snohomish, Thurston,
7 Yakima, Kittitas, Benton, and Spokane counties. The vast majority of these retailers complied
8 with the law and neither sold nor offered to sell LCMs. However, Defendant Federal Way
9 Discount Guns, LLC (“FWDG”) openly defied the law, selling LCMs to investigators on multiple
10 occasions.

11 1.6 Specifically, on four separate occasions between August 25, 2022, and
12 November 18, 2022, FWDG sold prohibited LCMs over the counter to investigators. During the
13 sales, FWDG representatives (including Defendant Baghai) made statements or otherwise
14 engaged in behavior suggesting they *knew* such conduct was illegal.

15 1.7 Undeterred by the new law, Defendants prominently display dozens of LCMs for
16 public sale in their retail store. FWDG’s sales of LCMs to investigators include magazines with
17 the capacity to hold over 30 rounds, and are compatible with both handguns and long guns like
18 the AR-15.

19 1.8 Despite notice that such conduct is illegal, and despite the fact that the majority
20 of other firearm retailers have discontinued such conduct, Defendants continue to sell and

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22 professor at Boston University, told CNN that whether a state allows large-capacity magazine sales is the single
23 best predictor of the mass shooting rates in that state. See [https://www.cnn.com/2017/10/05/politics/gun-laws-](https://www.cnn.com/2017/10/05/politics/gun-laws-magazines-las-vegas/index.html)
24 [magazines-las-vegas/index.html](https://www.cnn.com/2017/10/05/politics/gun-laws-magazines-las-vegas/index.html) (last accessed Nov. 23, 2022).

25 ³ For example, a would-be mass shooting at Seattle Pacific University was prevented when a student
26 tackled the gunman when he was reloading his shotgun. During the massacre at Sandy Hook, 11 children were able
to escape while the shooter was forced to reload. In Parkland, Fla., the mass shooting ended only when the shooter’s
assault weapon jammed when he attempted to reload. In the 2011 Tucson shooting of then-Rep. Gabrielle Giffords,
D-Ariz., the mass shooting was interrupted when the shooter, who was using a 33-round magazine, stopped to reload
and fumbled the fresh ammunition.

1 distribute LCMs. The State therefore respectfully requests the Court restrain and enjoin
2 Defendants from distributing, selling, or offering for sale any LCM to Washington consumers.
3 The State also seeks penalties, disgorgement, restitution, and other remedies pursuant to the
4 Consumer Protection Act.

5 **II. PARTIES**

6 2.1 The Plaintiff is the State of Washington. The Attorney General is authorized to
7 commence this action pursuant to RCW 19.86.080, RCW 19.86.140, and RCW 9.41.375.

8 2.2 Defendant Federal Way Discount Guns (“FWDG”) is a Washington Limited
9 Liability Company with its principal place of business located at 1401 South 324th Street, Federal
10 Way, WA, 98003. It registered with the Washington Secretary of State on December 11, 2009.

11 2.3 Defendant Mohammed Reza Baghai (“Baghai”) is an individual currently residing
12 in Mercer Island, WA. Defendant Baghai is the registered agent and one of three governors of
13 FWDG and exercises control over the company’s functions.

14 **III. JURISDICTION AND VENUE**

15 3.1 The State files this Complaint and institutes these proceedings under the
16 provisions of the Consumer Protection Act, RCW 19.86 and RCW 9.41.375.

17 3.2 Defendants have engaged in the conduct set forth in this Complaint in King
18 County and elsewhere in the State of Washington.

19 3.3 Venue is proper in King County pursuant to RCW 4.12.020 and 4.12.025, and
20 Court Rule 82 because FWDG is located in, and Defendants transact business in King County.

21 3.4 The Attorney General is authorized to commence this action pursuant to
22 RCW 19.86.080 and RCW 19.86.140. The Washington State Attorney General’s Office created
23 the Consumer Protection Division to detect, investigate, and prosecute any act prohibited or
24 declared to be unlawful under the Washington Consumer Protection Act.

1 **IV. NATURE OF TRADE OR COMMERCE**

2 4.1 Defendants, at all times relevant to this action, have been engaged in trade or
3 commerce within the meaning of RCW 19.86.010(2), by distributing, selling, offering to sell,
4 marketing, and facilitating the sale of illegal LCMs to Washington consumers.

5 **V. FACTS**

6 **The Sale, Offer for Sale, and Distribution of LCMs is Illegal in Washington**

7 5.1 During the 2022 session, the Washington State Legislature passed
8 Engrossed Substitute Senate Bill 5078 (“Firearms- Large Capacity Magazines”). Finding that
9 LCMs had been used in “all 10 of the deadliest mass shootings since 2009, and mass shooting events
10 from 2009 to 2018,” and that firearms equipped with LCMs increase human casualties by “allowing
11 a shooter to keep firing for longer periods of time without reloading,” the Legislature took steps to
12 “limit the prospective sale of large capacity magazines, while allowing existing legal owners to
13 retain the large capacity magazines they currently own.” Laws of 2022,
14 ch. 104, § 1.

15 5.2 ESSB 5078 was approved in March 2022 and signed by Governor Jay Inslee.
16 It became effective on July 1, 2022.

17 5.3 Codified under ch. 9.41 RCW, the law defines a large capacity magazine as
18 “an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or
19 any conversion kit, part, or combination of parts, from which such a device can be assembled if
20 those parts are in possession of or under the control of the same person.” RCW 9.41.010(16).

21 5.4 Distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer
22 online of an LCM is a violation of the Washington Consumer Protection Act,
23 ch. 19.86 RCW. RCW 9.41.375.

24 5.5 Distributing means “to give out, provide, make available, or deliver a firearm or
25 large capacity magazine to any person in this state, with or without consideration, whether the
26 distributor is in-state or out-of-state. ‘Distribute’ includes, but is not limited to, filling orders placed

1 in this state, online or otherwise. ‘Distribute’ also includes causing a firearm or large capacity
2 magazine to be delivered in this state.” RCW 9.41.010(7).

3 **Defendants Are Selling, Offering for Sale, and Distributing LCMs in Washington**

4 5.6 Defendants operate a firearm and ammunition retail store and indoor shooting range
5 in Federal Way, WA. They have been in business for over 30 years. Among the items they offer for
6 public sale are handguns, long guns, ammunition, and firearm accessories.

7 5.7 Defendant Baghai is one of FWDG’s governors and its registered agent, exercises
8 control over the company, and acts occasionally as a sales representative in FWDG’s retail store.
9 As set forth in greater detail below, Defendant Baghai personally sold LCMs to a state investigator
10 on October 10, 2022.

11 5.8 On August 25, 2022, a state investigator entered FWDG’s retail store in
12 Federal Way and observed dozens of LCMs displayed for sale. The investigator approached an
13 FWDG sales representative behind the counter and asked to purchase LCMs. The sales
14 representative helped the investigator select three LCMs—three Glock 17-round magazines— and
15 sold two of the LCMs to the investigator for \$71.54, for which the investigator paid cash. The sales
16 representative told the investigator, “It’s the nature of the beast, but I can’t give you a receipt.
17 You know why, right?” The investigator said, “Because they are more than 10 rounds?” The sales
18 representative said, “Yep.” When the cash register printed out a receipt for the transaction, the sales
19 representative crumpled the receipt and threw it away in a trash can. The investigator left with the
20 LCMs.

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(LCMs offered for sale at FWDG, and LCMs purchased from FWDG, taken Aug. 25, 2022.)

5.9 On September 12, 2022, a state investigator again entered FWDG's retail store and observed dozens of LCMs displayed for sale. The investigator approached an FWDG sales representative and asked to purchase LCMs. The sales representative sold the investigator two LCMs— a Glock 19-round magazine and a Sig Sauer 17-round magazine—for \$88.06, for which the investigator paid cash. When the cash register printed a receipt for the transaction, the sales representative threw the receipt in a garbage can. The investigator left with the LCMs.

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(LCMs offered for sale at FWDG, and LCMs purchased from FWDG, taken Sep. 12, 2022.)

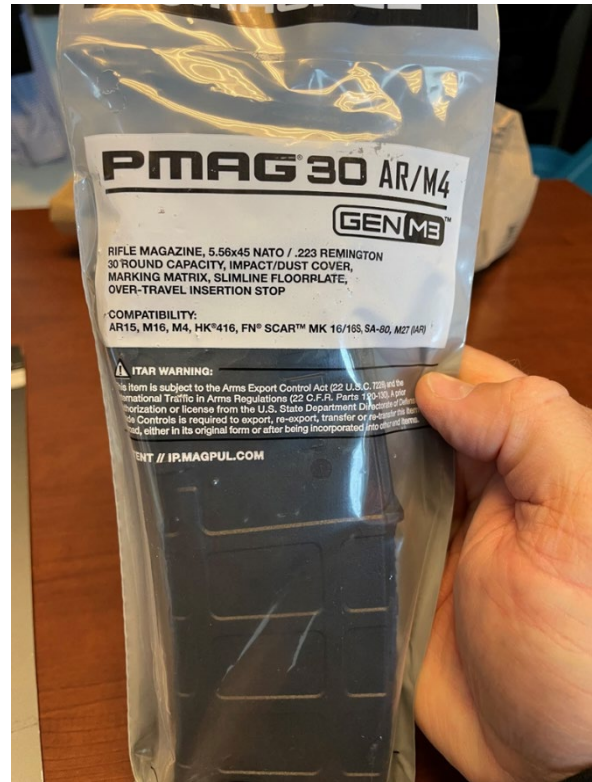
5.10 On October 10, 2022, a state investigator again entered FWDG’s retail store and observed dozens of LCMs still displayed for sale. The investigator approached an FWDG sales representative, whom the investigator recognized from internet research as Defendant Baghai, and asked to purchase LCMs. Defendant Baghai personally sold the investigator three such LCMs—one Glock 33-round pistol magazine and two Magpul 30-round rifle magazines, the latter of which are compatible with rifles like ARs and M16s—for \$98.55, for which the investigator paid cash. When the cash register printed a receipt for the transaction, Defendant Baghai threw the receipt in a garbage can. The investigator left with the LCMs.

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(LCMs purchased from FWDG, taken October 10, 2022.)

5.11 On November 18, 2022, a state investigator entered FWDG's retail store and observed at least 100 LCMs displayed for sale, including drum-style magazines, and magazines for AK-47 and AR-15 style rifles. The investigator approached an FWDG sale representative and asked to purchase LCMs. The sales representative sold the investigator two such LCMs—a 50-round drum-style magazine compatible with 9mm Glock handguns and a 22-round magazine for a Glock .40 pistol—for \$176.14, for which the investigator paid cash. The sales representative again threw the receipt for the transaction into a garbage can. The investigator left the store with the LCMs.

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(LCMs purchased from FWDG, taken November 18, 2022.)

5.12 As of the date of the filing of this complaint, upon information and belief, FWDG continues to display LCMs for sale in its retail store.

VI. FIRST CAUSE OF ACTION

(Per Se Violation of Consumer Protection Act)

6.1 Plaintiff re-alleges all previous factual statements and allegations as if set fully herein.

6.2 Under RCW 9.41.375, distributing, selling, or offering for sale an LCM in Washington is an unfair or deceptive act or practice, or an unfair method of competition, in the conduct of trade or commerce for purposes of the Consumer Protection Act, ch. 19.86 RCW.

6.3 Defendants distributed, sold, and/or offered for sale multiple LCMs in Washington, in violation of RCW 9.41.375.

1 **VII. SECOND CAUSE OF ACTION**
2 **(Unfair Acts in Violation of the Consumer Protection Act, RCW 19.86.020)**

3 7.1 Plaintiff re-alleges all previous factual statements and allegations as if set fully
4 herein.

5 7.2 Defendants' distribution, sale, and/or offer for sale of LCMs in Washington
6 constitutes an unfair or deceptive act or practice under RCW 19.86.020.

7 7.3 Defendants' distribution, sale, and/or offer for sale of LCMs in Washington
8 constitutes an unfair method of competition under RCW 19.86.020.

9 7.4 Defendants engaged in "trade" or "commerce" within the meaning of the
10 Consumer Protection Act, RCW 19.86.010(2), by advertising, marketing, selling, and soliciting
11 business from Washington consumers at their brick-and-mortar retail stores and on the internet.

12 7.5 Defendant Baghai participated and/or with knowledge approved of Defendant
13 FWDG's distribution, sale, and/or offer to sell LCMs in violation of RCW 19.86.020.

14 7.6 Defendants' unlawful distribution, sales, and/or offers to sell LCMs in violation of
15 RCW 19.86.020 have impacted the public interest.

16 7.7 On information or belief, Defendants' unlawful acts will continue unless
17 enjoined.

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1 **VIII. PRAYER FOR RELIEF**

2 Wherefore, the State prays for the following relief:

3 8.1 That the Court adjudges and decrees that Defendants have engaged in the conduct
4 complained of herein.

5 8.2 That the Court adjudges and decrees that the conduct complained of violates
6 RCW 9.41.375, which is a *per se* violation of the Consumer Protection Act, ch. 19.86 RCW.

7 8.3 That the Court adjudges and decrees that the conduct complained of constitutes
8 unfair or deceptive acts or practices in violation of the Consumer Protection Act, ch. 19.86 RCW.

9 8.4 That the Court adjudges and decrees that the conduct complained of constitutes
10 unfair methods of competition in violation of the Consumer Protection Act, ch. 19.86 RCW.

11 8.5 That the Court issue a permanent injunction pursuant to the Consumer Protection
12 Act, RCW 19.86.080, enjoining and restraining Defendants and their representatives, successors,
13 assigns, offices, agents, servants, employees, and all other persons acting or claiming to act for,
14 on behalf of, or in concert or participation with Defendants, from continuing or resuming the
15 unlawful conduct complained of herein.

16 8.6 That the Court assess civil penalties of up to the statutory maximum under
17 RCW 19.86.140 against Defendants for each and every violation of RCW 19.86.020 caused by
18 the conduct complained of herein.

19 8.7 That the Court, as an equitable remedy, order the destruction or return of all LCMs
20 currently in Defendants' possession.

21 8.8 That the Court, as an equitable remedy, disgorge Defendants of money or property
22 acquired by Defendants as a result of the conduct and violations complained of herein, and order
23 restitution under RCW 19.86.080.

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1 8.9 That the Court make such orders pursuant to RCW 19.86.080 to provide that the
2 Plaintiff, State of Washington, have and recover from Defendants the costs of this action,
3 including reasonable attorneys' fees.

4 8.10 For such other relief as the Court may deem just and proper.
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6 DATED this 6th day of December, 2022.

7 ROBERT W. FERGUSON
8 Attorney General
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10 *s/ Ben Carr*

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