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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF CALIFORNIA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF ILLINOIS; STATE OF MAINE; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEW JERSEY; STATE OF NEW YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; COMMONWEALTH OF PENNSYLVANIA; STATE OF RHODE ISLAND; STATE OF VERMONT; and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF STATE; MICHAEL R. POMPEO, in his official capacity as Secretary of State; DIRECTORATE OF DEFENSE TRADE CONTROLS; MIKE MILLER, in his official capacity as Acting Deputy Assistant Secretary of Defense Trade Controls; SARAH HEIDEMA, in her official capacity as Director of Policy, Office of Defense Trade Controls Policy; UNITED STATES DEPARTMENT OF COMMERCE; WILBUR L. ROSS, in his

NO. _____

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 official capacity as Secretary of Commerce;
2 BUREAU OF INDUSTRY AND SECURITY;
3 NAZAK NIKAKHTAR, in her official
4 capacity as Assistant Secretary for Industry and
5 Analysis, performing the non-exclusive duties
6 of the Under Secretary for Industry and
7 Security; RICH ASHOOH, in his official
8 capacity as Assistant Secretary of Commerce
9 for Export Administration,

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Defendants.

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1 Plaintiffs the State of Washington, State of California, State of Colorado, State of
2 Connecticut, State of Delaware, District of Columbia, State of Hawaii, State of Illinois, State of
3 Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of
4 Minnesota, State of New Jersey, State of New York, State of North Carolina, State of Oregon,
5 Commonwealth of Pennsylvania, State of Rhode Island, State of Vermont, and Commonwealth
6 of Virginia (collectively, the States) bring this lawsuit against Defendants the United States
7 Department of State, Michael R. Pompeo, the Directorate of Defense Trade Controls, Mike
8 Miller, and Sarah Heidema (collectively, the “State Department” or “State Department
9 Defendants”), and the United States Department of Commerce, Wilbur L. Ross, the Bureau of
10 Industry and Security, Nazak Nikakhtar, and Rich Ashooh (collectively, the “Commerce
11 Department” or “Commerce Department Defendants”).

12 I. INTRODUCTION

13 1. This case addresses the renewed threat that downloadable guns, in the form of
14 software or technology for the production of a firearm or firearm parts—such as Computer Aided
15 Design (CAD) or similar files for the automated production of firearms using a 3D printer¹—
16 will proliferate worldwide through global export and publication on the internet. 3D-printed guns
17 are functional weapons that are often undetectable by standard metal detectors because they are
18 made out of material other than metal (e.g., plastic) and untraceable because they contain no
19 serial numbers. Anyone with access to such files and a commercially available 3D printer could
20 readily manufacture, possess, or transfer such a weapon—even those persons statutorily
21 ineligible to possess firearms, such as violent felons, the mentally ill, and persons subject to
22 protection and no-contact orders. As the federal government currently recognizes, the global
23 dissemination of software and technology for the production of such weapons presents a “grave
24 concern for the United States.” Control of Firearms, Guns, Ammunition and Related Articles the

25 ¹ 3D printing refers to technology that allows a person to make a three dimensional product using a digital
26 file or software in conjunction with a printer that is directed by the software. *See, e.g.,* <https://3dprinting.com/what-is-3d-printing/> (last visited December 4, 2019).

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