

Eastern District of Kentucky
FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION
CIVIL ACTION NO. 01-2

JAN 02 2001

AT LEXINGTON
LESLIE G. WHITMER
CLERK U.S. DISTRICT COURT
PLAINTIFF

TIMOTHY A. NEAL

V. COMPLAINT

CONNECTICUT VALLEY ARMS; \\
Serve: Kentucky Secretary of State

AND

DIKAR, S. COOP. LTDA.
Serve: Kentucky Secretary of State DEFENDANTS

Comes the Plaintiff, Timothy A. Neal, and for his Complaint herein, states as follows:

COUNT I

1. The Plaintiff Timothy A. Neal is a resident of the Commonwealth of Kentucky.
2. The Defendant Connecticut Valley Arms is a foreign corporation whose home office address is 5988 Peachtree Corners East, Norcross, Georgia 30071. By virtue of KRS 454.210, this Defendant has appointed the Kentucky Secretary of State as its agent for service of process.
3. The Defendant Dikar, S. Coop. LTDA, is a foreign corporation whose home office address is Urarte Kalea 26, Poligono Industrial San Lorenzo, 20570 Bergara, Spain. By virtue of KRS 454.210, this Defendant has appointed the Kentucky Secretary of State as its agent for service of process.

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COUNT II

1. Prior to October 15, 2000, the Defendants Dikar, S. Coop. LTDA and Connecticut Valley Arms designed, manufactured, marketed and distributed a Buckmaster model, inline muzzle-loader .50-caliber rifle, Serial Number 61-13-033151-96.

2. The said inline muzzle-loader .50-caliber rifle was purchased in Georgetown, Kentucky.

3. On October 15, 2000, in Scott County, Kentucky, the Plaintiff Timothy Neal was injured when the inline muzzle-loader .50-caliber rifle exploded while being fired. At the 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

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physical harm and injury; the negligence included, but was not limited to, improper and dangerous design, testing and inspection.

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 Timothy Neal are a direct and proximate result of these actions and omissions on the part of Defendant Connecticut Valley Arms.

COUNT IV

1. Defendant Dikar, S. Coop. LTDA 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 Dikar, S. Coop. LTDA, 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 Dikar, S. Coop. LTDA 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.

4. Defendant Dikar, S. Coop. LTDA 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 Timothy Neal are a direct and proximate result of these actions and omissions on the part of the Defendant Dikar, S. Coop. LTDA.

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COUNT V

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


1. Medical, hospital, nursing, rehabilitation and related care expenses, both in the past and throughout his lifetime;
2. Physical pain and mental suffering, both past and future;
3. Lost wages to the time of trial;
4. Permanent impairment of his power and ability to earn income; and
5. Punitive damages for the wanton and willful misconduct of the Defendants in designing, manufacturing, marketing, distributing and selling said inline muzzle-loader .50-caliber rifle.

WHEREFORE, the Plaintiff Timothy Neal demands judgment against Defendants Connecticut Valley Arms; and Dikar, S. Coop. LTDA; each in a sum in excess of the minimum jurisdictional amount of the Court, for compensatory damages, punitive damages, interest, his costs herein expended, trial by jury and all other relief to which he may appear entitled.

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Respectfully submitted,

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ATTORNEY FOR PLAINTIFF