

Michael R Seidl, OSB No. 833190  
mseidl@landye-bennett.com  
Jennifer L. Gates, OSB No. 050578  
jgates@landye-bennett.com  
Landye Bennett Blumstein, LLP  
1300 SW 5th Avenue, Suite 3500  
Portland, Oregon 97201  
Phone: (503) 224-4100  
Fax: (503) 224-4133

Counsel for Plaintiff Advanced Armament Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON AT EUGENE

ADVANCED ARMAMENT  
CORPORATION,

Plaintiff,

v.

IAN HALE GARNER, an individual,

Defendants.

Case No. 08-6142-TC

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

Plaintiff Advanced Armament Corporation alleges as follows:

**PARTIES**

1. Plaintiff Advanced Armament Corporation ("Plaintiff") is a Georgia corporation with its principal place of business in Georgia.
2. Defendant Ian Hale Garner ("Defendant") is an individual and is a resident of Oregon.

**JURISDICTION & VENUE**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the parties are citizens of different states and the amount in controversy exceeds \$75,000.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a).

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## BACKGROUND

5. Plaintiff designs and manufactures silencers for firearms for use primarily by state and municipal police departments as well as the United States and foreign governments and private purchasers.

6. AR15.com and SilencerResearch.com are internet forums on which participants and persons interested in the silencer industry may register and then read and engage in discussions regarding products and developments in the silencer industry. AR15.com and SilencerResearch.com have thousands of members each.

7. AR15.com and SilencerResearch.com are read regularly by many of Plaintiff's customers and by other participants in the silencer industry.

8. Defendant is registered with AR15.com and SilencerResearch.com and posts comments on the forums under the name "ian187" among other names.

9. One of Plaintiff's customers is Fabrique Nationale de Herstal ("FN" or "Fabrique Nationale"), a firearms manufacturer to whom Plaintiff supplies silencers for the SOF Combat Assault Rifle (SCAR) for the United States Special Operations Command (U.S. SOCOM) (the "SCAR Program").

10. Defendant posted and continues to post defamatory comments about Plaintiff on AR15.com including the following:

A. On April 19, 2008, Defendant wrote that ". . . FN dumped AAC . . . ."

B. In response to questions from other forum participants regarding how Defendant knew that "FN dumped AAC" on April 28, 2008, Defendant wrote "The source is not for public consumption. However, lets [sic] just say this is not an industry secret and that the rumors have existed since early last year. Until now no one wanted to confirm that FN had in fact been green lighted to look to companies other than AAC for SCAR suppressors."

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11. Defendant posted and continues to post defamatory statements about Plaintiff on SilencerResearch.com including the following:

A. On April 19, 2008, Defendant wrote, “. . . recently FN offered to sell their AAC cans. Looks like SF has gotten the nod as the replacement.” and “The guys I spoke with last year involved with FN mentioned accuracy issues and personal conflicts with ownership at AAC. This was a long time coming so it’s not a surprise, not really even new news . . . .”

B. On April 24, 2008 in response to a question by another forum participant “So is the Scar program/Scar silencers is off [sic]?” Defendant wrote, “Nope, the program is still on . . . just without AAC.”

C. On May 2, 2008, Defendant wrote “Robert, when Kevin calls FN acting like a loon it doesn’t help an already worsening situation. You and Kevin would be a lot better off not calling me and others liars in public, this is going to blow up when FN goes public shortly. By the way, I think Kevin is going to cut you loose soon. I expect major changes after the AAC SCAR debacle is over.”

D. On May 3, 2003, after a retraction of Defendant’s comments was requested and refused, Defendant wrote, “DRMO [United States Defense Re-utilization and Marketing Service] has sold a few SCAR silencers and it looks like more are on the way.”

### **FIRST CLAIM FOR RELIEF**

#### **DEFAMATION**

12. Plaintiff realleges as if fully set forth here Paragraphs 1-11.
13. The statements by Defendant alleged in Paragraphs 10 and 11 are false.
14. The statements by Defendant alleged in Paragraphs 10 and 11 were published to third parties.
15. The statements by Defendant alleged in Paragraphs 10 and 11 are not subject to any privilege and were made in bad faith.
16. The statements by Defendant alleged in Paragraphs 10 and 11 diminished the

respect for, confidence in and good will toward Plaintiff by those with whom Plaintiff does business and the industry generally, and diminished Plaintiff's reputation in that industry.

17. The statements by Defendant alleged in Paragraphs 10 and 11 may result in pecuniary damage to Plaintiff, including but not limited to lost profits.

## **SECOND CLAIM FOR RELIEF**

### **INTERFERENCE WITH CONTRACTUAL RELATIONS**

18. Plaintiff realleges paragraphs 1-16 as if fully set forth herein.

19. Through the defamatory statements alleged in Paragraphs 10 and 11, Defendant intended to interfere in Plaintiff's customer relationships, including its relationship with FN.

20. Defendant interfered with Plaintiff's customer relationships for the improper purpose of injuring those relationships and causing damage to Plaintiff.

21. Through the defamatory statements alleged in Paragraphs 10 and 11, Defendant interfered with Plaintiff's customer relationships, including its relationship with FN, and prevented and is preventing Plaintiff from realizing the full benefit of those relationships.

22. Defendant's interference with Plaintiff's customer relationships, including its relationship with FN, threaten damage to Plaintiff, including but not limited to lost profits.

### **PRAYER FOR RELIEF**

WHEREFORE Plaintiff prays for judgment against Defendants as follows:

- a. Damages in the amount of \$200,000 for loss of good will and damage to Plaintiff's reputation;
- b. An injunction barring Defendant from making, stating or posting any defamatory statements about Plaintiff, including but not limited to statements regarding Plaintiff's products, designs, customer relationships, business plans and contracts;
- c. An injunction barring Defendant from erasing, destroying or otherwise rendering inaccessible the hard drive of any computer or other electronic devise used by him to post statements on AR15.com and SilencerResearch.com;

d. An injunction barring Defendant from erasing, destroying or otherwise rendering inaccessible any electronic messages, postings or records of messages and postings relating in any way to Plaintiff;

e. An injunction requiring Defendant to delete from AR15.com and SilencerResearch.com the defamatory statements identified in Paragraphs 10 and 11; and

f. Such further relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all claims so triable.

DATED this 6th day of May 2008.

LANDYE BENNETT BLUMSTEIN LLP

By: 

Michael R. Seidl, OSB No. 833190

Jennifer L. Gates, OSB No. 050578

Counsel for Plaintiff Advanced Armament Corporation