

1 Patrick J. McGroder III (No. 02598)
2 Lincoln Combs (No. 025080)
3 GALLAGHER & KENNEDY, P.A.
4 2575 East Camelback Road
5 Phoenix, Arizona 85016-9225
6 Telephone: (602) 530-8000
7 Facsimile: (602) 530-8500
8 Email: pjm@gknet.com
9 Attorneys for Plaintiffs Kent Terry and
10 Josephine Terry

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KENT TERRY AND JOSEPHINE
TERRY,

Plaintiffs,

v.

LONE WOLF TRADING COMPANY,
L.L.C., an Arizona limited liability
company; ANDRE L. HOWARD AND
JANE DOE HOWARD, husband and wife;
JOHN AND JANE DOES 1-5; and BLACK
AND WHITE BUSINESS ENTITIES I-V,

Defendants.

Case No. _____

COMPLAINT

(Negligence; Negligence *Per Se*;
Aiding and Abetting Tortious Conduct)

(Jury Trial Demanded)

Plaintiffs Kent Terry and Josephine Terry, for their Complaint, allege as follows:

INTRODUCTION

1. On December 14, 2010, Plaintiffs' son, U.S. Border Patrol Agent Brian Terry, was murdered in the desert near Rio Rico, Arizona.
2. Two AK-47 style firearms purchased by Jaime Avila ("Avila") from Defendant Lone Wolf Trading Company, L.L.C., a gun shop in Glendale, Arizona ("Lone Wolf"), on January 16, 2010 were the only firearms recovered from Brian's murderers.

1 3. Immediately following Brian Terry's murder, Avila was arrested and
2 charged with illegally purchasing weapons from Lone Wolf as part of a criminal
3 conspiracy orchestrated by Mexican drug cartels to acquire military-grade assault rifles
4 and other high-powered weapons from Arizona gun sellers like Lone Wolf.

5 4. Avila had purchased AK-47 style firearms and other guns from Lone Wolf
6 on at least two other occasions in the previous six weeks, purchasing ten weapons in all,
7 before purchasing the weapons used to murder Brian Terry.

8 5. Avila's purchase of the Brian Terry murder weapons were among dozens of
9 other illegal purchases of firearms from Lone Wolf by Avila, Uriel Patino, Julio Carrillo,
10 Alfredo Celis, Sean Christopher Steward, Jacob Wayne Chambers, Erick Avila Davila,
11 Jonathan Earvin Fernandez, Dejan Hercegovac, Kristi Gail Ireland, Jacob Anthony
12 Montelongo, Joshua David Moore, Danny Cruz Morones, Jose Angel Polanco, Francisco
13 Javier Ponce, Manuel Fabian-Acosta, and other illegal buyers on behalf of the cartels in
14 late 2009 and 2010. All of these illegal firearms purchases occurred under extremely
15 suspicious circumstances.

16 6. Patino had introduced Avila to the criminal conspiracy to illegally purchase
17 deadly firearms for the Mexican drug cartels, had accompanied Avila on his first Lone
18 Wolf gun purchase in November 2009, and had bought ten AK-47 style assault rifles
19 himself on January 15, 2010, the day before Avila's purchase of the weapons used in the
20 murder of Brian Terry.

21 7. Prior to Avila's January 16, 2010, purchase of the weapons used to kill
22 Brian Terry, Defendant Andre L. Howard ("Howard") discussed this pattern of
23 suspicious firearms purchases with representatives of the Bureau of Alcohol, Tobacco,
24 Firearms and Explosives ("ATF"), and ATF confirmed the obvious, that these illegal
25 firearms purchases were being made by "straw buyers" for Mexican drug cartels.

26 8. But Defendants proceeded with the illegal sales to known straw purchasers
27 for the cartels, selling hundreds of weapons and realizing hundreds of thousands of
28 dollars in profits from these sales.

1 85302. At all relevant times, it acted through its members, agents, and employees
2 including, but not limited to, Defendant Andre L. Howard.

3 21. Upon information and belief, Defendant Andre L. Howard is, and was at all
4 times material hereto, a resident of Maricopa County, Arizona.

5 22. Upon information and belief, Defendant Jane Doe Howard is, and was at all
6 times material hereto, a resident of Maricopa County, Arizona. Jane Doe Howard is a
7 fictitiously-named defendant whose true identity is presently unknown to plaintiffs. Jane
8 Doe Howard is, upon information and belief, Mr. Howard's wife. Plaintiffs will amend
9 this complaint when Jane Doe Howard's true name becomes known.

10 23. Defendants John Does 1-5 and Black and White Business Entities 1-5 are
11 fictitious defendants, whose true names or capacities, whether individual, corporate,
12 associate or otherwise, are unknown to plaintiffs at this time. Plaintiffs therefore sue the
13 defendants by such fictitious names and will ask leave of this Court to amend this
14 complaint to show their true names and capacities as if the same had been asserted.

15 24. All individual Defendants are husbands and wives and at all times material
16 hereto were acting on behalf of their marital community as well as themselves.

17 25. At all relevant times, the Defendants, and each of them, were the agents,
18 joint venturers, partners, employees, employers, or representatives of each other and,
19 participating in the acts and omissions hereafter alleged, were acting within the course
20 and scope of their authority as such servants, joint venturers, partners, employees,
21 employers, or representatives and were acting with the permission and consent of the
22 other Defendants.

23 26. Defendants caused events to occur in Maricopa County, Arizona, out of
24 which the following causes of action arise.

25 27. Plaintiffs have incurred damages in an amount far exceeding the minimum
26 jurisdictional limit of this Court.

27 28. The Superior Court in and for the County of Maricopa has jurisdiction over
28 this matter.

