

FILED

DEC 27 1996

COMMONWEALTH OF KENTUCKY
SCOTT CIRCUIT COURT
CIVIL ACTION NO. 96-CZ-00465 GLENN JUETT
CLERK SCOTT CIRCUIT COURT

MATTHEW HAYMAKER

PLAINTIFF

V.

COMPLAINT

CONNECTICUT VALLEY ARMS;

Serve: Kentucky Secretary of State

AND

WAL-MART STORES, INC.

Serve: C.T. Corporation Systems
Ky. Home Life Bldg.
Louisville KY 40202

DEFENDANTS

* * * * *

Comes now the Plaintiff, Matthew Haymaker, and for his
Complaint herein, states as follows:

COUNT I

1. The Defendant Connecticut Valley Arms is a foreign
corporation whose home office address is 5988 Peachtree
Corners East, Norcross GA 30071. By virtue of KRS 454.210,
this Defendant has appointed the Kentucky Secretary of State
as its agent for service of process.

2. The Defendant Wal-Mart Stores, Inc. is a Delaware
corporation authorized to do business in this Commonwealth.

COUNT II

1. Prior to October 1, 1996, the Defendant
Connecticut Valley Arms designed, manufactured, marketed and
distributed an inline muzzle-loader .50-caliber rifle,
Serial Number 61-13-031146-96.

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2. On September 26, 1996, the Defendant Wal-Mart Stores, Inc. sold the said inline muzzle-loader .50-caliber rifle to the public.

3. On October 1, 1996, in Scott County, Kentucky, the Plaintiff Matthew Haymaker was injured when the inline muzzle-loader .50-caliber rifle exploded while being fired. At said time and place, the rifle was being used in a reasonably foreseeable manner by the Plaintiff.

COUNT III

1. Defendant Connecticut Valley Arms should be held strictly liable as the designer, manufacturer, distributor and seller of said inline muzzle-loader .50-caliber rifle, which was in a defective condition and unreasonably dangerous to expected users.

2. Defendant Connecticut Valley Arms, as designer, manufacturer, distributor and seller, as well as through its marketing of this product, made implied and express warranties that the rifle was reasonably fit for the general uses and purposes intended, and that it was free of any defects in its design or construction.

3. Defendant Connecticut Valley Arms negligently designed, manufactured, marketed and distributed said rifle in such a manner that it created an unreasonable risk of physical harm and injury; this negligence included, but was not limited to, improper and dangerous design, testing and inspection.

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4. Defendant Connecticut Valley Arms unreasonably failed to warn of the known and foreseeable hazards of said rifle, both before and after the sale of the rifle.

5. The injuries to the Plaintiff are a direct and proximate result of these actions and omissions on the part of the Defendant Connecticut Valley Arms.

COUNT IV

1. The Defendant Wal-Mart Stores, Inc. should be held strictly liable to the Plaintiff as the seller of the inline muzzle-loader .50-caliber rifle, which was defective and unreasonably dangerous to foreseeable users.

2. The Defendant Wal-Mart Stores, Inc. negligently marketed and sold the inline muzzle-loader .50-caliber rifle in such a manner that it created an unreasonable risk of physical harm and injury.

3. The Defendant Wal-Mart Stores, Inc. as seller of the rifle, gave implied and express warranties that the product was reasonably fit for the general uses and purposes intended, and that it was free of any defects.

4. The Defendant Wal-Mart Stores, Inc. unreasonably failed to warn the Plaintiff and other users of the known and foreseeable hazards of the rifle, both before and after the sale.

5. The injuries to the Plaintiff are a direct and proximate result of these actions and omissions on the part of the Defendant Wal-Mart Stores, Inc.

COUNT V

1. As a direct and proximate result of the injuries to the Plaintiff, which are permanent and disabling in nature, he is entitled to recover the following damages:

a. Medical, hospital, nursing, rehabilitation and related care expenses, both in the past and throughout his lifetime;

b. Physical pain and mental suffering, both past and future;

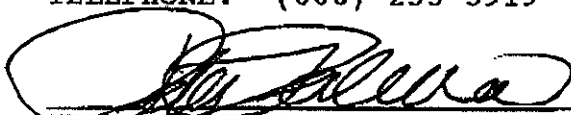
c. Lost wages to the time of trial;

d. Permanent impairment of his power and ability to earn income.

WHEREFORE, the Plaintiff Matthew Haymaker demands judgment against the Defendants Connecticut Valley Arms and Wal-Mart Stores, Inc., each in a sum in excess of any minimum jurisdictional amount of this court, interest, his costs herein expended, trial by jury and all other relief to which he may appear entitled.

Respectfully submitted,

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